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Friday
September 4, 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.

For important information on changes to your **Federal Register** subscription see inside back cover.

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

WHO: The Office of the Federal Register.

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

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

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

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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Presidential Documents

Title 3—

The President

Proclamation 6467 of September 1, 1992

National Rehabilitation Week, 1992

By the President of the United States of America

A Proclamation

With the adoption of the Americans with Disabilities Act of 1990 (ADA), the United States emphatically reaffirmed its commitment to equal opportunity for every citizen. By eliminating barriers to employment, public accommodations, and government services, this historic legislation will enable millions of persons with disabilities to participate more fully in our Nation's social and economic mainstream. The ADA not only provides a model for the world but also portends a bright future for the United States as we look forward to the increasing contributions of talented, hardworking men and women who happen to have a disability.

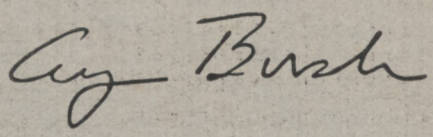
Today millions of Americans with disabilities are already making outstanding contributions to our communities and country. For some, these achievements would not have been possible without rehabilitation. The field of rehabilitation includes a wide range of professionals and volunteers—from researchers and health care providers to teachers, therapists, and engineers. Utilizing state-of-the-art technologies and techniques, these professionals and volunteers are helping determined individuals to achieve their dreams of greater freedom and independence—including productive, satisfying jobs and careers. Thus, while the ADA opens doors of opportunity for persons with disabilities, rehabilitation offers the means by which many will be able to pass through them.

Because rehabilitation cultivates one's potential for personal and economic autonomy and advancement, it not only enriches the lives of Americans with disabilities but also enables our entire Nation to benefit from their knowledge, creativity, and skills. Thanks, in large part, to rehabilitative programs and services, persons with disabilities are attaining positions of leadership and responsibility throughout American society: in government and business, in science and education—wherever there is an opportunity or a need. The accomplishments of Americans who have benefitted from rehabilitation are the catalyst for continuing efforts to develop a wider array of rehabilitative services and to promote improved coordination among human services agencies in both the public and private sectors.

In honor of Americans with disabilities who are achieving their goals through rehabilitation and in recognition of the professionals and volunteers who serve in this important field, the Congress, by Public Law 102–362, has designated the week of September 13 through September 19, 1992, as "National Rehabilitation Week" and has requested the President to issue a proclamation in observance of this week.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim the week of September 13 through September 19, 1992, as National Rehabilitation Week. I encourage all Americans to observe this week with appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of September, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and seventeenth.



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Rules and Regulations

Federal Register
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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

7 CFR Part 1427

RIN 0560–AC55

Cotton

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Interim rule with request for comments.

SUMMARY: This interim rule amends the regulations at 7 CFR part 1427 with respect to the price support loan programs for upland and extra long staple cotton which are conducted by the Commodity Credit Corporation (CCC) in accordance with The Agricultural Act of 1949 (the 1949 Act), as amended. The amendments made by this interim rule will provide greater clarity, enhance the administration of CCC programs by providing uniformity between CCC price support programs, eliminate obsolete provisions, and more appropriately reflect loan eligibility requirements for the 1992 and subsequent year crops.

DATES: Interim rule effective September 4, 1992. Comments must be received on or before October 5, 1992 in order to be assured of consideration.

ADDRESSES: Submit comments to Director, Cotton, Grain, and Rice Price Support Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, P.O. Box 2415, Washington, DC 20013–2415; telephone 202–720–7641.

FOR FURTHER INFORMATION CONTACT: Philip Sharp, 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 202–720–7988.

SUPPLEMENTARY INFORMATION: This interim 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 "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 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 rulemaking with respect to the subject matter of these determinations.

It has been determined by an environmental evaluation that this action will have no significant impact on the quality of 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).

Public reporting burden for the information collections contained in this regulation with respect to price support programs 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 collections of information. The information collections have previously been cleared by OMB, and assigned numbers 0560–0087 and 0560–0074.

Since producers are currently making decisions regarding commodities which may be pledged as collateral for CCC price support loans, it has been determined that the provisions of this interim rule are effective upon publication in the **Federal Register**. Comments are requested, however, and will be taken into consideration when developing the final rule. A final document discussing comments received and any amendments required will be published in the **Federal Register** as soon as possible.

Background

The 1949 Act sets forth the statutory authority for CCC price support programs. CCC price support programs are intended to stabilize market prices and provide interim financing and assistance to producers in the orderly marketing of eligible commodities.

This interim rule amends regulations found at 7 CFR part 1427 to provide rules for administering CCC price support programs for the 1992 through 1995 crop years.

This interim rule has been reviewed pursuant to Executive Order 12778. To the extent State and local laws are in conflict with these regulatory provisions, it is the intent of CCC that the terms of the regulations prevail. The provisions of this interim rule are not retroactive and prior to any judicial action in a court of competent jurisdiction, administrative review under 7 CFR part 780 must be exhausted.

This interim rule revises the definition of "authorized loan servicing agent (LSA)" in § 1427.3 to clarify that authorized LSA's may make loan deficiency payments (LDP's) to eligible producers.

This interim rule removes the provisions of §§ 1427.4(g) and 1427.175 and now allows producers to delegate to a person, who has an interest in storing, processing, or merchandising cotton which is eligible for price support or an LDP, authority to exercise on behalf of the producer any of the producer's rights or privileges under such program, including the authority to execute any note and security agreement, LDP request, or any other applicable price support document.

This interim rule amends §§ 1427.5(a) and 1427.6(a)(3) to correct a typographical error and to clarify the reference allowing an approved loan clerk who has entered into a written agreement with CCC on Form CCC–810 to obtain price support loans and LDP's on behalf of producers.

This interim rule amends § 1427.5(b)(1)(viii) to clarify that the

quantity of cotton for which an LDP has been made cannot be pledged as collateral for a price support loan.

This interim rule amends §§ 1427.5(b)(1)(ix) and 1427.9 to allow cotton graded by entities other than Agricultural Marketing Service (AMS) to be eligible to be pledged as collateral for CCC price support loans, if such entities are approved by CCC.

This interim rule amends § 1427.5(b)(2)(iii) to change the referenced year from 1991 to 1992 for the Specifications for Cotton Bale Packaging Materials published by the Joint Cotton Industry Bale Packaging Committee (JCIBPC).

Section 1427.5(c) is amended to clarify that the producer must retain control, title, and risk of loss in the commodity to be considered eligible to receive a CCC price support commodity loan or LDP, on an eligible commodity. A producer must have beneficial interest in such commodity on the date the price support loan or LDP is requested and maintain beneficial interest in such commodity throughout the time the commodity remains under loan.

If the producer enters into a contract that provides for a payment, the producer is considered to have lost beneficial interest at the time the payment is made, unless the contract is an option to purchase a contract and the contract contains the provision contained in § 1427.5(c)(2)(i). If the producer enters into a contract that provides that upon delivery, the buyer takes control of the commodity, beneficial interest is lost at the time of delivery and the producer would not be considered eligible to receive a price support loan.

If the producer enters into a contract that provides the buyer of the commodity an option to direct the producer to pledge the commodity to CCC for price support loan or to obtain an LDP, or requires the producer to obtain the permission of the buyer before the producer may request a loan or an LDP, the producer shall be considered to have divested beneficial interest in the commodity when the contract was signed. Accordingly, the producer shall be ineligible for price support loan or LDP on such commodity. Additionally, if the producer enters into a contract that provides: (1) That upon delivery of the seed cotton to the gin, the buyer takes control of the cotton, beneficial interest is lost at the time of delivery to the gin and the producer would not be eligible for price support loan or LDP; or (2) that immediately after ginning, the control of the cotton becomes the responsibility of someone other than the producer, beneficial interest is lost when the bale of cotton is removed from the gin box. However, under such contract, the producer may be eligible for an LDP at the LDP rate in effect at the time the bale was removed from the gin box, if a request for LDP was made on or before the day of ginning. Also, if the producer enters into a contract providing that control of the cotton transfers to the buyer at time of shipping, either from the gin or warehouse, beneficial interest is considered lost when the cotton is loaded for shipment. Under such contract, the producer may be eligible for an LDP at the LDP rate in effect when the LDP is requested if such LDP is requested on or before the date of shipment.

This interim rule amends §§ 1427.5(d) and 1427.18(a)(1) to add a reference to LDP's that had been inadvertently omitted.

This interim rule amends § 1427.6(c) to delete an incorrect reference to LDP's.

This interim rule amends § 1427.7 to correct an error in a paragraph reference.

This interim rule amends § 1427.11 to allow corrected weights on a warehouse receipt to be documented with the signature or initials of the warehouse. In addition, the reference to cotton destroyed by fire was removed because CCC does not assume the loss of loan collateral.

This interim rule revises §§ 1427.12 and 1427.167 to clarify that lien waivers only apply to cotton tendered as collateral for a price support loan.

This interim rule amends § 1427.15 to clarify that the procedures applicable to loan clerks approved by CCC who advance loan amounts to producers apply to all loan clerks advancing funds without regard to whether or not credit was obtained through a financial institution.

This interim rule amends § 1427.17 to correct a typographical error and to remove the reference to central county office because such offices are not being used as custodial offices.

This interim rule amends § 1427.19 to correct an error in calculating the repayment amount required to repay bales of upland cotton pledged as collateral for a loan.

To be eligible for an upland cotton LDP, the producer and the cotton must meet the same eligibility conditions required to obtain a CCC price support loan on such cotton. However, in some cases, producers will lose beneficial interest in the eligible cotton before such cotton is delivered to a warehouse and, in some cases, a warehouse receipt is not issued for such cotton. CCC has determined that producers of eligible cotton should not be denied LDP eligibility because such cotton will not be warehoused-stored. Accordingly, this interim rule amends § 1427.23(b) to provide that CCC will accept a gin bale listing and gin weights in lieu of requiring a warehouse receipt for an LDP.

In addition, some producers of eligible cotton will lose beneficial interest in such cotton immediately after ginning. In such cases, the producer may not have an opportunity to file a request for LDP for which this producer would otherwise be eligible. Accordingly, §§ 1427.23 (f) and (g) are added to provide that in such cases the producer may file a request for LDP before or on the day the cotton is ginned. Because the loan repayment level for upland cotton is determined effective each Friday, all such cotton included in such request would be eligible for an LDP, if any, at the LDP rate in effect on the date such cotton is ginned.

This interim rule amends § 1427.168 to provide that an LDP made on cotton pledged under a seed cotton loan must be applied to the applicable outstanding seed cotton loan balance.

List of Subjects in 7 CFR Part 1427

Cotton, Loan programs—agriculture, Packaging and containers, Price support programs, Reporting and recordkeeping requirements, Surety bonds, Warehouses.

Accordingly 7 CFR part 1427 is amended as follows:

PART 1427—COTTON

1. The authority citation for 7 CFR part 1427 continues to read as follows:

Authority: 7 U.S.C. 1421, 1423, 1425, 1444, and 1444–2; 15 U.S.C. 714b and 714c.

2. Section 1427.3 is amended by revising the definition of "authorized loan servicing agent (LSA)" to read as follows:

§ 1427.3 Definitions.

* * * * *

Authorized loan servicing agent (LSA) means a legal entity that enters into a written agreement with CCC to act as a loan servicing agent for CCC in making and servicing Form A cotton loans. The authorized LSA may perform, on behalf of CCC, only those services which are specifically prescribed by CCC including but not limited to the following:

(1) Preparing and executing loan and loan deficiency payment documents;

(2) Disbursing loan and loan deficiency proceeds;

(3) Handling the extension of loans as authorized by CCC;

(4) Accepting cotton loan repayments;
(5) Handling documents involved with forfeiture of cotton loan collateral to CCC;
(6) Providing loan, loan deficiency payment, and accounting data to CCC for statistical purposes;
* * * * *

§ 1427.4 Eligible producer. [Amended]

3. Section 1427.4 is amended by removing paragraph (g).

4. Section 1427.5 is amended by:
A. Revising paragraphs (a)(1)(ii) and (2);
B. Removing (a)(3);
C. Revising paragraphs (b)(1)(viii) and (ix), and (b)(2)(iii);
D. Revising the first sentence up to the colon in paragraph (b)(2)(iii)(A); and
E. Revising paragraphs (c)(2) introductory text and (c)(2)(i) introductory text, and (d) to read as follows:

§ 1427.5 General eligibility requirements.

(a) * * *
(1) * * *
(ii) From an authorized LSA.
(2) An approved loan clerk who has entered into a written agreement with CCC on Form CCC–810.
(b)(1) * * *
(viii) Not have been previously sold and repurchased; or pledged as collateral for a CCC price support loan and redeemed except as provided in § 1427.172(b)(4); or for which a loan deficiency payment has been made.
(ix) For upland cotton, have been graded by using a High Volume Instrument (HVI) by the Agricultural Marketing Service (AMS) or such other entity approved by CCC.
(2) * * *
(iii) Be packaged in materials which meet specifications adopted by the Joint Cotton Industry Bale Packaging Committee (JCIBPC) sponsored by the National Cotton Council of America, for bale coverings and bale ties which are identified and approved by the JCIBPC as experimental packaging materials in the June 1992 Specifications for Cotton Bale Packaging Materials. Heads of bales must be completely covered.
(A) Copies of the June 1992 Specifications for Cotton Bale Packaging Materials published by the JCIBPC which are incorporated by reference are available upon request at the county office and at the following address: * * *
* * * * *
(c) * * *
(2) A producer shall not be considered to have divested the beneficial interest in the commodity if the producer retains control, title, and risk of loss in the commodity, including the right to make all decisions regarding the tender of the cotton to CCC for price support, and:
(i) Executes an option to purchase whether or not a payment is made by the potential buyer for such option to purchase with respect to such cotton if all other eligibility requirements are met and the option to purchase contains the following provision:
* * * * *
(d) If the person tendering cotton for a loan or a loan deficiency payment is a landowner, landlord, tenant, or sharecropper, such cotton must represent such person's separate share of the crop and must not have been acquired by such person directly or indirectly from a landowner, landlord, tenant, or sharecropper or have been received in payment of fixed or standing rent.
* * * * *

5. Section 1427.6 is amended by revising paragraph (a)(3) and the first sentence in paragraph (c) to read as follows:

§ 1427.6 Disbursement of price support loans.

(a) * * *
(3) An approved loan clerk who has entered into a written agreement with CCC on Form CCC–810.
* * * * *
(c) The loan documents shall not be presented for disbursement unless the commodity covered by the mortgage or pledged as security is eligible, in existence, in approved storage, and in good condition. * * *

6. Section 1427.7 is amended by revising introductory text of paragraph (b) to read as follows:

§ 1427.7 Maturity of loans.

* * * * *
(b) If a producer's upland cotton price support loan is extended for 8 months in accordance with paragraph (a)(1) of this section and the loan collateral is:
* * * * *

7. Section 1427.9 is revised to read as follows:

§ 1427.9 Classification of cotton.

References made to "classification" in this subpart shall include micronaire, and for upland cotton, strength readings. All cotton tendered for loan must be classed by an AMS Cotton Classing Office ("Cotton Classing Office") or other entity approved by CCC and tendered on the basis of such classification.
(a) An AMS Cotton Classification Memorandum Form 1 ("AMS Form 1") or other form acceptable by CCC showing the classification of a bale must be based upon a representative sample drawn from the bale in accordance with instructions to samplers drawing samples under the Smith-Doxey program.
(b) If the producer's cotton has not been sampled for an AMS Form 1 classification or other form acceptable by CCC, by warehouse shall sample such cotton and forward the samples to the Cotton Classing Office or other entity approved by CCC serving the district in which the cotton is located. Such warehouse must be licensed by AMS or be an entity approved by CCC to draw samples for submission to the Cotton Classing Office.
(c) If a sample has been submitted for classification, another sample shall not be drawn and forwarded to a Cotton Classing Office or other entity approved by CCC except for a review classification. Review classifications are recorded on AMS Form 1, Review Memorandum ("AMS Form 1 Review") or other form approved by CCC.
(d) Where review classification is not involved, if through error or otherwise two or more samples from the same bale are submitted for classification, the loan rate shall be based on the classification having the lower loan value.
(e) The classification on AMS Form 1, AMS Form 1 Review, or other form approved by CCC must be dated not more than 15 days prior to the date the warehouse receipt was issued; however, State committees may, in arid regions, extend this period not to exceed 30 days prior to the date the warehouse receipt was issued upon determining that such extension will not result in reduction in the grade of the cotton during the extension period. Otherwise a new sample must be drawn and a review classification based on the new sample will be required.
(f) If an AMS Form 1 Review classification or other form approved by CCC is obtained, the loan value of the cotton represented thereby will be based on such review classification.

8. Section 1427.11 is amended by revising paragraph (f)(2) and the first sentence in paragraph (g)(4) to read as follows:

§ 1427.11 Warehouse receipt and insurance.

* * * * *
(f) * * *
(2) The tare shown on the receipt shall be the tare furnished to the warehouse by the ginner or entered by the ginner on the gin bale tag. A warehouse receipt reflecting an alteration in tare or net weight will not be accepted by CCC unless it bears, on the face of the

receipt, the following legend or similar wording approved by CCC, duly executed by the warehouse or an authorized representative of the warehouse:

"Corrected (tare or net) weight
(Name of warehouse)
By (Signature or initials)
Date"

* * * * *

(g) * * *

(4) In any case where the loan amount is reduced by unpaid storage or receiving charges, such charges will be paid to the warehouse by CCC after loan maturity if the cotton is not redeemed from the loan, or as soon as practicable after the cotton is ordered shipped by CCC. * * *

* * * * *

9. Section 1427.12 is revised to read as follows:

§ 1427.12 Liens.

If there are any liens or encumbrances on the cotton tendered as collateral for a price support loan, waivers that fully protect the interest of CCC must be obtained even though the liens or encumbrances are satisfied from the loan proceeds. No additional liens or encumbrances shall be placed on the commodity after the loan is approved.

10. Section 1427.15 is amended by revising:

A. Paragraphs (a) and (b)(1)(ii);

B. Introductory text of paragraph (c)(1);

C. Paragraphs (c)(1)(ii) and (c)(3) and (4); and

D. Paragraphs (d) through (f) to read as follows:

§ 1427.15 Special procedure where note amount advanced.

(a) This special procedure is provided to assist persons or firms which, in the course of their regular business of handling cotton for producers, have made advances to eligible producers on eligible cotton to be placed under loan. A person, firm, or financial institution which has made advances to eligible producers on eligible cotton may also obtain reimbursement for the amounts advanced under this procedure.

(b) * * *

(1) * * *

(ii) The research and promotion fee to be collected for transmission to the Cotton Board by CCC, and

* * * * *

(c)(1) Each Form A loan and related documents shall be mailed or delivered to the appropriate county office and shall show the entire proceeds of the loans, except for CCC loan service charges and research and promotion fee, for disbursement to:

* * * * *

(ii) The person, firm, or financial institution which made the loan advances to the producers.

* * * * *

(3) The documents shall be accompanied by Form CCC–825, Transmittal Schedule of Form A Cotton Loans, in original and two copies, numbered serially for each county office by the person, firm, or financial institution which made the loan advance. The Form CCC–825 shall show the amounts invested by the person, firm, or financial institution in the loans, which shall be the amounts on Form CCC–Cotton A's minus the amounts of CCC loan service charges and research and promotion fee shown on Form CCC–Cotton A's.

(4) Upon receipt of the loan documents and Form CCC–825, the county office will stamp one copy of the Form CCC–825 to indicate receipt of the documents and return this copy to the person, firm, or financial institution.

(d) County offices will review the loan documents prior to disbursement and will return to the person, firm, or financial institution any documents determined not to be acceptable because of errors or illegibility. County offices will disburse the loans for which loan documents are acceptable by issuance of one check to the payee indicated on the Form CCC–Cotton A and will mail the check to the address shown for such payee on the Form CCC–Cotton A loan with a copy of Form CCC–825. The Form CCC–825 will show the date of disbursement by a county office and amount of interest earned by the person, firm, or financial institution.

(e) The person, firm, or financial institution shall be deemed to have invested funds in the loans as of the date loan documents acceptable to CCC were delivered to a county office or, if received by mail, the date of mailing as indicated by postmark or the date of receipt in a county office if no postmark date is shown. Patron postage meter date stamp will not be recognized as a postmark date.

(f) Interest will be computed on the total amount invested by the person, firm, or financial institution in the loan represented by accepted loan documents from and including the date of investment of funds by the person, firm, or financial institution to, but not including, the date of disbursement by a county office.

(1) Interest will be paid at the rate in effect for CCC loans as provided in part 1405 of this chapter.

(2) Interest earned by the person, firm, or financial institution on the investment in loans disbursed during a month will be paid by county offices after the end of the month.

11. Section 1427.17 is revised to read as follows:

§ 1427.17 Custodial offices.

Forms CCC–Cotton A and CCC–Cotton A–1, collateral warehouse receipts, cotton classification memoranda, and related documents will be maintained in custody of the local county office, authorized LSA, or any financial institution defined in § 1427.3 and approved by CCC, whichever disbursed the loan evidenced by such documents.

12. Section 1427.18 is amended by revising the introductory text of paragraph (a)(1) to read as follows:

§ 1427.18 Liability of the producer.

(a)(1) If a producer makes any fraudulent representation in obtaining a loan or loan deficiency payment or in maintaining, or settling a loan or disposes of or moves the loan collateral without the prior written approval of CCC, such loan or loan deficiency payment shall be payable upon demand by CCC. The producer shall be liable for:

* * * * *

13. Section 1427.19 is amended by revising paragraph (c)(1)(ii)(A) to read as follows:

§ 1427.19 Repayment of price support loans.

* * * * *

(c) * * *

(1) * * *

(ii) * * *

(A) The national average loan rate applicable for the crop multiplied by 70 percent for the 1991 and subsequent years crops and the result adjusted for location and quality; or

* * * * *

14. Section 1427.23 is amended by:

A. Revising paragraphs (b)(2) and (3);

B. Adding paragraphs (b)(4) through (6);

C. Revising paragraph (c); and

D. Adding paragraphs (f) and (g) to read as follows:

§ 1427.23 Cotton loan deficiency payments.

* * * * *

(b) * * *

(2) Agree to forego obtaining such loans;

(3) File a request for payment for a quantity of eligible cotton in accordance with § 1427.5(a) on CCC Form CCC–

Cotton AA or other form approved by CCC;

(4) Provide warehouse receipts or, as determined by CCC, a list of gin bale numbers for such cotton showing, for each bale, the net weight established at the gin;

(5) Provide classing information for such quantity in accordance with § 1427.9; and

(6) Otherwise comply with all program requirements.

(c) The loan deficiency payment applicable to a crop of cotton shall be computed by multiplying the applicable loan deficiency payment rate, as determined in accordance with paragraph (d) of this section, by the quantity of the crop the producer is eligible to pledge as collateral for a price support loan.

* * * * *

(f)(1) If the producer has the beneficial interest in a quantity of cotton as specified in accordance with § 1427.5(c) on the date the cotton was ginned but will lose beneficial interest in such cotton immediately after it is ginned, the producer may in such cases:

(i) File a request for a loan deficiency payment in accordance with paragraph (b) of this section that will include all such cotton ginned from, and including, such date the request is filed through the Thursday immediately following the date such request is filed; and

(ii) Provide to the county office by the close of business on the Friday immediately following the date such request is filed, a list of gin bale numbers for such cotton showing, for each bale, the net weight established at the gin. If the request is filed on Friday, such gin bale numbers and net weights must be provided to the county office by the close of business by the next Friday.

(2) When a request for a loan deficiency payment is made under paragraph (f)(1) of this section, the payment will not be made by CCC until the producer meets all the other requirements in paragraph (b) of this section.

(g) If the producer enters into an agreement with CCC on or before the date of ginning a quantity of eligible cotton, and the producer has the beneficial interest in such quantity as specified in accordance with § 1427.5(c) on the date the cotton was ginned, the loan deficiency payment rate applicable to such cotton would be the loan deficiency payment rate based on the date the cotton was ginned. In such cases, the producer must meet all the other requirements in paragraph (b) of this section on or before the final date to apply for a loan deficiency payment in accordance with § 1427.5.

15. Section 1427.167 is revised to read as follows:

§ 1427.167 Liens.

If there are any liens or encumbrances on the cotton tendered as collateral for a price support loan, waivers that fully protect the interest of CCC must be obtained even though the liens or encumbrances are satisfied from the loan proceeds. No additional liens or encumbrances shall be placed on the commodity after the loan is approved.

16. Section 1427.168 is amended by adding paragraph (c) to read as follows:

§ 1427.168 Offsets.

* * * * *

(c) If cotton pledged as seed cotton loan is subsequently ginned and a cotton loan deficiency payment is approved on such cotton, the loan deficiency payment shall be applied to the outstanding seed cotton loan amount.

§ 1427.175 [Removed]

17. Section 1427.175 is removed.

Signed this 27th day of August, 1992 in Washington, DC.

Keith D. Bjerke,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 92-21259 Filed 9-3-92; 8:45 am]

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FEDERAL RESERVE SYSTEM

12 CFR Parts 204, 250, and 265

[Regulation D; Docket No. R-0774]

Reserve Requirements of Depository Institutions, Miscellaneous Interpretations, and Rules Regarding Delegation of Authority

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule; technical amendments.

SUMMARY: The Board is eliminating the requirement that state member banks obtain the Board's prior approval before issuing subordinated debt in order to treat that debt as capital rather than as a deposit and is issuing an interpretation of the capital adequacy appendices to Regulations H and Y which provides general guidance on the criteria that subordinated debt and mandatory convertible debt must meet to be included in capital. The purpose of the interpretation is to clarify these criteria.

In connection with this action, the Board is making a technical amendment to its Regulation D and its Rules Regarding Delegation of Authority. The amendment to Regulation D conforms a reference regarding the minimum maturity of subordinated debt to the minimum maturity set in the capital guidelines (changing "seven" years to "five" years). The amendment to the Rules Regarding Delegation of Authority eliminates the authority of Reserve Banks to approve the issuance of subordinated debt and mandatory convertible debt as such approval is no longer required. The Board also is rescinding an interpretation of Regulation D concerning subordinated debt that is no longer necessary.

EFFECTIVE DATE: September 4, 1992.

FOR FURTHER INFORMATION CONTACT: Norah Barger, Supervisory Financial Analyst, Division of Banking Supervision and Regulation (202/452-2402), or Patrick J. McDivitt, Attorney (202/452-3818), Legal Division, Board of Governors of the Federal Reserve System. For the hearing impaired *only*, Telecommunication Device for the Deaf (TDD), Dorothea Thompson (202/452-3544); Board of Governors of the Federal Reserve System, 20th and C Streets, NW., Washington, DC 20551.

SUPPLEMENTARY INFORMATION: The Board is eliminating the requirement that state member banks obtain the Board's approval before issuing subordinated debt in order to treat that debt as Tier 2 capital rather than as a deposit. However, in order to ensure that state member banks and bank holding companies fully understand the requirements for subordinated debt and mandatory convertible debt that may be considered Tier 2 capital, the Board is issuing an interpretation of its risk-based capital guidelines in Regulations H (12 CFR part 208, appendix A) and Y (12 CFR part 225, appendix A).

Under the Board's risk-based capital guidelines, state member banks and bank holding companies may include in Tier 2 capital long-term subordinated debt and mandatory convertible debt securities that meet certain criteria. The purpose of the interpretation is to clarify these criteria. The interpretation clarifies the criteria that subordinated debt and mandatory convertible debt issues must meet to be included in capital including treatment of acceleration clauses, provisions inconsistent with safe and sound banking practices, credit sensitive features, and limitations on the amount of such instruments includable in capital.

In connection with this action, the Board also is making a technical

amendment to its Regulation D (12 CFR part 204) and its Rules Regarding Delegation of Authority (12 CFR part 265). The amendment to Regulation D conforms a reference regarding the minimum maturity of subordinated debt that would not be considered a deposit under that Regulation to the minimum maturity set in the capital guidelines (changing "seven" years to "five" years). The Board is amending its Rules Regarding Delegation of Authority to eliminate the authority of Reserve Banks to approve the issuance of subordinated debt and mandatory convertible debt as such approval is no longer required. In addition, the Board is rescinding an interpretation of Regulation D concerning subordinated debt which is no longer necessary.

Notice and Public Participation; Effective Date

The provisions of 5 U.S.C. 553(b) relating to notice and public participation have not been followed in connection with the adoption of these amendments because the amendments are interpretative and are related to agency procedure and practice, and section 553(b) does not apply to such rules. Further, the Board finds that notice and public procedure are impracticable and contrary to the public interest because the amendments make technical corrections and relieve a restriction by eliminating an application requirement.

The provisions of 5 U.S.C. 553(d) generally prescribing 30 days' prior notice of the effective date of a rule have not been followed in connection with the adoption of these amendments. Section 553(d) provides that such prior notice is not necessary whenever a rule relieves a restriction or there is good cause for finding that such notice is contrary to the public interest. This rule relieves such a restriction, and the Board has determined that delaying the effectiveness of that relief is contrary to the public interest.

Regulatory Flexibility Act Analysis

Pursuant to section 605(b) of the Regulatory Flexibility Act (Pub. L. 96-354, 5 U.S.C. 601 *et seq.*), the Board certifies that the proposed amendments will not have a significant adverse economic impact on a substantial number of small entities. The proposed amendments reduce certain regulatory burdens for all depository institutions, including small depository institutions, and have no particular adverse effect on other small entities.

List of Subjects

12 CFR Part 204

Banks, banking, Federal Reserve System, Reporting and recordkeeping requirements.

12 CFR Part 250

Federal Reserve System.

12 CFR Part 265

Authority delegations (Government agencies), Federal Reserve System.

For the reasons set forth in the preamble, the Board is amending 12 CFR parts 204, 250, and 265 as follows:

PART 204—RESERVE REQUIREMENTS OF DEPOSITORY INSTITUTIONS

1. The authority citation for part 204 continues to read as follows:

Authority: Sections 11(a), 11(c), 19, 25, 25(a) of the Federal Reserve Act (12 U.S.C. 248(a), 248(c), 371a, 371b, 461, 601, 611); section 7 of the International Banking Act of 1978 (12 U.S.C. 3105); and section 411 of the Garn-St Germain Depository Institutions Act of 1982 (12 U.S.C. 461).

§ 204.2 [Amended]

2. Section 204.2(a)(1)(vii)(C) is amended by removing the word "seven" and adding the word "five" in its place.

§ 204.129 [Removed]

3. Section 204.129 is removed.

PART 250—MISCELLANEOUS INTERPRETATIONS

1. The authority citation for part 250 continues to read as follows:

Authority: 12 U.S.C. 248(i).

2. A new § 250.166 is added to read as follows:

§ 250.166 Treatment of mandatory convertible debt and subordinated notes of state member banks and bank holding companies as "capital".

(a) *General.* Under the Board's risk-based capital guidelines, state member banks and bank holding companies may include in Tier 2 capital subordinated debt and mandatory convertible debt that meets certain criteria. The purpose of this interpretation is to clarify these criteria. This interpretation should be read with those guidelines, particularly with paragraphs II.c. through II.e. of appendix A of 12 CFR part 208 if the issuer is a state member bank and with paragraphs II.A.2.c. and II.A.2.d. of appendix A of 12 CFR part 225 if the issuer is a bank holding company.

(b) *Criteria for subordinated debt included in capital*—(1) *Characteristics.* To be included in Tier 2 capital under the Board's risk-based capital guidelines for state member banks and bank holding companies, subordinated debt must be subordinated in right of payment to the claims of the issuer's general creditors[1] and, for banks, to the claims of depositors as well; must be unsecured; must state clearly on its face that it is not a deposit and is not insured by a federal agency; must have a minimum average maturity of five years;[2] must not contain provisions that permit debtholders to accelerate payment of principal prior to maturity except in the event of bankruptcy of or the appointment of a receiver for the issuing organization; must not contain or be covered by any covenants, terms, or restrictions that are inconsistent with safe and sound banking practice; and must not be credit sensitive.

(2) *Acceleration clauses.*—(i) In order to be included in Tier 2 capital, the appendices provide that subordinated debt instruments must have an original weighted average maturity of at least five years. For this purpose, maturity is defined as the earliest possible date on which the holder can put the instrument back to the issuing banking organization. Since acceleration clauses permit the holder to put the debt back upon the occurrence of certain events, which could happen at any time after the instrument is issued, subordinated debt that includes provisions permitting acceleration upon events other than bankruptcy or reorganization under Chapters 7 (Liquidation) and 11 (Reorganization) of the Bankruptcy Code, in the case of a bank holding company, or insolvency—i.e., the appointment of a receiver—in the case of a state member bank, does not qualify for inclusion in Tier 2 capital.

(ii) Further, subordinated debt whose terms provide for acceleration upon the occurrence of events other than bankruptcy or the appointment of a receiver does not qualify as Tier 2 capital. For example, the terms of some subordinated debt issues would permit debtholders to accelerate repayment if the issuer failed to pay principal or interest on the subordinated debt issue when due (or within a certain timeframe after the due date), failed to make

[1] The risk-based capital guidelines for bank holding companies state that bank holding company debt must be subordinated to all senior indebtedness of the company. To meet this requirement, the debt should be subordinated to all general creditors.

[2] The "average maturity" of an obligation or issue repayable in scheduled periodic payments shall be the weighted average of the maturities of all such scheduled payments.

mandatory sinking fund deposits, defaulted on any other debt, failed to honor covenants, or if an institution affiliated with the issuer entered into bankruptcy or receivership. Some banking organizations have also issued, or proposed to issue, subordinated debt that would allow debtholders to accelerate repayment if, for example, the banking organization failed to maintain certain prescribed minimum capital ratios or rates of return, or if the amount of nonperforming assets or charge-offs of the banking organization exceeded a certain level.

(iii) These and other similar acceleration clauses raise significant supervisory concerns because repayment of the debt could be accelerated at a time when an organization may be experiencing financial difficulties. Acceleration of the debt could restrict the ability of the organization to resolve its problems in the normal course of business and could cause the organization involuntarily to enter into bankruptcy or receivership. Furthermore, since such acceleration clauses could allow the holders of subordinated debt to be paid ahead of general creditors or depositors, their inclusion in a debt issue throws into question whether the debt is, in fact, subordinated.

(iv) Subordinated debt issues whose terms state that the debtholders may accelerate the repayment of principal only in the event of bankruptcy or receivership of the issuer do not permit the holders of the debt to be paid before general creditors or depositors and do not raise supervisory concerns because the acceleration does not occur until the institution has failed. Accordingly, debt issues that permit acceleration of principal only in the event of bankruptcy (liquidation or reorganization) in the case of bank holding companies and receivership in the case of banks may generally be classified as capital.

(3) *Provisions inconsistent with safe and sound banking practices*—(i) The risk-based capital guidelines state that instruments included in capital may not contain or be covered by any covenants, terms, or restrictions that are inconsistent with safe and sound banking practice. As a general matter, capital instruments should not contain terms that could adversely affect liquidity or unduly restrict management's flexibility to run the organization, particularly in times of financial difficulty, or that could limit the regulator's ability to resolve problem bank situations. For example, some subordinated debt includes covenants that would not allow the banking organization to make additional secured or senior borrowings. Other covenants would prohibit a banking organization from disposing of a major subsidiary or undergoing a change in control. Such covenants could restrict the banking organization's ability to raise funds to meet its liquidity needs. In addition, such terms or conditions limit the ability of bank supervisors to resolve problem bank situations through a change in control.

(ii) Certain other provisions found in subordinated debt may provide protection to investors in subordinated debt without adversely affecting the overall benefits of the instrument to the organization. For example, some instruments include covenants that may require the banking organization to:

(A) Maintain an office or agency where securities may be presented,

(B) Hold payments on the securities in trust,

(C) Preserve the rights and franchises of the company,

(D) Pay taxes and assessments before they become delinquent,

(E) Provide an annual statement of compliance on whether the company has observed all conditions of the debt agreement, or

(F) Maintain its properties in good condition. Such covenants, as long as they do not unduly restrict the activity of the banking organization, generally would be acceptable in qualifying subordinated debt, provided that failure to meet them does not give the holders of the debt the right to accelerate the debt.[3]

(4) *Credit sensitive features.* Credit sensitive subordinated debt (including mandatory convertible securities) where payments are tied to the financial condition of the borrower generally do not qualify for inclusion in capital. Interest rate payments may be linked to the financial condition of an institution through various ways, such as through an auction rate mechanism, a preset schedule that either mandates interest rate increases as the credit rating of the institution declines or automatically increases them over the passage of time,[4] or that raises the interest rate if payment is not made in a timely fashion.[5] As the financial condition of an organization declines, it is faced with higher and higher payments on its credit sensitive subordinated debt at a time when it most needs to conserve its resources. Thus, credit sensitive debt does not provide the support expected of a capital instrument to an institution whose financial condition is deteriorating; rather, the credit sensitive feature can accelerate depletion of the institution's resources and increase the likelihood of default on the debt.

(c) *Criteria for mandatory convertible debt included in capital.* Mandatory convertible debt included in capital must meet all the criteria cited above for subordinated debt with the exception of the minimum maturity requirement.[6] Since mandatory convertible debt eventually converts to an equity instrument, it has no minimum maturity requirement. Such debt, however, is subject to a maximum maturity requirement of 12 years.

(d) *Previously issued subordinated debt.* Subordinated debt including mandatory convertible debt that has been issued prior to the date of this interpretation and that contains provisions permitting acceleration for reasons other than bankruptcy or receivership of the issuing institution; includes other questionable terms or conditions; or that is credit sensitive will not automatically be excluded from capital. Rather, such debt will be considered on a case-by-case basis to determine whether it qualifies as Tier 2 capital. As a general matter, subordinated debt issued prior to the release of this interpretation and containing such provisions or features

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[3] This notice does not attempt to list or address all clauses included in subordinated debt; rather, it is intended to give general supervisory guidance regarding the types of clauses that could raise supervisory concerns. Issuers of subordinated debt may need to consult further with Federal Reserve staff about other subordinated debt provisions not specifically discussed above to determine whether such provisions are appropriate in a debt capital instrument.

[4] Although payments on debt whose interest rate increases over time on the surface may not appear to be directly linked to the financial condition of the issuing organization, such debt (sometimes referred to as expanding or exploding rate debt) has a strong potential to be credit sensitive in substance. Organizations whose financial condition has strengthened are more likely to be able to refinance the debt at a rate lower than that mandated by the preset increase, whereas institutions whose condition has deteriorated are less likely to be able to do so. Moreover, just when these latter institutions would be in the most need of conserving capital, they would be under strong pressure to redeem the debt as an alternative to paying higher rates and, thus, would accelerate depletion of their resources.

[5] While such terms may be acceptable in perpetual preferred stock qualifying as Tier 2 capital, it would be inconsistent with safe and sound banking practice to include debt with such terms in Tier 2 capital. The organization does not have the option, as it does with auction rate preferred stock issues, of eliminating the higher payments on the subordinated debt without going into default.

[6] Mandatory convertible debt is subordinated debt that contains provisions committing the issuing organization to repay the principal from the proceeds of future equity issues.

may qualify as Tier 2 capital so long as these terms:

(1) have been commonly used by banking organizations,

(2) do not provide an unreasonably high degree of protection to the holder in cases not involving bankruptcy or receivership, and

(3) do not effectively allow the holder to stand ahead of the general creditors of the issuing institution in cases of bankruptcy or receivership.

Subordinated debt containing provisions that permit the holders of the debt to accelerate payment of principal when the banking organization begins to experience difficulties, for example, when it fails to meet certain financial ratios, such as capital ratios or rates of return, does not meet these three criteria. Consequently, subordinated debt issued prior to the release of this interpretation containing such provisions may not be included within Tier 2 capital.

(e) *Limitations on the amount of subordinated debt in capital*—(1) *Basic limitation.* The amount of subordinated debt an institution may include in Tier 2 capital is limited to 50 percent of the amount of the institution's Tier 1 capital. The amount of a subordinated debt issue that may be included in Tier 2 capital is discounted as it approaches maturity; one-fifth of the original amount of the instrument, less any redemptions, is excluded each year from Tier 2 capital during the last five years prior to maturity. If the instrument has a serial redemption feature such that, for example, half matures in seven years and half matures in ten years, the issuing organization should begin discounting the seven-year portion after two years and the ten-year portion after five years.

(2) *Treatment of debt with dedicated proceeds.* If a banking organization has issued common or preferred stock and dedicated the proceeds to the redemption of a mandatory convertible debt security, that portion of the security covered by the amount of the proceeds so dedicated is considered to be ordinary subordinated debt for capital purposes, provided the proceeds are not placed in a sinking fund, trust fund, or similar segregated account or are not used in the interim for some other purpose. Thus, dedicated portions of mandatory convertible debt securities are subject, like other subordinated debt, to the 50 percent sublimit within Tier 2 capital, as well as to discounting in the last five years of life. Undedicated portions of mandatory convertible debt may be included in Tier 2 capital without any sublimit and are not subject to discounting.

(3) *Treatment of debt with segregated funds.* In some cases, the provisions in mandatory convertible debt issues may require the issuing banking organization to set up a sinking fund, trust fund, or similar segregated account to hold the proceeds from the sale of equity securities dedicated to pay off the principal of the mandatory convertible debt at maturity. The portion of mandatory convertibles covered by the amount of proceeds deposited in such a segregated fund is considered secured and, thus, may not be included in capital at all, let alone be treated as subordinated debt that is subject to the 50 percent sublimit within Tier 2 capital. The maintenance of such separate segregated funds for the redemption of mandatory convertible debt exceeds the requirements of appendix B to Regulation Y. Accordingly, if a banking organization, with the agreement of its debtholders, seeks Federal Reserve approval to eliminate such a fund, approval normally would be given unless supervisory concerns warrant otherwise.

(f) *Redemption of subordinated debt prior to maturity*—(1) *By state member banks.* State member banks must obtain approval from the appropriate Reserve Bank prior to redeeming before maturity subordinated debt or mandatory convertible debt included in capital.[7] A Reserve Bank will not approve such early redemption unless it is satisfied that the capital position of the bank will be adequate after the proposed redemption.

(2) *By bank holding companies.* While bank holding companies are not formally required to obtain approval prior to redeeming subordinated debt, the risk-based capital guidelines state that bank holding companies should consult with the Federal Reserve before redeeming any capital instruments prior to stated maturity. This also applies to any redemption of mandatory convertible debt with proceeds of an equity issuance that were dedicated to the redemption of that debt. Accordingly, a bank holding company should consult with its Reserve Bank prior to redeeming subordinated debt or dedicated portions of mandatory convertible debt included in capital. A Reserve Bank generally will not acquiesce to such a redemption unless it is satisfied that the capital position of the bank holding company would be adequate after the proposed redemption.

(3) *Special concerns involving mandatory convertible debt.* Consistent with appendix B to Regulation Y, bank holding companies wishing to redeem before maturity undedicated portions of mandatory convertible debt included in capital are required to receive prior Federal Reserve approval, unless the redemption is effected with the proceeds from the sale or common or perpetual preferred stock. An organization planning to effect such a redemption with the proceeds from the sale of common or perpetual preferred stock is advised to consult informally with its Reserve Bank in order to avoid the possibility of taking an action that could result in weakening its capital position. A Reserve Bank will not approve the redemption of mandatory convertible securities, or acquiesce in such a redemption effected with the sale of common or perpetual preferred stock, unless it is satisfied that the capital position of the bank holding company will be satisfactory after the redemption.[8]

[7] Some agreements governing mandatory convertible debt issued prior to the risk-based capital guidelines provide that the bank may redeem the notes if they no longer count as primary capital as defined in appendix B to Regulation Y. Such a provision does not obviate the requirement to receive Federal Reserve approval prior to redemption.

[8] The guidance contained in this paragraph applies to mandatory convertible debt issued prior to the risk-based capital guidelines that state that the banking organization may redeem the notes if they no longer count as primary capital as defined in Appendix B to Regulation Y. Such provisions do not obviate the need to consult with, or obtain approval from, the Federal Reserve prior to redemption of the debt.

PART 265—RULES REGARDING DELEGATION OF AUTHORITY

1. The authority citation for part 265 is revised to read as follows:

Authority: 12 U.S.C. 248(i) and (k).

§ 265.11 [Amended]

2. In § 265.11, paragraph (e)(11) is removed, and paragraph (e)(12) is redesignated as (e)(11).

* * * * *

By order of the Board of Governors of the Federal Reserve System, August 28, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92-21204 Filed 9-2-92; 8:45 am]

BILLING CODE 6210-01-F

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 92-NM-52-AD; Amendment 39-8371; AD 92-19-13]

Airworthiness Directives; Airbus Industrie Model A320 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to all Airbus Industrie Model A320 series airplanes, that requires a revision to the FAA-approved Airplane Flight Manual (AFM) to prohibit automatic landings in configuration 3. This amendment is prompted by a report that during an automatic landing in configuration 3, a pitch-up due to activation of the spoilers could result in an excessive attitude, if not immediately counteracted by the flight crew. The actions specified by this AD are intended to prevent tail strikes and damage to the airplane.

EFFECTIVE DATE: October 9, 1992.

ADDRESSES: Information concerning this rulemaking action may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Greg Holt, Aerospace Engineer, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (206) 227-2140; fax (206) 227-1320.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an airworthiness directive (AD) that is applicable to all Airbus Industrie Model A320 series airplanes was published in the Federal Register on June 16, 1992 (57 FR 26797). That action proposed to require a revision to the FAA-approved Airplane Flight Manual (AFM) to prohibit automatic landings in configuration 3.

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

The commenters support the proposed rule.

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

The FAA estimates that 36 airplanes of U.S. registry will be affected by this AD, that it will take approximately 0.5 work hour per airplane to accomplish the required actions, and that the average labor rate is $55 per work hour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $990. This total cost figure assumes that no operator has yet accomplished the requirements of this AD.

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:

92-19-13. Airbus Industrie: Amendment 39-8371. Docket 92-NM-52-AD.

Applicability: Model A320 series airplanes, certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent tail strikes and damage to the airplane, accomplish the following:

(a) Within 60 days after the effective date of this AD, revise the Limitations Section of the FAA-approved Airplane Flight Manual (AFM) to include the following statement. This may be accomplished by inserting a copy of this AD into the AFM.

"Use of automatic landing in configuration 3 (CONF 3) is prohibited."

(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, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Standardization Branch, ANM-113.

Note: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM-113.

(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 October 9, 1992.

Issued in Renton, Washington, on August 26, 1992.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92-21346 Filed 9-3-92; 8:45 am]

BILLING CODE 4910-13-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 16

Reports by Contract Markets

AGENCY: Commodity Futures Trading Commission.

ACTION: Final rulemaking.

SUMMARY: The Commodity Futures Trading Commission (Commission) is amending 17 CFR 16.02 to discontinue the routine filing of weekly large option trader reports in hard copy form by the exchanges. The Commission will continue to receive the data from the exchanges on machine readable media. The purpose of this amendment is to eliminate an unnecessary reporting burden.

EFFECTIVE DATE: September 4, 1992.

FOR FURTHER INFORMATION CONTACT: Lamont L. Reese, Division of Economic

Analysis, 2033 K Street, NW., Washington, DC 20581, Telephone (202) 254–3310.

SUPPLEMENTARY INFORMATION:

I. Background

The Commission requires that contract markets submit a weekly report for options on futures and options on physicals showing long and short positions of traders that exceed reporting levels established by the markets.[1] Contract markets submit the data on Commission compatible data processing media and in hard copy form. Until recently, the data received via electronic media was processed on an overnight basis rendering output from the system untimely for certain surveillance needs. Rather, the hard copy reports from the exchanges were used for immediate surveillance. Improvements in the Commission's computer software now allow update of its Large Option Trader system on a timely basis obviating the need for hard copy reports from the exchanges. Under the authority contained in rule 16.07, the Commission's Director of the Division of Economic Analysis has already instructed contract markets that hard copy reports required under § 16.02(b)(1) need not be submitted. In view of the above, the Commission is clarifying its current requirements by deleting reference to those items required on the hard copy report which are set forth in § 16.02(a) and allowing for the filing of hard copy reports if a contract market cannot provide the data on data processing media. This action eliminated the filing of about 257,000 computer pages annually by the exchanges.

II. Other Related Matters

A. Notice and Comment

The Administrative Procedure Act, 5 U.S.C. 553(b), requires in most instances that a notice of proposed rulemaking be published in the **Federal Register** and that opportunity for comment be provided when an agency promulgates new regulations. Section 553(b) sets forth an exception, however, when the agency for good cause finds (and incorporates the findings and a brief statement of reasons therefor in rules issued) that notice and public procedure thereon are impracticable, unnecessary or contrary to the public interest.

The Commission finds that notice and public comment on the rule changes announced herein are unnecessary because the changes do not establish any new obligations under the Act. On the contrary, these changes simplify compliance with the Act by reducing contract markets' reporting obligations under the rules in question and will merely conform these reduced requirements with those that the Director of Division of Economic Analysis has already implemented under the authority contained in Commission rule 16.07.

The Administrative Procedure Act, 5 U.S.C. § 553(d), also requires publication of substantive rules not less than thirty days before their effective date except as otherwise provided by the agency for good cause found and published with the rule. As is noted above these rule changes do not establish any new obligations under the Act but rather reduce the reporting obligations of contract markets. Accordingly, the Commission finds that the rule changes should be made immediately effective.

B. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA), 5 U.S.C. 601 *et seq.*, requires that agencies, in proposing rules, consider the impact of these rules on small entities. The Commission has previously determined that exchanges are not "small entities" for purposes of the RFA, 47 FR 18618 (April 30, 1982). In addition, these rules relieve a regulatory burden. Accordingly, the amendments have no significant impact on a substantial number of small entities. For the above reasons, and pursuant to section 3(a) of the RFA, 5 U.S.C. 605(b), the Chairman, on behalf of the Commission, hereby certifies that these regulations will not have a significant economic impact on a substantial number of small entities.

C. Paperwork Reduction Act

The Paperwork Reduction Act of 1980, (Act) 44 U.S.C. 3501 *et seq.*, imposes certain requirements on federal agencies (including the Commission) in connection with their conducting or sponsoring any collection of information as defined by the Paperwork Reduction Act (PRA). In compliance with the Act the Commission has submitted this amended rule and its associated information collection requirements to the Office of Management and Budget. This rule is a part of a larger information collection assigned OMB Number 3038–0007 entitled "Regulation of Domestic Exchange-Traded Commodity Options." The burden associated with this entire collection, including this amended rule, is as follows:

Average Burden Hours per Response—.0068
Number of Respondents—190,186
Frequency of Response—daily

The burden associated with this specific rule is as follows:

Average Burden Hours per Response—0.0743
Number of Respondents—11
Frequency of Response—weekly

Copies of the OMB approved information collection package associated with this rule may be obtained from Gary Waxman, Office of Management and Budget, room 3220, NEOB, Washington, DC 20503, (202) 395–7340.

List of Subjects in 17 CFR Part 16

Commodity futures, Contract markets, Reporting and recordkeeping requirements.

In consideration of the foregoing and pursuant to the authority contained in the Commodity Exchange Act and, in particular, sections 4a, 4c, 4g, 4i, 5 and 8a thereof, 7 U.S.C. 6a, 6c, 6g, 6i, 7 and 12a, the Commission hereby amends Chapter I of Title 17 of the Code of Federal Regulations as follows:

PART 16—REPORTS BY CONTRACT MARKETS

1. The authority citation for part 16 continues to read as follows:

Authority: 7 U.S.C. 6a, 6c, 6g, 6i, 7 and 12A.

2. Section 16.02 is amended by revising paragraphs (a) (1) and (2) and (b) to read as follows:

§ 16.02 Large Option Trader Reports.

(a) * * *

(1) With respect to each reportable position controlled by the option trader, the following information shown separately for each futures commission merchant or member of the contract market:

(i) Each long and short separately for puts and calls by expiration month and strike price; and, in addition, for options on physicals not settled in cash,

(ii) The number of contracts exercised.

(2) Each contract market shall identify all option positions controlled by the same trader which are carried at the same futures commission merchant or held by a member of the contract market by use of the number which is assigned by the futures commission merchant or member in accordance with § 17.01(a) of this chapter.

(b) *Form and manner of reporting.* Unless otherwise approved by the Commission or its designee, contract markets shall submit the information required by paragraph (a) of this section as follows:

[1] Commission rule 15.00(b)(2) defines a reportable position in options as any open contract position on any one market in the put option or separately in the call option of a specified expiration month which at the close of the market equals or exceeds 50 contracts or such other level as may be approved by the Commission. 17 CFR 15.00(b)(2) 1991.

(1) Using a format and coding structure approved in writing by the Commission or its designee on compatible data processing media or if the contract market is unable to provide the data on data processing media, in hard copy form.

(2) When the data is first available but not later than 3 p.m. on the business day following the day to which the information pertains. For options on futures and for options on physicals that are settled in cash, such information shall be compiled weekly as of the close of business on Tuesday, or Monday if Tuesday is a holiday, or more frequently than weekly as the Commission may direct; and

(3) Except for dial-up data transmission, at the Regional Office of the Commission having local jurisdiction with respect to each contract market.

* * * * *

Issued in Washington, DC., this 28th day of August, 1992, by the Commission.

Lynn K. Gilbert,

Deputy Secretary of the Commission.

[FR Doc. 92–21246 Filed 9–3–92; 8:45 am]

BILLING CODE 6351–01–M

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17 CFR Part 30

Option on the Three-Month Euro Swiss Franc Interest Rate Futures Contract Traded on the London International Financial Futures and Options Exchange

AGENCY: Commodity Futures Trading Commission.

ACTION: Order.

SUMMARY: The Commodity Futures Trading Commission ("Commission") is publishing an Order permitting option contracts on the Three-Month Euro Swiss Franc Interest Rate futures contract traded on the London International Financial Futures and Options Exchange ("LIFFE") [1] to be offered or sold to persons located in the United States. This Order is issued pursuant to: (1) Commission rule 30.3(a), 17 CFR 30.3(a) (1992), which makes it unlawful for any person to engage in the offer or sale of a foreign option product until the Commission, by order, authorizes such foreign option to be offered or sold in the United States; and (2) the Commission's Order issued on September 5, 1989, 54 FR 37636 (September 12, 1989), authorizing certain option products traded on LIFFE to be offered or sold in the United States.

EFFECTIVE DATE: October 5, 1992.

FOR FURTHER INFORMATION CONTACT: Barney L. Charlon, Esq., Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581. Telephone: (202) 254–8955.

SUPPLEMENTARY INFORMATION: The Commission has issued the following Order: United States of America Before the Commodity Futures Trading Commission.

Order Under Commission Rule 30.3(a) Permitting Option Contracts on the Three-Month Euro Swiss Franc Interest Rate Futures Contract Traded on the London International Financial Futures and Options Exchange To Be Offered or Sold in the United States Thirty Days After Publication in the **Federal Register**.

By Order issued on September 5, 1989 ("Initial Order"), the Commission authorized, pursuant to Commission rule 30.3(a), certain option products traded on the London International Financial Futures and Options Exchange ("LIFFE") to be offered or sold in the United States. 54 FR 37636 (September 12, 1989). Among other conditions, the Initial Order specified that:

> Except as otherwise permitted under the Commodity Exchange Act and regulations thereunder, * * * no offer or sale of any LIFFE option product in the United States shall be made until thirty days after publication in the **Federal Register** of notice specifying the particular option(s) to be offered or sold pursuant to this Order * * *.

By letter dated July 29, 1992, LIFFE represented that it plans to commence trading an option contract based on the Three-Month Euro Swiss Franc Interest Rate futures contract on October 15, 1992.[2] LIFFE has requested that the Commission supplement its Initial Order authorizing the offer and sale in the United States of options on the Long Gilt, U.S. Treasury Bond, German Government Bond, Three-Month Sterling Interest Rate, and Three-Month Eurodollar Interest Rate futures contracts, and options on Sterling and Dollar-Mark currencies; a Supplemental Order, 55 FR 7705 (March 5, 1990), authorizing the offer and sale in the United States of options on the Three-Month Euro-Deutschemark Interest Rate futures contract; and a Supplemental Order, 57 FR 1374 (January 14, 1992), authorizing the offer and sale in the United States of options on the Italian Government Bond futures contract; by also authorizing LIFFE's option contract on the Three-Month Euro Swiss Franc Interest Rate futures contract to be offered or sold to persons in the United States. Upon due consideration, and for the reasons previously discussed in the Initial Order, the Commission believes that such authorization should be granted.

Accordingly, pursuant to Commission rule 30.3(a) and the Commission's Initial Order issued on September 5, 1989, and subject to the terms and conditions specified therein, the Commission hereby authorizes LIFFE's option contract on the Three-Month Euro Swiss Franc Interest Rate futures contract to be offered or sold to persons located in the United States thirty days after publication of this Order in the **Federal Register**.

OPTION ON THREE-MONTH EURO SWISS ("EUROSWISS") FRANC INTEREST RATE FUTURE

Unit of Trading	1 Euroswiss futures contract.
Delivery/Expiry Months	March, June, September, December.
Delivery Day/Exercise Day/Expiry Day.	Exercise by 17.00 on any business day. Delivery on the first business day after the exercise day. Expiry at 12.30 on the Last Trading Day.
Last Trading Day	11.00 Last Trading Day of the Euroswiss futures contract.
Quotation	Multiples of 0.01 (i.e. 0.01%).
Minimum Price Movement (Tick size & Value).	0.01 (S Fr 25).
Trading Hours	To be announced.
Contract Standard	Assignment of 1 Euroswiss futures contract for the delivery month at the exercise price.
Exercise Price Intervals	0.25 (i.e. 0.25%) e.g. 91.00, 91.25, 91.50 etc.
Introduction of New Exercise Prices.	Nine exercise prices will be listed for new series. Additional exercise prices will be introduced on the business day after the Euroswiss futures contract settlement price comes within 0.12 of the fourth highest or lowest existing exercise price.
Option Price	The contract price is payable by the buyer to the seller on exercise or expiry of the option, not at the time of purchase. Positions are marked to market daily, as with futures positions.

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[1] On March 23, 1992, the London International Financial Futures Exchange, which was the subject of the Commission's Order under rule 30.3(a) issued on September 5, 1989, 54 FR 37636 (September 12, 1989), merged with the London Traded Options Market to form the London International Financial Futures and Options Exchange.

[2] Letter dated July 29, 1992, from N.E. Carew Hunt, LIFFE, to Jane C. Kang, Commission.

List of Subjects in 17 CFR Part 30

Commodity futures, Commodity options, Foreign commodity options.

Accordingly 17 CFR part 30 is amended as set forth below:

PART 30—FOREIGN FUTURES AND FOREIGN OPTION TRANSACTIONS

1. The authority citation for part 30 continues to read as follows:

Authority: Secs. 2(a)(1)(A), 4, 4c, and 8a of the Commodity Exchange Act, 7 U.S.C. 2, 6, 6c and 12a.

2. Appendix B to part 30 is amended by revising the entries for "London International Financial Futures Exchange" to read "London International Financial Futures and Options Exchange," under the column heading "Exchange" and by adding the following entry alphabetically after the amended entries to read as follows:

Appendix B to Part 30—Option Contracts Permitted to Be Offered or Sold in the U.S. Pursuant to § 30.3(a)

Exchange	Type of contract	FR date and citation
* * *	* *	*
London International Financial Futures and Options Exchange.	Option Contract on Three-Month Euro Swiss Franc ("Euros-wiss") Interest Rate Futures Contract.	September 4, 1992; 57 FR ——.
* *	* *	*

Issued in Washington, DC, on August 28, 1992.

Lynn K. Gilbert,

Deputy Secretary of the Commission.

[FR Doc. 92-21247 Filed 9-3-92; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 10

[T.D. 92-85]

Theatrical Effects, Works of Art and Other Articles for Temporary or Permanent Exhibition

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

ACTION: Final rule.

SUMMARY: This document amends the Customs Regulations regarding duty-free importations under bond to no longer require submission of Customs Form 3325 either in connection with the entry of theatrical effects, works of art, engravings, photographic pictures, and philosophical and scientific apparatus admitted for temporary exhibition or in connection with the entry of articles imported for permanent exhibition by an institution established for the encouragement of agriculture, arts, education or science. The amendments will eliminate unnecessary paperwork and thus streamline the entry process for Customs and the importing public.

EFFECTIVE DATE: August 4, 1992.

FOR FURTHER INFORMATION CONTACT: Angela Downey, Entry Operations Branch (202-927-1082).

SUPPLEMENTARY INFORMATION:

Background

Subchapter XIII of chapter 98, Harmonized Tariff Schedule of the United States (HTSUS), covers various articles which, when not imported for sale or for sale on approval, may be admitted into the United States without the payment of duty and under bond for their exportation within a specified period of time from the date of importation. Subheading 9813.00.65, HTSUS, covers "[t]heatrical scenery, properties and apparel brought into the United States by proprietors or managers of theatrical exhibitions arriving from abroad for temporary use by them in such exhibitions". Subheading 9813.00.70 refers to "[w]orks of the free fine arts, engravings, photographic pictures and philosophical and scientific apparatus brought into the United States by professional artists, lecturers or scientists arriving from abroad for use by them for exhibition and in illustration, promotion and encouragement of art, science or industry in the United States".

Section 10.31, Customs Regulations (19 CFR 10.31), sets forth the basic entry requirements and procedures applicable to articles which are claimed to be exempt from duty under subchapter XIII of chapter 98, HTSUS. Paragraph (a)(3) of section 10.31 provides that, in addition to the data usually shown on a regular consumption entry summary, each temporary importation bond entry summary shall include (1) the HTSUS subheading number under which entry is claimed, (2) a statement of the use to be made of the articles in sufficient detail to enable the district director to determine whether they are entitled to entry as claimed, and (3) a declaration that the articles are not to be put to any other use and that they are not imported for sale or sale on approval.

Section 10.33, Customs Regulations (19 CFR 10.33), specifically concerns the theatrical effects of HTSUS subheading 9813.00.65 and provides in paragraph (a) that, in addition to the requirements of section 10.31, a declaration of the manager or proprietor shall be required on Customs Form 3325 in connection with the entry of such theatrical effects. Section 10.34, Customs Regulations (19 CFR 10.34) specifically refers to the works of art and other articles of HTSUS subheading 9813.00.70 and similarly requires, as an addition to the entry requirements of section 10.31, a declaration on Customs Form 3325 by the professional artist, lecturer or scientist. Customs Form 3325 is entitled "Declaration on Entry of Theatrical Effects for Temporary Use or of Works of Art, Etc., For Temporary or Permanent Exhibition" and incorporates the following separate declarations: (1) A declaration by the manager or proprietor which essentially mirrors the legal requirements for entry under HTSUS subheading 9813.00.65, (2) a declaration by the professional artist, lecturer or scientist which essentially mirrors the legal requirements for entry under HTSUS subheading 9813.00.70, and (3) for purposes duty-free entry of articles under bond for permanent exhibition by an institution established for the encouragement of agriculture, arts, education or science, as provided in subheading 9812.00.20 within subchapter XII of chapter 98, HTSUS, and as required under section 10.49, Customs Regulations (19 CFR 10.49), a declaration by an officer of the institution reflecting the basic legal requirements for entry under that HTSUS subheading.

In view of the fact that section 10.31(a)(3) as described above already requires that the entry summary include statements and other information sufficient for the district director to determine whether imported articles are entitled to entry under a subheading within subchapter XIII of chapter 98, HTSUS, Customs believes that the two declarations on Customs Form 3325 required by sections 10.33 and 10.34 are redundant and thus unnecessary. Accordingly, in order to reduce unnecessary paperwork and thus streamline the entry process, this document (1) revises the title and text of section 10.33 to remove paragraph (a) concerning the relevant declaration on Customs Form 3325, and also to make some editorial improvements including incorporation of footnote 36 within the text and clarification of the legal context of the section, and (2) removes section

10.34 which only concerns the relevant declaration on Customs Form 3325.

It is also noted that if only the above-described regulatory changes are made, Customs Form 3325 would still have to be submitted in connection with the entry of articles for permanent exhibition under subheading 9812.00.20 as mentioned above. Customs does not believe that it would be appropriate to continue to require submission of Customs Form 3325 for only this one purpose, which would also necessitate revising the form to omit the other two declarations. Accordingly, in order that use of Customs Form 3325 may be eliminated entirely, this document also amends the first sentence of section 10.49(a) by removing the reference to Customs Form 3325 and inserting in its place a general reference to entitlement to entry as claimed, similar to the approach taken in section 10.31(a)(3) as discussed above.

Inapplicability of Notice and Delayed Effective Date Requirements

Inasmuch as these amendments reduce a regulatory burden and thus confer a benefit on the general public, pursuant to 5 U.S.C. 553(b)(B), notice and public procedures are unnecessary and contrary to the public interest and, for the same reason pursuant to 5 U.S.C. 553(d)(1), a delayed effective date is not required.

Exective Order 12291

These amendments do not meet the criteria for a "major rule" as defined in E.O. 12291. Accordingly, a regulatory impact analysis is not required.

Regulatory Flexibility Act

Since this document is not subject to the notice and public procedure requirements of 5 U.S.C. 553, it is not subject to the provisions of the Regulatory Flexibility Act (5 U.S.C. *et seq.*).

Drafting Information

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

List of Subjects in 19 CFR Part 10

Customs duties and inspection, Imports.

Amendments to the Regulations

Based on the above, part 10, Customs Regulations (19 CFR part 10), is amended as set forth below.

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

1. The authority citation for part 10 continues to read in part as follows:

Authority: 19 U.S.C. 66, 1202, 1481, 1484, 1498, 1508, 1623, 1624;

* * * * *

2. Section 10.33 is revised to read as follows:

§ 10.33 Theatrical effects.

For purposes of the entry of theatrical scenery, properties and apparel under subheading 9813.00.65, Harmonized Tariff Schedule of the United States:

(a) Animals imported for use or exhibition in theaters or menageries may be classified as theatrical properties; and

(b) The term "theatrical scenery, properties and apparel" shall not be construed to include motion-picture films. For provisions relating to the return without formal entry of theatrical effects taken from the United States, see § 10.68 of this part.

§ 10.33 [Amended]

3. Footnote 36 to section 10.33 is removed.

§ 10.34 [Removed]

4. Section 10.34 is removed.

§ 10.49 [Amended]

5. Section 10.49(a), first sentence, is amended by removing the words "on Customs Form 3325" and adding, in their place, the words "in sufficient detail to demonstrate entitlement to entry as claimed".

Approved: August 31, 1992.

Carol Hallett,

Commissioner of Customs.

Peter K. Nunez,

Assistant Secretary of the Treasury.

[FR Doc. 92–21279 Filed 9–3–92; 8:45 am]

BILLING CODE 4820–02–M

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19 CFR Parts 141, 171, 172

[T.D. 92–84]

Penalties and Claims for Liquidated Damages; Petitions for Relief

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

ACTION: Final rule.

SUMMARY: This document amends the Customs Regulations by extending the amount of time allowable for the filing of a petition for relief in penalty or liquidated damages cases from 30 to 60 days. It amends the regulations to require that petitions be filed in duplicate rather than triplicate. It also amends the Regulations to provide that the amount of any claim for liquidated damages assessed for failure to redeliver merchandise into Customs custody shall be an amount equal to the value of the merchandise not redelivered rather than that amount plus any estimated duties due thereon.

These changes will ease the burdens on the public.

EFFECTIVE DATE: September 4, 1992.

FOR FURTHER INFORMATION CONTACT: Jeremy Baskin, Penalties Branch, Office of Regulations and Rulings, (202) 566–8317.

SUPPLEMENTARY INFORMATION:

Background

Petitioning Periods for Penalties

The provisions of section 618 of the Tariff Act of 1930, as amended (19 U.S.C. 1618), allow any person who has incurred a penalty for violation of the Customs or navigation laws to petition for mitigation of such penalty. The same statute also authorizes the Secretary of the Treasury or the Commissioner of Customs to mitigate those penalties "upon such terms and conditions as he deems reasonable and just * * *." The provisions of § 171.12(b) of the Customs Regulations (19 CFR 171.12(b)) require the filing of any petition for relief from any fine, penalty or forfeiture within 30 days after the date of mailing of the notice of the fine, penalty or forfeiture incurred.

Experience has shown that in fine and penalty cases, the 30-day petitioning period is too short. In most penalty situations, the charged party requires time to research its records in order to respond to the penalty notice in a coherent manner. Additionally, mailing and routing time reduce the time available to respond. As a result, many parties seek extensions of the 30-day period. Customs resources must be dedicated to responding to extension requests. Accordingly, in order to ease the burden to the public, this document amends the provisions of § 171.12(b) of the Regulations to extend the petitioning period in these cases from 30 to 60 days from the date of mailing of the notice.

It should be noted that this amendment does not affect the 30-day petitioning period for claimants to property which has been seized subject to forfeiture. Nor does this amendment affect the 30-day period in which a supplemental petition for relief can be filed. In order to limit the possibility of denial of due process rights of claimants to seized property subject to forfeiture

and to minimize costs of storage and seizure to Customs, the 30-day petitioning period for claimants to such property will remain in force. In the supplemental petition situation, most issues are raised and discussed at the initial petition stage. Accordingly, research that a party needs to accomplish in order to respond to a penalty or liquidated damages notice is generally complete and extra time need not be afforded at that stage in the process.

Under the current provisions of § 171.15 of the Regulations (19 CFR 171.15), the district director has the authority to extend the petitioning period from 30 to 60 days when cases involve complex legal or factual problems. In light of the expansion of the penalty petitioning period from 30 to 60 days, this document also amends § 171.15 to empower the district director to extend the petitioning period in complex penalty cases from 60 to 90 days. Inasmuch as the petitioning period in seizure cases remains at 30 days, the regulation is amended in a manner to continue to permit extension of the 30-day period to 60 days in appropriate seizure cases and in the filing of supplemental petitions in any case.

The current regulations (19 CFR 171.12(c)) also provide that petitions be filed in triplicate. Customs does not need three copies of the petition for orderly processing of cases. Accordingly, in order to lighten the paperwork burden on petitioning parties, this document amends the regulations to provide that petitions are to be filed in duplicate rather than triplicate.

Petitioning Periods for Claims for Liquidated Damages

As provided by section 623(a) of the Tariff Act of 1930, as amended, (19 U.S.C. 1623(a)), the Secretary of the Treasury may by regulation or specific instruction require such bonds or other security as he may deem necessary to protect the revenue or assure compliance with any provision of law which he or the Customs Service is authorized to enforce. Pursuant to the provisions of § 623(c) of the Tariff Act of 1930, (19 U.S.C. 1623(c)), the Secretary of the Treasury may authorize the cancellation of any charge made against such bond, in the event of a breach of any condition of the bond, upon payment of such lesser amount or upon such other terms and conditions as he may deem sufficient. When a bond principal or surety incurs liquidated damages liability for violation of the terms of a Customs bond, those charged parties are afforded petitioning rights as provided in Part 172 of the Customs Regulations (19 CFR Part 172). Specifically, § 172.12(b) permits the filing of a petition for relief within 30 days of the date of mailing of any notice of claim for liquidated damages.

As with the petitioning period for penalties, Customs is of the view that this 30-day petitioning period for liquidated damages is too short. The time necessary for a bond principal or surety to accomplish the research to respond to the claim, in addition to time lost for mailing and routing of documents, makes compliance with the 30-day period difficult. Further, as with penalty cases, Customs is required to process numerous requests for extension of the petitioning period. This results in inefficient use of resources. Accordingly, in order to ease the burden to the public, this document amends the provisions of § 172.12(b) of the Regulations to extend the petitioning period in liquidated damages cases from 30 to 60 days from the date of mailing of the notice. This amendment does not affect the 30-day filing period for supplemental petitions for relief.

The current regulations (19 CFR 172.12(c)) also provide that petitions be filed in triplicate. Customs does not need three copies of the petition. Accordingly, in order to lighten the paperwork burden on the petitioning parties, this document amends the regulations to provide that petitions are to be filed in duplicate rather than triplicate.

Failure To Redeliver; Assessment Amounts

The provisions of § 141.113(g) of the Customs Regulations (19 CFR 141.113(g)) authorize Customs to assess liquidated damages against a bond principal who fails to comply with any request for redelivery or marking of merchandise. The claim is assessed in an amount equal to the value of the merchandise not redelivered or marked, plus estimated duties due thereon. Pursuant to § 113.62(k) of the Customs Regulations (19 CFR 113.62(k)), claims are assessed in an amount equal to three times the value of the merchandise if the merchandise is restricted or is alcoholic beverages.

Through this document, Customs is amending the provisions of § 141.113(g) to provide for liquidated damages in an amount equal to the value of the merchandise which is the subject of the breach (or three times the value in the case of restricted merchandise or alcoholic beverages) without reference to estimated duties and taxes, inasmuch as there is no reason to measure the liquidated damages assessed based on duties and taxes. These amounts will have been collected on entry/entry summary. Also, the amendment will specify that assessment of liquidated damages for failure to redeliver restricted merchandise or alcoholic beverages will be three times the value of such merchandise as currently provided by regulation.

In addition, the second sentence of § 141.113(a) is being amended to change a reference to the Tariff Schedules of the United States to the appropriate reference in the Harmonized Tariff Schedule of the United States. Although this change was incorporated in T.D. 89–1, 53 FR 51262, it was never included in the Code of Federal Regulations.

Inapplicability of Notice and Delayed Effective Date Requirements

Insofar as the number of copies of petitions to be filed is a matter of agency management, the notice and public procedure requirements of 5 U.S.C. 553 are inapplicable to this document pursuant to 5 U.S.C. 553(a)(2). Further, inasmuch as the extension of the time for filing certain petitions for relief, and reduction of the amount of the claim for liquidated damages to be assessed for failure to redeliver merchandise into Customs custody reduce burdens and confer a benefit on the public, notice and public procedure thereon are unnecessary and contrary to the public interest, pursuant to the provisions of 5 U.S.C. 553(b)(B). For the same reasons, a delayed effective date is not required pursuant to 5 U.S.C. 553(d).

Executive Order 12291 and Regulatory Flexibility Act

Because this document is not subject to the notice and public procedure requirements of 5 U.S.C. 553, it is not subject to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This document does not meet the criteria for a "major rule as specified in E.O. 12291. Accordingly, no regulatory impact analysis has been prepared.

Drafting Information

The principal author of this document was Jeremy Baskin, Penalties Branch U.S. Customs Service. However, personnel from other offices participated in its development.

List of Subjects

19 CFR Part 141

Customs duties and inspection; Imports.

19 CFR Parts 171 and 172

Administrative practice and procedure; Penalties.

Amendment to the Regulations

Accordingly, chapter I of title 19, Code of Federal Regulations, is amended as set forth below:

PART 141—ENTRY OF MERCHANDISE

1. The general authority citation for part 141 and specific authority for § 141.113 continue to read as follows:

* * * * *

Section 141.113 also issued under 19 U.S.C. 1499, 1623.

Authority: 19 U.S.C. 66, 1448, 1484, 1624.

2. In § 141.113, paragraph (g) is revised to read as follows:

§ 141.113 Recall of merchandise released from Customs custody.

* * * * *

(g) *Demand not complied with.* When the demand of the district director for return of merchandise of Customs custody is not complied with, liquidated damages shall be assessed, except in the case of merchandise entered under chapter 98, subchapter XII, HTSUS (19 U.S.C. 1202), in an amount equal to the value of the merchandise not returned or three times the value of the merchandise not returned if the merchandise is restricted merchandise or alcoholic beverages, as determined at the time of entry. The amount of liquidated damages to be assessed on merchandise entered under chapter 98, subchapter XII, HTSUS is set forth in § 10.39(d)(3) of this chapter.

PART 171—FINES, PENALTIES, AND FORFEITURES

1. The authority citation for part 171 continues to read as follows:

Authority: 19 U.S.C. 66, 1592, 1618, 1624. The provisions of subpart C also issued under 22 U.S.C. 401; 46 U.S.C. App. 320 unless otherwise noted.

Subpart F also issued under 19 U.S.C. 1595a, 1605, 1614; 21 U.S.C. 881 note.

2. Section 171.12 is amended by revising paragraphs (b) and (c) to read as follows:

§ 171.12 Filing of petition.

* * * * *

(b) *When filed.* If a petitioner seeks expedited relief under subpart F of this part, a petition must be filed within the timeframe stated in § 171.52(d). Otherwise, unless additional time has been authorized as provided in § 171.15, petitions for relief shall be filed within 30 days from the date of the mailing of the notice of seizure of property subject to forfeiture incurred or within 60 days of the mailing of notice of a fine or penalty incurred.

(c) *Number of copies.* The petition shall be filed in duplicate.

* * * * *

3. Section 171.15 is amended by revising paragraph (a) introductory text and (a)(4) to read as follows:

§ 171.15 Extensions of time for filing petition.

(a) *Extension of time for filing petition or supplemental petition for relief.* If there is at least 1 year before the statute of limitations may be asserted as a defense, a district director may extend the time for filing a petition (or establish a 60-day or 90-day response period pursuant to paragraph (a)(4) of this section) or supplemental petition, upon the request of a person who is or may be liable for a fine or penalty, or who has an interest in property subject to forfeiture, in the following situations:

* * * * *

(4) The case involves a complex legal or factual problem. Examples of the type of problem are the need to examine voluminous records (e.g., Customs entries, purchase orders, invoices and the like) to learn the facts on which to base a petition, or the need to determine legal responsibilities in a case involving numerous parties or numerous violations. In such cases, the district director, on his own initiative, may specify in any seizure notice that a 60-day response period from the date of mailing of the notice is warranted, or may specify in any fine or penalty notice that a 90-day response period from the date of mailing of the notice is warranted. If, in such cases, the district director concludes that only a 30 or 60 day response period is warranted and so indicates in the seizure or penalty notice, the person charged with responding shall have 7 days from the date of the mailing of the notice to appeal the decision of the district director to the Director, International Trade Compliance Division, Customs Headquarters. If an appeal is taken, a copy of the appeal must be furnished to the district director who issued the notice, and the original forwarded to the Director, International Trade Compliance Division, U.S. Customs Service, 1301 Constitution Ave., NW., Washington, DC 20229. Such appeals should clearly set forth why the particular case warrants an extension beyond the 30- or 60-day period. If the appeal is granted, the Director, International Trade Compliance Division, will notify both the district director and the person charged with responding of the time period allotted for response. In no case will the filing of an appeal under this paragraph toll the 30- or 60-day period of time specified by the district director in the seizure or penalty notice.

* * * * *

PART 172—LIQUIDATED DAMAGES

1. The authority citation for Part 172 continues to read as follows:

Authority: 19 U.S.C. 66, 1623, 1624.

2. Section 172.12 is amended by removing the number "30" and adding, in its place, the number "60" in paragraphs (b)(1) and (b)(2), and paragraph (c) is revised to read as follows:

§ 172.12 Filing of petition for relief.

* * * * *

(c) *Number of copies.* The petition shall be filed in duplicate.

Approved: August 26, 1992.

Michael H. Lane,

Acting Commissioner of Customs.

Peter K. Nunez,

Assistant Secretary of the Treasury.

[FR Doc. 92-21277 Filed 9-3-92; 8:45 am]

BILLING CODE 4820-02-M

Fiscal Service

31 CFR Part 358

Bureau of the Public Debt; Regulations Governing Coupons Under Book-Entry Safekeeping (Cubes)

AGENCY: Bureau of the Public Debt, Fiscal Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: This final rule is being published to modify the regulations governing the Treasury Department's Coupons Under Book-Entry Safekeeping ("CUBES") program to permit additional reopenings of the CUBES window for conversion to book-entry form of detached physical coupons. In 1987, Treasury offered a one-time opportunity for depository institutions to submit coupons stripped from physical Treasury securities to the Federal Reserve Bank of New York (FRBNY) for conversion to book-entry accounts. Coupons stripped before January 5, 1987, and with payment dates on or after January 15, 1988, were eligible for the program. Treasury has since committed itself to the goal of minimizing the number of all outstanding definitive securities. This amendment to the regulations will authorize Treasury to prove additional opportunities for depository institutions to present eligible physical coupons to the FRBNY for conversion.

EFFECTIVE DATE: September 4, 1992.

FOR FURTHER INFORMATION CONTACT: Sharon Separ, Attorney-Adviser, Bureau of the Public Debt, Washington, DC. (202) 874–4123

SUPPLEMENTARY INFORMATION: The CUBES program was undertaken incipiently at the request of various institutional holders of physical coupons which had been detached from their principal pieces. Under the program, depository institutions holding coupons stripped from physical Treasury securities before January 5, 1987, and with payment dates on or after January 15, 1988, were permitted a one-time opportunity to convert them to book-entry accounts during a January 5, to April 30, 1987, time period. Entities other than depository institutions which held stripped Treasury coupons and wished to convert those coupons to book-entry accounts under the CUBES program were obliged to arrange for such conversion through a depository institution.

Although Treasury indicated in 1988 (see 53 FR 19776) that is had no plans to provide another opportunity to present physical coupons for conversion, it has since established the goal of minimizing the number of outstanding definitive securities. Because reopening the window for conversion will reduce the number of outstanding definitive coupons, it was decided that additional opportunities for depository institutions to present physical coupons to the FRBNY for conversion should be made available from time to time, as determined by the Treasury. It is anticipated that the first such opportunity will be scheduled no earlier tan January, 1993.

Participation in CUBES originally required depository institutions to agree in writing to the terms and conditions of the program, as set forth in appendix A to part 358. However, 31 CFR 358.0(b), subsequently promulgated, provides that the CRBES regulations at part 358 modify the terms and conditions set forth in the agreement referenced in appendix A, "to the extent that they are inconsistent" with the agreement. Moreover, 31 CFR 358.4 confers upon the Secretary the authority to prescribe supplemental or revised regulations with respect to CUBES.

Accordingly, a new provision is being added to the regulations, providing that upon notice by publication in the Fedeal Register two months prior to the date coupons may first be presented to the FRBNY, depository institutions will have the opportunity, within a time frame determined by the Treasury, to convert eligible physical coupons detached from U.,S. Treasury obligations to book-entry form.

Thus, the time periods for conversion, as well as the criteria for coupon eligibility and applicable fees, set forth in appendix A will not apply to these future submissions. All other terms and conditions of the agreement governing participation in the CUBES program, not inconsistent with the governing regulations at Part 358, will apply to subsequent reopenings of the window for conversions.

Procedural Requirements

Because this amendment relates to the terms and conditions of marketable Treasury securities, the notice and public procedures, and the delayed effective date requirements of the Administrative Procedure Act (5 U.S.C. 553(a) (2)) are inapplicable. It has been determined that the rule does not constitute a "major rule" for purposes of Executive Order No. 12291. A regulatory impact analysis, therefore, is not required. Because no notice of proposed rulemaking is required, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*) do not apply. The Paperwork Reduction Act of 1980 (44 U.S.C. 3501, *et seq.*) does not apply to this rule because it does not contain information collection requirements which necessitate approval by the Office of Management and Budget.

List of Subjects in 31 CFR Part 358

Government securities, Federal Reserve System.

Accordingly, part 358 is amended, as follows:

PART 358—REGULATIONS GOVERNING CUBES (COUPONS UNDER BOOK-ENTRY SAFEKEEPING)

1. The authority citation for part 358 continues to read as follows:

Authority: 31 U.S.C. Chapter 31; 12 U.S.C. 391.

2. Section 358.0 is amended by adding a new paragraph (c) at the end of the section, to read as follows:

§ 358.0 Applicability.

* * * * *

(c) These regulations also apply to eligible physical coupons accepted from depository institutions for conversion to book-entry accounts under the CUBES program from time to time, within time periods determined by the Department of the Treasury. Notice of time periods for conversion, as well as coupons eligible or conversion and applicable fees, will be published in the Federal Register two months prior to the date coupons may be presented to the Federal Reserve Bank of New York. Coupons shall be submitted in accordance with a schedule provided by the Federal Reserve Bank of New York. Submitters of coupons are deemed to agree to the terms and conditions set forth in this part and any other requirements that may be prescribed by the Department of the Treasury or the Federal Reserve Bank of New York.

Dated: September 1, 1992.

Gerald Murphy,

Fiscal Assistant Secretary.

[FR Doc. 92–21333 Filed 9–3–92; 8:45 am]

BILLING CODE 4810–35–M

DEPARTMENT OF DEFENSE

Defense Logistics Agency

32 CFR Part 323

[Defense Logistics Agency Reg. 5400.21]

Defense Logistics Agency Privacy Program

AGENCY: Defense Logistics Agency, DOD.

ACTION: Final rule.

SUMMARY: The Defense Logistics Agency is publishing a system name change to two exempt systems of records at 32 CFR part 323, appendix H. This final rule reflects changes made to the systems of records notices previously published on August 18, 1992, at 57 FR 37100.

EFFECTIVE DATE: September 4, 1992.

FOR FURTHER INFORMATION CONTACT: Ms. Susan Salus (703) 617–7583.

SUPPLEMENTARY INFORMATION:

Executive Order 12291. The Director, Administration and Management has determined that this proposed rule is not a major rule. Analysis of the rule indicates that it does not have an annual effect on the economy of $100 million or more; does not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and does not have a significant adverse effect on competition, employment, investment, productivity, or innovation.

Regulatory Flexibility Act of 1980. The Director, Administration and Management certifies that this rule is not subject to the Regulatory Flexibility Act (5 U.S.C. 601) and does not have a significant impact on a substantial number of small entities.

Paperwork Reduction Act. The Director, Administration and Management certifies that this rule does not impose

any reporting or record keeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501–3520).

List of Subjects in 32 CFR Part 323

Privacy

For reasons set forth in the preamble, 32 CFR part 323 is amended as follows:

1. The authority citation for 32 CFR part 323 continues to read as follows:

Authority: Pub. L. 93–579, 88 Stat 1896 (5 U.S.C. 552a).

2. Appendix H is amended by revising the introductory text of paragraphs a. and b. as follows:

Appendix H-DLA Exemption Rules

* * * * *

a. ID: S500.10 DLA-I (Specific exemption) * * *

b. ID: S500.20 DLA-I (Specific exemption) * * *

* * * * *

Dated: August 31, 1992.

L. M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 92–21290 Filed 9–3–92; 8:45 am]

BILLING CODE 3810–01–F

Department of the Navy

32 CFR Part 701

[Secretary of the Navy Instruction 5211.5]

Availability of Department of the Navy Records and Publication of Navy Documents Affecting the Public

AGENCY: Department of the Navy, DOD.

ACTION: Final rule.

SUMMARY: On July 28, 1992 (57 FR 33285), the Department of the Navy published a proposed rule exempting Navy system of records N05520–5, Navy Joint Adjudication and Clearance Systems (NJACS) from certain provisions of the Privacy Act of 1974 (5 U.S.C. 552a), as amended. No comments were received during the thirty day public comment period, therefore, the rule is being adopted.

EFFECTIVE DATE: September 4, 1992.

FOR FURTHER INFORMATION CONTACT: Mrs. Gwen Aitken (703) 614–2004.

SUPPLEMENTARY INFORMATION: **Executive Order 12291.** The Director, Administration and Management has determined that this proposed rule is not a major rule. Analysis of the rule indicates that it does not have an annual effect on the economy of $100 million or more; does not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and does not have a significant adverse effect on competition, employment, investment, productivity, or innovation.

Regulatory Flexibility Act of 1980. The Director, Administration and Management certifies that this rule is not subject to the Regulatory Flexibility Act (5 U.S.C. 601) and does not have a significant impact on a substantial number of small entities.

Paperwork Reduction Act. The Director, Administration and Management certifies that this rule does not impose any reporting or record keeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501–3520).

List of Subjects in 32 CFR Part 701

Privacy

For reasons set forth in the preamble, 32 CFR part 701 is amended as follows:

1. The authority citation for 32 CFR part 701, subpart G continues to read as follows:

Authority: Pub. L. 93–579, 88 Stat 1896 (5 U.S.C. 552a).

2. Section 701.119 is amended by removing paragraphs (b)(4) and (b)(5), redesignating paragraphs (b)(6) and (b)(7) as (b)(4) and (b)(5); and adding a new paragraph (e)(2 as follows:

§ 701.119 Exempt Navy record systems.

* * * * *

(e) *ID–N05520–5.*

System Name. Navy Joint Adjudication and Clearance Systems (NJACS).

Exemption. Portions of this system of records may be exempt from the following subsections of 5 U.S.C. 552a(d)(1-5).

Authority. 5 U.S.C. 552a(k)(1) and (k)(5.

Reasons. Granting individuals access to information collected and maintained in this system of records could result in the disclosure of classified; material; and jeopardize the safety of informants, and their families. Further, the integrity of the system must be ensured so that complete and accurate records of all adjudications are maintained. Amendment could cause alteration of the record of adjudication.

* * * * *

Dated: August 31, 1992.

L. M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 92–21291 Filed 9–3–92; 8:45 am]

BILLING CODE 3810–01–F

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[GGD 05–92–57]

Special Local Regulations for Marine Events; Ocean City Offshore Grand Prix; Atlantic Ocean, Ocean City, Maryland

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: Special local regulations are being adopted for the Ocean City Offshore Grand Prix to be held in the Atlantic Ocean off Ocean City on September 6, 1992. This special local regulation is necessary to control vessel traffic in the immediate vicinity of this event. The effect will be to restrict general navigation in the regulated area for the safety of spectators and participants.

EFFECTIVE DATE: The regulation is effective from 11 a.m. to 3 p.m., on September 6, 1992.

If inclement weather causes the postponement of the event, the regulation is effective from 11 a.m. to 3 p.m., on September 7, 1992.

FOR FURTHER INFORMATION CONTACT: Stephen L. Phillips, Chief, Boating Affairs Branch, Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23704–5004 (804) 398–6204, or Commander, Coast Guard Group Eastern Shore (Operations) (804) 336–2891.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 553, a notice of proposed rulemaking has not been published for this regulation and good cause exists for making them effective in less than 30 days from the date of publication. Adherence to normal rulemaking procedures would not have been possible. Specifically, the sponsor's application to hold the event was not received until August 5, 1992, leaving insufficient time to publish a notice of proposed rulemaking in advance of the event.

Drafting Information: The drafters of this notice are QM1 Kevin R. Connors, project officer, Boating Affairs Branch, Fifth Coast Guard District, and LT

Kathleen A. Duignan, project attorney, Fifth Coast Guard District Legal Staff.

Background and Purpose. The United States Offshore Racing Association submitted an application to hold the Ocean City Offshore Grand Prix. The race will consist of approximately 80 powerboats, from 21 to 50 feet in length racing over a closed course off the beachfront at Ocean City, Maryland. As part of the application, the United States Offshore Racing Association requested that the Coast Guard provide control of spectator and commercial traffic within the regulated area.

Discussion of Regulation: This regulation will encompass the area surrounding the Ocean City Offshore Grand Prix. The race course is generally cigar shaped, running parallel to the shoreline, north of Ocean City Inlet. To provide for the safety of participants, spectators, and vessels transiting the area, the Coast Guard will restrict vessel movement in the regulated area and has established a temporary spectator anchorage for what is expected to be a large spectator fleet. Coast Guard patrol vessels will be positioned at Ocean City Inlet to direct vessels around the regulated area, or to the temporary spectator anchorage. The sponsor will provide approximately 29 vessels to assist the Coast Guard and local government agencies in patrolling this event. Medical vessels will display flourescent orange placards, and patrol boats will display flourscent green placards. Representatives of the sponsors and members of the Coast Guard will be present in the vicinity of the race site to inform vessel operators of this regulation and other applicable laws.

Regulatory Evaluation: This final rule is not considered major under Executive Order 12291 and is not significant under Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact of this regulation is expected to be so minimal that a full regulatory evaluation is unnecessary. This regulation will only be in effect for four hours, and the impacts on routine navigation are expected to be minimal as Ocean City Inlet is to the south of the regulated area. Vessels wishing to transit north from Ocean City will be directed around the regulated area.

Small Entities: Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this regulation 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). Since the impact of this rule on non-participating small entities will be minimal, the Coast Guard certifies under 5 U.S.C. 605(b), that this rule will not have a significant economic impact on a substantial number of small entities.

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

Environmental Assessment: This final rule has been thoroughly reviewed by the Coast Guard and determined to be categorically excluded from further environmental documentation in accordance with section 2.B.2.c of Commandant Instruction M16475.1B. A Categorical Exclusion Determination statement has been prepared and been placed in the rulemaking docket.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water).

Regulations: 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 section 100.35–T0557 is added to read as follows:

§ 100.35–T0557 Atlantic Ocean, Ocean City, Maryland.

(a) *Regulated area:* The waters of the Atlantic Ocean commencing at a point on the shoreline at latitude 38°25'42" North, longitude 75°05'06" West; thence east southeast to latitude 38°25'30" North, longitude 75°02'12" West; thence south southwest parallel to the Ocean City shoreline to latitude 38°19'12" North, longitude 75°03'48" West; thence west northwest to the shoreline at latitude 38°19'30" North, longitude 75°05'00" West.

(b) *Definitions:* (1) *Coast Guard Patrol Commander.* The Coast Guard Patrol Commander is any commissioned, warrant, or petty officer of the Coast Guard who has been designated by the Commander, Coast Guard Group Eastern Shore to act on his behalf.

(2) *Spectator Anchorage Area.* The waters off the Maryland seacoast bounded by a line connecting the following points:

Latitude	*Longitude*
38°20'12" N.	75°03'54" W.
38°22'24" N.	75°03'12" W.
38°22'18" N.	75°02'54" W.
38°20'06" N.	75°03'36" W.

(c) *Special Local Regulations:* (1) Except for participants in the Ocean City Offshore Grand Prix and vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area without the permission of the Patrol Commander.

(2) The operator of any vessel in the immediate vicinity of this area shall:

(i) Stop the vessel immediately when directed to do so by any commissioned, warrant, or petty officer on board a vessel displaying a Coast Guard ensign.

(ii) Proceed as directed by any commissioned, warrant or petty officer on board a vessel displaying a Coast Guard ensign.

(3) Spectator vessels may anchor in the spectator anchorage area specified in paragraph (a)(3) of this regulation.

(4) Vessel operators are advised to remain clear of the advisory area during the effective periods of this regulation.

(c) *Effective dates:* The regulation becomes effective at 11 a.m. until 3 p.m., on September 6, 1992. If inclement weather causes the postponement of the event, the regulation becomes effective at 11 a.m. until 3 p.m., on September 7, 1992.

Dated: August 27, 1992.

W.T. LeLand,

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

[FR Doc. 92–21402 Filed 9–3–92; 8:45 am]

BILLING CODE 4910–14–M

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33 CFR Part 100

[CGD 05–92–60]

Special Local Regulations for Marine Events; Virginia Beach Offshore Grand Prix; Atlantic Ocean, Rudee Inlet, Lake Rudee, Virginia Beach, Virginia

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: Special Local Regulations are being adopted for the Virginia Beach Offshore Grand Prix to be held in the Atlantic Ocean off Virginia Beach on September 6, 1992. This special local regulation is necessary to control vessel traffic in the immediate vicinity of this event. The effect will be to restrict general navigation in the regulated area for the safety of spectators and participants.

EFFECTIVE DATE: The regulations are effective from 7 a.m. to 7 p.m., on

September 5, 1992. If inclement weather on September 5 postpones the event, the regulation will then be in effect from 7 a.m. to 7 p.m., on September 6, 1992. If the event is postponed on September 6, the regulation will be in effect from 7 a.m. to 7 p.m., on September 7, 1992.

FOR FURTHER INFORMATION CONTACT: Stephen L. Phillips, Chief, Boating Affairs Branch, Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23704–5004 (804) 398–6204, or Commander, Coast Guard Group Hampton Roads (Operations) (804) 483–8568.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 553, a notice of proposed rulemaking has not been published for this regulation and good cause exists for making it effective in less than 30 days from the date of publication. Adherence to normal rulemaking procedures would not have been possible. Specifically, the sponsor's application to hold the event was not received until August 14, 1992, leaving insufficient time to publish a notice of proposed rulemaking in advance of the event.

Drafting Information. The drafters of this notice are QM1 Kevin R. Connors, project officer, Boating Affairs Branch, Fifth Coast Guard District, and Lieutenant Monica L. Lombardi, project attorney, Fifth Coast Guard District Legal Staff.

Background and Purpose: The Eastern Virginia Offshore Racing Association (EVORA) submitted an application to hold the Virginia Beach Offshore Grand Prix. The race will consist of approximately 100 powerboats, from 22 to 50 feet in length racing over a closed course off the beachfront at Virginia Beach, Virginia. As part of the application, the EVORA requested that the Coast Guard provide control of spectator and commercial traffic along the beachfront and Rudee Inlet areas.

Discussion of Regulations: This regulation will regulate the area surrounding the Virginia Beach Offshore Grand Prix. The Rudee Inlet/Lake Rudee area will include the wet pits and dockage for patrol boats at the Riverhouse boat docks, and the Owl Creek boat ramp which will serve as the put in area for the race participants.

The Cape Henry Precautionary Area is located to the north of the race course. While the race course does not encroach on this area, the regulated area includes the southwest corner of the Cape Henry Precautionary Area. To provide for the safety of participants, spectators, and vessels transiting the area, the Coast Guard will restrict vessel movement in the regulated area and has established a temporary spectator anchorage for what is expected to be a large spectator fleet. Coast Guard patrol vessels will be positioned at Rudee Inlet to direct vessels to the temporary spectator anchorage. The sponsor will provide approximately 35 vessels, including 15 medical boats with paramedics on board to assist the Coast Guard and local government agencies in patrolling this event. All vessels will display Official Regatta Patrol signs and identity numbers.

Representatives of the sponsors and members of the Coast Guard will be present in the vicinity of the race site to inform vessel operators of this regulation and other applicable laws.

Regulatory Evaluation: This final rule is not considered major under Executive Order 12291 and not significant under Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact of this regulation is expected to be so minimal that a full regulatory evaluation is unnecessary. This regulation will only be in effect for twelve hours, and the impacts on routine navigation are expected to be minimal as Rudee Inlet will only close for short periods of time as the racers transit to and from the actual race area.

Small Entities: Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this regulation 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). Most small entities located in the regulated area will be involved with providing services to the EVORA, the race participants, and race spectators. This should have a favorable impact, and only a few small businesses will not be involved. Since the impact of this rule on non-participating small entities will be minimal, the Coast Guard certifies under 5 U.S.C. 605(b), that this rule will not have a significant economic impact on a substantial number of small entities.

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

Environmental Assessment: This final rule has been thoroughly reviewed by the Coast Guard and determined to be categorically excluded from further environmental documentation in accordance with section 2.B.2.c of Commandant Instruction M16475.1B. A Categorical Exclusion Determination statement has been prepared and been placed in the rulemaking docket.

List of Subjects in 33 CFR Part 100

Marine Safety, Navigation (water).

Regulations: 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 Section 100.35–T0560 is added to read as follows:

§ 100.35–T0560 Atlantic Ocean, Rudee Inlet, Lake Rudee, Virginia Beach, Virginia.

(a) *Definitions:* (1) *Regulated area.* The waters of the Atlantic Ocean commencing at a point on the shoreline at latitude 36°54'41.0" North, longitude 75°59'32.0" West; thence east southeast to latitude 36°54'12" North, longitude 75°55'52" West, thence south southeast to latitude 36°50'00" North, longitude 75°55'12" West; thence west southwest to the shoreline at latitude 36°49'46" North, longitude 75°58'02" West, and the waters of Rudee Inlet and Lake Rudee including the Owl Creek Boat Ramp.

(2) *Coast Guard Patrol Commander.* The Coast Guard Patrol Commander is a commissioned, warrant, or petty officer of the Coast Guard who has been designated by the Commander, Coast Guard Group Hampton Roads.

(3) *Spectator Anchorage Area.* The waters off the Virginia seacoast bounded by a line connecting the following points:

Latitude	Longitude
36°51'38.0" N	75°56'24.0" W
36°51'40.0" N	75°55'47.0" W
36°50'40.0" N	75°55'38.0" W
36°50'37.0" N	75°56'14.0" W

(b) *Special Local Regulations.* (1) Except for participants in the Virginia Beach Offshore Grand Prix and vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area without the permission of the Patrol Commander.

(2) The operator of any vessel in the immediate vicinity of this area shall:

(i) Stop the vessel immediately when directed to do so by any commissioned,

warrant, or petty officer on board a vessel displaying a Coast Guard ensign.

(ii) Proceed as directed by any commissioned, warrant or petty officer on board a vessel displaying a Coast Guard ensign.

(3) Spectator vessels may anchor in the spectator anchorage area specified in paragraph (a)(3) of these regulations.

(4) The Coast Guard Patrol Commander may allow vessels to transit the regulated area whenever a race heat is not being run.

(5) Vessel operators are advised to remain clear of the advisory area during the effective periods of this regulation.

(c) *Effective periods:* This regulation is effective from 7 a.m. to 7 p.m., on September 5, 1992. If inclement weather on September 5 postpones the event, the regulation will then be in effect from 7 a.m. to 7 p.m., on September 6, 1992. If the event is postponed on September 6, the regulation will be in effect from 7 a.m. to 7 p.m., on September 7, 1992.

Dated: August 27, 1992.

W.T. Leland,

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

[FR Doc. 92-21403 Filed 9-3-92; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Part 165

COTP Wilmington, NC Regulation 92-006

Safety Zone Regulations; Trent River, New Bern, NC

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a safety zone in the Trent River in the vicinity of the Atlantic and North Carolina Railroad bridge in New Bern, North Carolina. The safety zone is needed to protect people, vessels, and property from safety hazards associated with the construction of the single swing span railroad bridge over the Trent River. Entry into this zone is prohibited unless authorized by the Captain of the Port.

EFFECTIVE DATE: This regulation is effective from 12:01 a.m. on September 26, 1992. It terminates on September 27, 1992 at 12:00 noon, unless sooner terminated by the Captain of the Port.

FOR FURTHER INFORMATION CONTACT: LTJG J. C. BABB, USCG, c/o U.S. Coast Guard Captain of the Port, Suite 500, 272 N. Front Street, Wilmington, North Carolina 28401-3907, Phone: (919) 343-4881.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 553, a notice of proposed rulemaking (NPRM) was not published for this regulation and good cause exists for making it effective in less than 30 days after **Federal Register** publication. Publishing an NPRM and delaying its effective date would be contrary to the public interest since immediate action is necessary to prevent hazard to the vessels involved.

Drafting Information: The drafters of this regulation are LTJG J. C. BABB, project officer for the Captain of the Port, Wilmington, North Carolina, and LT J. B. GATELY, project attorney, Fifth Coast Guard District Legal Staff.

Discussion of Regulation: The circumstances requiring this regulation will begin on September 26, 1992 at 12:01 a.m. The Commandant (G-N) has requested that the Captain of the Port provide a safety zone for this phase of the construction project authorized by the Truman-Hobbs Act to provide a larger waterway opening to meet the reasonable needs of navigation. This safety zone is needed to protect the public from the potential hazards associated with bridge construction. It will consist of an area of water 300 yards wide and 600 yards long.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Security measures, Vessels, Waterways.

Regulation: In consideration of the foregoing, subpart F of part 165 of title 33, Code of Federal Regulations, is amended as follows:

1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 49 CFR 1.46 and 33 CFR 1.05-1(g), 6.04-1, 6.04-6, and 160.5.

2. A new temporary section 165.T0506 is added, to read as follows:

§ 165.T0506 Safety Zone: Trent River, Vicinity of Atlantic and North Carolina Railroad bridge, New Bern, North Carolina.

(a) *Location.* The following area is a safety zone:

(1) The waters of the Trent River within the following boundaries, with a line beginning at:

35° 06' 10" North, 77° 12' 30" West, then south to 35° 05' 58" North, 77° 12' 25" West, then west to 35° 05' 12" North, 77° 12' 30" West, then north to 35° 06' 10" North, 77° 12' 35" West, then to the beginning.

(2) The safety zone boundary can be described as follows: The zone will be established in the vicinity of the Atlantic and North Carolina railroad bridge, New Bern, North Carolina, and will encompass the water areas of the Trent River starting from the northern bank of the Trent River 150 yards east of the Atlantic and North Carolina railroad bridge, then south across the Trent River to the southern bank 150 yards east of the railroad bridge, then west 300 yards along the southern bank of the Trent River to a point 150 yards west of the railroad bridge, then north to a point on the northern bank of the Trent River 150 yards west of the railroad bridge, then east 300 yards along the northern bank of the Trent River to the point of origin.

(b) *Effective Date.* This regulation becomes effective on September 26, 1992 at 12:01 a.m. It terminates on September 27, 1992 at 12:00 noon, unless sooner terminated by the Captain of the Port.

(c) *Regulations.*

(1) In accordance with the general regulation in § 165.23, entry into this zone is prohibited unless authorized by the Captain of the Port.

(2) The operator of any vessel in the immediate vicinity of this safety zone shall:

(i) Stop the vessel immediately upon being directed to do so by any commissioned, warrant, or petty officer on board a vessel displaying a Coast Guard Ensign.

(ii) Proceed as directed by any commissioned, warrant, or petty officer on board a vessel displaying a Coast Guard Ensign.

Dated: August 27, 1992.

C.F. Eisenbeis,

Captain, U.S. Coast Guard, Captain of the Port, Wilmington, NC.

[FR Doc. 92-21401 Filed 9-3-92; 8:45 am]

BILLING CODE 4910-14-M

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

33 CFR Part 334

Danger Zone, Chesapeake Bay, Lynnhaven Roads, VA

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Final rule with comments invited.

SUMMARY: The Corps of Engineers is amending the regulations in 33 CFR 334.370 to slightly enlarge a danger zone located in the waters of the Chesapeake Bay, offshore of the U.S. Naval Amphibious Base, Little Creek, Virginia. The intent of the change is to allow additional use of the underwater demolitions area for Very Shallow

Water Training and Mine Countermeasures Training. The purpose of the danger zone is to protect persons, vessels and property from hazards associated with the Navy's use of the training area.

ADDRESSES: HQUSACE ATTN: CECW-OR, Washington, DC 20314-1000.

DATES: Effective on September 4, 1992. Written comments will be accepted until October 5, 1992.

FOR FURTHER INFORMATION CONTACT: Mr. Bob Hume at (804) 441-7657 or Mr. Ralph Eppard at (202) 272-1783.

SUPPLEMENTARY INFORMATION: The Commanding Officer, U.S. Naval Amphibious Base, Little Creek, Norfolk, Virginia, has requested the Corps amend the danger zone regulations in 33 CFR 334.370. The purpose of this change is to increase the size of the demolition area (training area), to facilitate Very Shallow Water and Mine Countermeasures Training. The training area will be established by sinking 20 objects (mine shapes), to the bay bottom at various coordinates within the danger zone. The mine shapes are constructed of steel, filled with concrete, and varying in size with the largest being eight feet long and 18 inches in diameter. The actual training consists of Navy divers searching for the mine shapes. There will be two or three diver safety boats stationed in the area during training to ensure that both diver and public navigation safety are maintained. The danger zone is within an existing Naval Restricted Area promulgated in 33 CFR 334.310. Those regulations prohibit fish pound stakes or structures within the area and do not allow any vessel to approach within 300 yards of a naval vessel or within 600 yards of any vessel displaying the red "baker" burgee. The existing restricted area will remain unchanged.

The Corps of Engineers has determined that notice of proposed rulemaking and public procedures thereto are unnecessary and impractical in this instance since the expanded danger zone is within the boundaries of an existing naval restricted area. In addition, this proposed change to the existing danger zone was the subject of a public notice published by the Norfolk District Engineer. The public notice issued on August 14, 1991, with the comment period ending on September 13, 1991, was sent to all known interested parties. No comments were received in response to the public notice. Although this danger zone regulation is effective 30 days after publication in the **Federal Register**, the Corps of Engineer will consider any comments and will make any changes to the regulations it finds to be appropriate after the 30 days comment period.

Economic Assessment and Certification

This proposed rule is issued with respect to a military function of the defense Department and the provisions of E.O. 12291 do not apply.

I hereby certify that this proposed regulation will have no significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 334

Navigation (water), transportation, danger zones.

In consideration of the above, the Corps of Engineers is amending part 334 of title 33 to read as follows;

PART 334—DANGER ZONE AND RESTRICTED AREA REGULATIONS

1. The authority citation for part 334 continues to read as follows:

Authority: 40 Stat. 226; (33 U.S.C. 1) and 40 Stat. 892; (33 U.S.C. 3).

2. Part 334 is amended by revising § 334.370(a)(1) to read as follows:

§ 334.370 Chesapeake Bay, Lynnhaven Roads; danger zones, U.S. Naval Amphibious Base.

(a) *Underwater demolitions area (prohibited)—(1) The area.* A portion of the restricted area for Navy amphibious training operations described in Sec. 334.310 along the south shore of the Chesapeake Bay, bounded as follows: Beginning at a point at the mean high water line, latitude 36°55'26.5", longitude 76°08'43"; thence 700 yards to latitude 36°55'48", longitude 76°98'38"; thence 500 yards to latitude 36°55'46", longitude 76°08'57"; thence 500 yards to latitude 36°55'37", longitude 76°09'02"; thence 100 yards to latitude 36°55'36", longitude 76°08'57"; thence 200 yards to the mean high water line at latitude 36°55'39.5", longitude 76°08'59"; thence 400 yards along the mean high water line to the point of beginning. The area will be marked by range poles set on shore of the prolongation of the lines forming the eastern and western boundaries.

* * * * *

Kenneth L. Denton,

Army Federal Register Liaison Officer.

[FR Doc. 92-21244 Filed 9-3-92; 8:45 am]

BILLING CODE 3710-92-M

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 21

RIN 2900-AF63

Veterans Education; Miscellaneous Amendments

AGENCY: Department of Veterans Affairs.

ACTION: Final regulations.

SUMMARY: In VA's (Department of Veterans Affairs') response to the final report of the Commission to Assess Veterans' Education Policy VA stated it would make various regulatory changes in response to the Commission's recommendations. These regulatory changes include amendments to adjust the beginning dates of awards of educational assistance; amendments to change VA's definition of a change of program of education; and amendments to liberalize the two year operation requirement which courses must meet before they can be approved for VA training. These final regulations implement the commitments VA made in its response with respect to Dependents' Educational Assistance and the Montgomery GI Bill—Active Duty. Any amendments needed to implement these commitments for other programs which VA administers will be published at a later date.

EFFECTIVE DATE: September 4, 1992.

FOR FURTHER INFORMATION CONTACT: June C. Schaeffer (225), Assistant Director for Policy and Program Administration, Education Service, Veterans Benefits Administration, Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 233-2092.

SUPPLEMENTARY INFORMATION: On pages 15047 and 15048 of the **Federal Register** of April 24, 1992, there was published a Notice of Intent to amend 38 CFR part 21 in order to implement various commitments VA made to the Commission to Assess Veterans' Education Policy. Interested people were given 32 days to submit comments, suggestions and objections. VA received no comments, suggestions or objections. Accordingly, VA is making the proposed regulations final.

The Department of Veterans Affairs has determined that these amended regulations do not contain a major rule as that term is defined by E.O. 12291, entitled Federal Regulation. The regulations will not have a $100 million annual effect on the economy, and will not cause a major increase in costs or

prices for anyone. They will have no significant adverse effects 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.

The Secretary of Veterans Affairs has certified that these amended regulations will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601–612. Pursuant to 5 U.S.C. 605(b), the amended regulations, therefore, are exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604.

This certification can be made because the amended regulations directly affect only individuals. They will have no significant economic impact on small entities, i.e., small businesses, small private and nonprofit organizations and small governmental jurisdictions.

The Catalog of Federal Domestic Assistance numbers for the programs affected by these amended regulations are 64.117 and 64.124.

List of Subjects in 38 CFR Part 21

Civil rights, Claims, Education, Grant programs-education, Loan programs-education, Reporting and recordkeeping requirements, Schools, Veterans, Vocational education, Vocational rehabilitation.

Approved: August 6, 1992.

Edward J. Derwinski,

Secretary of Veterans Affairs.

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Subpart D—Administration of Educational Benefits; 38 U.S.C. Chapters 34, 35, and 36

For the reasons set out in the preamble, 38 CFR part 21, subparts D and K are amended as set forth below.

1. The authority citation for part 21, subpart D continues to read as follows:

Authority: 72 Stat. 1114; 38 U.S.C. 501(a).

2. In § 21.4131 paragraphs (b) and (c)(1) are revised and an authority citation is added to paragraph (c) to read as follows.

§ 21.4131 Commencing dates.

* * * * *

(b) *Certification by school—the course or subject leads to a standard college degree.* (1) When the student enrolls in a course offered by independent study, the commencing date of the award or increased award of educational assistance will be the date the student began pursuit of the course according to the regularly established practices of the educational institution.

(2) Except as provided in paragraphs (b)(3), (b)(4) and (b)(5) of this section when a student enrolls in a resident course or subject, the commencing date of the award or increased award of educational assistance will be the first scheduled date of classes for the term, quarter or semester in which the student is enrolled.

(3) When the student enrolls in a resident course or subject whose first scheduled class begins after the calendar week when, according to the school's academic calendar, classes are scheduled to commence for the term, quarter, or semester, the commencing date of the award or increased award of educational assistance allowance will be the actual date of the first class scheduled for that particular course or subject.

(4) When a student enrolls in a resident course or subject, the commencing date of the award will be the date the student reports to the school provided that—

(i) The published standards of the school require the student to register before reporting, and

(ii) The published standards of the school require the student to report no more than 14 days before the first scheduled date of classes for the term, quarter or semester for which the student has registered, and no later than the first scheduled date of classes for the term, quarter or semester for which the student has registered.

(5) When the student enrolls in a resident course or subject and the first day of classes is more than 14 days after the date of registration, the commencing date of the award or the increased award of educational assistance will be the first day of classes.

(Authority: 38 U.S.C. 3481(a), 3680(a); Pub. L. 98–525)

(c) *Certification by school or establishment—course does not lead to a standard college degree.* (1) Residence school: See paragraph (b) of this section.

* * * * *

(Authority: 38 U.S.C. 3481, 3687)

* * * * *

3. In § 21.4234 paragraph (a) is revised to read as follows.

§ 21.4234 Change of program.

(a) *Definition.* (1) Except as provided in paragraph (a)(2) of this section, a change of program consists of a change in the educational professional or vocational objective for which the veteran or eligible person entered training.

(2) VA does not consider any of the following to be changes of program.

(i) A change in the type of courses needed to attain a vocational objective.

(ii) A change in the veteran's or eligible person's educational, professional or vocational objective following the successful completion of the immediately preceding program of education, or

(iii) A return to the veteran's or eligible person's prior educational, professional or vocational objective following a change in program.

(Authority: 38 U.S.C. 3691)

4. In § 21.4251 paragraph (g)(1) is revised and an authority citation is added to the end of paragraph (g)(1) to read as follows.

§ 21.4251 Period of operation of course.

* * * * *

(g) *Waivers.* * * *

(1) The Director of the VA field station of jurisdiction may exercise the waiver authority found in paragraph (a)(6) of this section to exempt from the 2-year operation requirement certain courses given pursuant to a contract with the Department of Defense or the Department of Transportation on or immediately adjacent to a military base, Coast Guard station, National Guard facility, or facility of the Selected Reserve located within a State. He or she may grant such a waiver only when he or she finds that:

(i) The school on an application sent through the State approving agency certifies that the course is available only to—

(A) Active duty military personnel,

(B) Coast Guard personnel,

(C) Members of the Selected Reserve,

(D) Members of the National Guard,

(E) Dependents of active duty military personnel,

(F) Dependents of active duty Coast Guard personnel,

(G) Civilian employees of the base or station,

(H) Persons who began the course while on active duty and who were discharged while remaining continuously enrolled in it, or

(I) Any combinations of these classes of people.

(ii) The State approving agency of the State in which the course is offered certifies that the course meets all other approval requirements.

(Authority: 38 U.S.C. 3689(b))

* * * * *

Subpart K—All Volunteer Force Educational Assistance Program (New GI Bill)

5. The authority citation for part 21, subpart K continues to read as follows:

Authority: 38 U.S.C. chapter 30, Pub. L. 98–525; 38 U.S.C. 501(c).

6. In § 21.7131 paragraph (b) and its authority citation and paragraph (c)(1) are revised to read as follows.

§ 21.7131 Commencing dates.

(b) *Certification by school—the course or subject leads to a standard college degree.* (1) When the student enrolls in a course offered by independent study, the commencing date of the award or increased award of educational assistance will be the date the student began pursuit of the course according to the regularly established practices of the educational institution.

(2) Except as provided in paragraphs (b)(3), (b)(4) and (b)(5) of this section when a student enrolls in a resident course or subject, the commencing date of the award or increased award of educational assistance will be the first scheduled date of classes for the term, quarter or semester in which the student is enrolled.

(3) When the student enrolls in a resident course or subject whose first scheduled class begins after the calendar week when, according to the school's academic calendar, classes are scheduled to commence for the term, quarter, or semester, the commencing date of the award or increased award of educational assistance allowance will be the actual date of the first class scheduled for that particular course or subject.

(4) When a student enrolls in a resident course or subject, the commencing date of the award will be the date of reporting provided that—

(i) The published standards of the school require the student to register before reporting, and

(ii) The published standards of the school require the student to report no more than 14 days before the first scheduled date of classes for the term, quarter or semester for which the student has registered.

(5) When the student enrolls in a resident course or subject and the first day of classes is more than 14 days after the date of registration, the commencing date of the award or the increased award of educational assistance will be the first day of classes.

(Authority: 38 U.S.C. 3014, 3023; Pub. L. 98–525)

(c) *Certification by educational institution or training establishment—course does not lead to a standard college degree.* (1) When a veteran or servicemember enrolls in a course which does not lead to a standard college degree and which is offered in residence, the commencing date of the award of educational assistance will be as stated in paragraph (b) of this section.

* * * * *

[FR Doc. 92–21211 Filed 9–3–92; 8:45 am]

BILLING CODE 8320–01–M

38 CFR Part 36

RIN 2900–AF67

Loan Guaranty: Lender Participation Fees—Lender Appraisal Processing Program

AGENCY: Department of Veterans Affairs.

ACTION: Final regulatory amendment.

EFFECTIVE DATE: September 4, 1992.

SUMMARY: The Department of Veterans Affairs (VA) is amending its loan guaranty regulations to require lenders to pay a fee to participate in VA's Lender Appraisal Processing Program. This fee will partially defray expenses incurred in administering the Lenders Appraisal Processing Program.

FOR FURTHER INFORMATION CONTACT: Ms. Judith Caden, Assistant Director for Loan Policy (264), Loan Guaranty Service, Veterans Benefits Administration, Department of Veterans Affairs, Washington, DC 20420, (202) 233–3042.

SUPPLEMENTARY INFORMATION: On April 15, 1992, VA published in the **Federal Register** (57 FR 13068) a proposal to amend 38 CFR 36.4225 and 36.4348 to require the payment by lenders participating in the Lender Appraisal Processing Program (LAPP) of a $100 fee for the approval of each staff appraisal reviewer. Under LAPP, lenders who have automatic processing authority under VA's Automatic Lending Program may also have a staff appraisal reviewer determine the reasonable value of properties to be purchased with VA-guaranteed loans. Please refer to the April 15, 1992, **Federal Register** for a complete discussion of the proposed amendment.

Public comments were requested on the proposal, and VA received one written comment. The commenter, a mortgage company, agreed that VA should be allowed to charge a processing fee to review the qualifications of each lender staff appraisal reviewer. The commenter also stated that the lender should be allowed to charge the veteran a fee to offset the additional cost to the lender of obtaining sufficient staff to administer the program.

Our experience has been that lenders wishing to participate in LAPP are nominating existing employees as staff appraisal reviewers; they are not expanding their staff by hiring additional employees to serve in this capacity. Also, the lender review of appraisals under LAPP is similar to the review of appraisals currently performed by lenders when processing conventional loans as well as loans insured by the Department of Housing and Urban Development under its Direct Endorsement Program. The proposal is for a one-time, $100 fee for each staff appraisal reviewer. We do not believe the LAPP program entails any significant increase in costs for lenders. Therefore, it is not necessary to authorize an additional charge against the veteran-borrower on account of this fee. Accordingly, the regulatory amendment is adopted as originally proposed.

The Secretary hereby certifies that these regulatory amendments will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612. The fee VA will charge lenders is not a large amount and should have a minimal impact on small entities.

The Secretary has also determined that the amendments are not a "major rule" within the meaning of Executive Order 12291, Federal Regulation. They will not have an annual effect on the economy of $100 million or more, and will not cause a major increase in costs or prices for consumers or individual industries, nor will they have other significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Catalog of Federal Domestic Assistance Program numbers are 64.114 and 64.119.

List of Subjects in 38 CFR Part 36

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

This amendment is made final under the authority granted the Secretary by sections 501(a), 3703(c)(1), and 3712(g) of title 38, United States Code.

Approved: August 10, 1992.
Edward J. Derwinski,
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 part 36 §§ 36.4201 through 36.4287 is revised to read as follows:

Authority: Sections 36.4201 through 36.4287 issued under 38 U.S.C. 501(a), 3712.

2. Section 36 .4225 is amended by adding paragraph (f) to read as follows:

§ 36.4225 Authority to close manufactured home loans on the automatic basis.

* * * * *

(f) Lenders participating in VA's Lender Appraisal Processing Program shall pay a fee of $100 for approval of each staff appraisal reviewer.

3. The authority citation for part 36, §§ 36.4300 through 36.4375 is revised to read as follows:

Authority: Sections 36.4300 through 36.4375 issued under 38 U.S.C. 501(a).

4. Section 36.4348 is amended by adding paragraph (f) to read as follows:

§ 36.4348 Authority to close loans on the automatic basis.

* * * * *

(f) Lenders participating in VA's Lender Appraisal Processing Program shall pay a fee of $100 for approval of each staff appraisal reviewer.

[FR Doc. 92-21212 Filed 9-3-92; 8:45 am]
BILLING CODE 8320-01-M

FEDERAL MARITIME COMMISSION

46 CFR Parts 560 and 572

[Docket No. 92-32]

Amendments to Agreement Recordkeeping Regulations

AGENCY: Federal Maritime Commission.

ACTION: Final rule.

SUMMARY: The Federal Maritime Commission ("Commission") amends its regulations governing the filing of agreements under, respectively, the Shipping Act, 1916 ("1916 Act") and the Shipping Act of 1984 ("1984 Act") to ease the regulatory burden of recordkeeping and filing of required reports with the Commission.

EFFECTIVE DATE: September 4, 1992.

FOR FURTHER INFORMATION CONTACT: Austin L. Schmitt, Director, Bureau of Trade Monitoring and Analysis, 800 North Capitol Street, NW., Washington DC 20573, (202) 523-5787.

SUPPLEMENTARY INFORMATION: The Commission initiated this proceeding by publishing a notice in the **Federal Register**, 57 FR 24571 (June 10, 1992), that it was proposing to revise several of the regulations under 46 CFR part 560 and 572 in such a manner as to decrease the regulatory costs associated with each regulation with no apparent decrease in benefits. The revisions to part 560, which pertains to agreement filings under the 1916 Act, would, *inter alia*, eliminate the requirement of an annual report of shippers' requests and complaints, allowing such matters to be reported to the Commission as part of agreement minutes.

Other proposed changes included:

1. The revision of § 560.307(e)(1) governing marine terminal agreement exemptions to reduce to 10 from 15 the number of copies of the agreement that must accompany the original filed with the Commission;

2. The revision of § 560.401(a) to reduce to 10 from 15 the number of copies of an original agreement and original supporting information that must accompany an original agreement and original supporting information filed with the Commission;

3. The deletion of § 560.404(c) which requires that a notice of cancellation of an approved agreement be filed not less than 60 days prior to the effective date of cancellation. This regulation is in conflict with § 560.302(b), which requires only a 30-day notice. Upon the termination of § 560.404(c), the 30-day requirement of § 560.302(b) would apply for the cancellation of agreements.

The Commission also proposed to revise § 560.602 to delete from the comments and protests procedures the reference to Director, Bureau of Domestic Regulation, since agreements are no longer filed in that Bureau's successor, the Bureau of Tariffs, Certification and Licensing.

In the analogous sections of part 572—Agreements by Ocean Common Carriers and Other Persons Subject to the Shipping Act of 1984, specifically at Subpart G, Reporting and Record Retention Requirements, the Commission proposed the deletion of § 572.702, eliminating the requirement that each conference file with the Commission annual reports covering all shippers' requests and complaints and shippers' consultations, but required the filing of such information as part of agreement minutes.

Similarly, the Commission proposed the deletion of § 572.704(b), thereby eliminating the requirement that each conference file with the Commission quarterly reports indexing documents prepared for discussion at conference meetings. In its place, the Commission planned to require that a list of any reports, circulars, notices, statistics, analytical studies or other documents (not otherwise filed with the Commission) that are distributed and used by the members be included with each minutes of meetings filed.

Additionally, the Commission proposed the revision of the following regulations under 46 CFR part 572:

1. The revision of § 572.309(a)(2)(i) to exempt filed membership changes to voluntary ratemaking agreements having no other anticompetitive authority (*e.g.*, pooling authority or capacity reduction authority) from the Information Form, notice, and waiting period requirements of the 1984 Act provided that such modifications are filed for informational purposes in the proper format;

2. The revision of § 572.401(a)(1) to reduce to 10 from 15 the number of copies of an original agreement that must accompany an original agreement that must be filed with the Commission for review and disposition pursuant to section 6 of the 1984 Act;

3. The revision of § 572.402(d) to delete the requirement that each appendix to a filed agreement be accompanied by a separate signature page, since the appendix is an integral part of a filed agreement which requires a signature page; and

4. The revision of § 572.603(a) to reduce to 10 from 15 the number of copies that must be submitted of written comments regarding a filed agreement.

Comments

Eight comments were received on the proposed rule. Comments were submitted by the following conferences and discussion agreement: Asia North America Eastbound Rate Agreement, the "8900" Lines, South Europe/U.S.A. Freight Conference, U.S. Atlantic & Gulf/Australia-New Zealand Conference, United States Atlantic & Gulf Ports/Eastern Mediterranean and North African Freight Conference, U.S. Atlantic & Gulf/Western Mediterranean Rate Agreement, United States/East Africa Conference, and United States/Southern Africa Conference ("ANERA *et al.*"); the North Europe-USA Rate Agreement and the USA-North Europe Rate Agreement ("NEC"); Venezuelan American Maritime Association, Atlantic and Gulf/West Coast of South America Conference, United States/Central America Liner Association, Central America Discussion Agreement,

United States Atlantic and Gulf/Hispaniola Steamship Freight Association, Hispaniola Discussion Agreement, United States Atlantic and Gulf/Southeastern Caribbean Steamship Freight Association, Southeastern Caribbean Discussion Agreement, Jamaica Discussion Agreement, United States/Panama Freight Association, PANAM Discussion Agreement, Puerto Rico/Caribbean Discussion Agreement, Caribbean and Central American Discussion Agreement, Ecuador Discussion Agreement, and United States Atlantic and Gulf/Ecuador Freight Association ("Latin American Conferences" or "LAC"); the Inter-American Freight Conference ("IAFC"); and the Transpacific Westbound Rate Agreement ("TWRA"). Additionally, two carriers, Sea-Land Service, Inc. ("Sea-Land") and Tropical Shipping and Construction Co., Ltd. ("Tropical"), as well as one shipper, E.I. du Pont de Nemours and Company ("Dupont"), commented on the proposed rule.

Discussion

All commenters agreed with the Commission's intention to reduce unnecessary paperwork burdens and the majority of the proposed changes generally were supported; however, there was significant disagreement as to whether the proposed revisions to agreement reporting requirements would achieve the intended reduction in paperwork.

Comments regarding each section of the proposed rule are summarized and discussed below.

1. Exemption of filed membership changes to voluntary ratemaking agreements having no other anticompetitive authority (e.g., pooling authority or capacity reduction authority) from the Information Form, notice, and waiting period requirements of the 1984 Act, provided that such modifications are filed for informational purposes in the proper format (section 572.309(a)(2)(i)).

This proposal is supported by all commenters except DuPont, which expressed concern about the loss of economic information which would take place if the Information Form were not required to be filed. Under current regulations, however, such modifications are not considered to be significant modifications, as defined in § 572.403(a)(3), for which an Information Form is required to be filed. Hence, there would be no loss of information under the proposed rule.

Tropical supports the proposed exemption for two reasons: (1) Voluntary rate agreements should be held to no stricter requirements than conference agreements, which are already exempt from such requirements; and (2) there are pressing commercial reasons, especially in fast-growing or volatile trades, to permit membership changes to voluntary agreements to take effect as soon as possible.

LAC supports the proposal, but wish the language clarified to extend the exemption to voluntary ratemaking agreements which also authorize the parties to charter space to each other, jointly establish sailing schedules and port rotation, limit sailings and jointly advertise each others vessels. The Commission believes that the language of the proposed exemption, "voluntary ratemaking agreements having no other anticompetitive authority (e.g., pooling authority or capacity reduction authority)" is sufficiently broad to encompass agreements which provide the authorities mentioned by LAC. Accordingly, no modification to the proposed rule in this regard is necessary.

IAFC, which also supports the proposal, was unclear whether all discussion agreements would be subject to the same conditions that currently pertain to passenger vessel discussion agreements, i.e., passenger discussion agreements do not qualify for the exemption if they contain ratemaking, pooling, joint service, sailing or space chartering authority. The Commission did not intend to extend the passenger vessel discussion agreement qualifying conditions to voluntary ratemaking agreements, nor does the proposed rule do so. Nevertheless, to clarify that point, minor changes have been made in the final rule.

NEC supports the proposed exemption and recommends that the Commission extend it to self-policing agreements. This suggestion is beyond the scope of this proceeding and no action has been taken on it in the final rule.

2. Reduction of the required number of copies from 15 to 10 of: (a) An original agreement and original supporting information filed with the Commission pursuant to section 15 of the 1916 Act (section 560.401(a)); (b) an original marine terminal agreement filed with the Commission (section 560.307(e)(1)); (c) an original agreement filed with the Commission for review and disposition pursuant to section 6 of the 1984 Act (section 572.401(a)(1)); and (d) written comments regarding a filed agreement (section 572.603).

ANERA *et al.* and IAFC believe that adoption of this proposal would help carriers and conferences reduce their paperwork burden, inasmuch as agreements and comments can be quite lengthy, and making 15 copies of such documents can be a significant expense. No comments were filed in opposition to this section and no substantive changes have been made to it in the final rule.

3. Deletion of the provision which requires that a notice of cancellation of an approved agreement under the 1916 Act be filed not less than 60 days prior to the effective date of cancellation (§ 560.404(c)), to be replaced by the 30-day requirement of § 560.302(b).

NEC filed the only comment on this proposal, suggesting that parties to agreements filed under the 1916 Act be permitted to terminate their agreements effective upon filing with the Commission. The Commission's purpose in proposing this change was solely to eliminate the discrepancy between §§ 560.404(c), 60 days, and 560.302(b), 30 days. Additionally, a 30-day requirement does not appear to create any problems for agreement parties, and serves as an appropriate notification period for the public. Accordingly, no substantive changes to this section have been made in the final rule.

4. Deletion of the requirement that each appendix to a filed agreement be accompanied by a separate signature page (§ 572.402(d)).

Only two commenters addressed this proposal and each expressed their approval for it. Accordingly, no substantive changes to this section have been made in the final rule.

5. Deletion of § 560.702, thereby eliminating the requirement of an annual report of shippers' requests and complaints for agreements under the 1916 Act; and deletion of § 572.702, eliminating the requirement that each conference file with the Commission annual reports covering shippers' requests and complaints and shippers' consultations, but requiring that such information be filed as part of agreement minutes; also, the revision of § 572.704, eliminating the requirement that each conference file with the Commission quarterly reports indexing documents prepared for discussion at conference meetings. Instead, a list of such documents that are distributed and used by the members would be included, as appropriate, with minutes of meetings filed with the Commission.

ANERA *et al.* express approval of this proposal, commenting that such changes would reduce the administrative time and expense currently required to prepare special reports for the Commission. They believe that reporting this information in conference minutes, where the information is discussed in any event, is a more rational and efficient approach.

LAC, IAFC, and TWRA oppose the proposal. LAC believe that the existing recordkeeping and reporting requirements do not pose a significant burden. On the contrary, they maintain that the proposed regulations would

significantly increase the conferences' burden because they would be required to prepare and file reports every time they file minutes of conference meetings. Since the conferences meet frequently, as often as weekly, they claim that the proposed change would greatly increase their administrative burden. IAFC objects to the proposal stating that the computations and compilations now performed on an annual basis would have to be prepared and presented at each of its approximate weekly meetings, which would result in significant additional paperwork. TWRA believes that the changes would be disruptive and costly for filing parties, inasmuch as matters to be reported or documents to be indexed cannot be tied readily to a particular meeting because they sometimes are discussed at several meetings. TWRA is particularly concerned that the proposals would delay circulation of minutes which, besides being used for reporting, also serve internal commercial purposes under considerable time pressure.

NEC urges the Commission to afford conferences the option to submit the required information either as set forth in the proposed rules or in the manner prescribed under its currently effective rules. NEC asserts that this would provide conferences an opportunity to experiment with the consolidated reporting procedures proposed and determine for themselves which of the alternative reporting requirements works best, thereby assuring that the burdens of some will not be increased in order to lessen those of others. Sea-Land concurs with NEC in recommending that the Commission permit conferences to determine for themselves which of the alternative report filing requirements they prefer.

The Commission's purpose in proposing the elimination of annual reports of shippers' request and complaints and quarterly filing of indices of documents is to reduce the paperwork burden on regulated parties. Current regulations require that minutes of agreement meetings report "all matters within the scope of the agreement which are discussed or considered at any such meeting, and shall indicate the action taken" (section 572.703(b)). Because shippers' requests and complaints, as well as consultations with shippers and shippers' associations, are discussed at agreement meetings, and documents of potential interest to the Commission are circulated at these meetings, such information must, under current regulations, be reported in minutes filed with the Commission. Consequently, inasmuch as such information is already reported in agreement minutes, the Commission has decided to eliminate the further requirement of periodic reports as currently required in 46 CFR parts 560 and 572.

Accordingly, the Commission will clarify its original proposed rule by deleting references to statistical summaries of numbers and types of shippers' requests, complaints and consultations to be reported. If such statistical information should be required, it could be generated from the minutes, on an *ad hoc* basis, as necessary. Pursuant to this final rule, agreement minutes need only report the particulars of a shipper's request or complaint which would ordinarily be discussed at a meeting and would, therefore, be required to be reported under section 572.703(b). Likewise, if any documents such as those described in section 572.704 are used by agreement members in the course of agreement business, they need only be listed in the minutes. NEC's suggestion, therefore, that the Commission afford conferences the option to submit the required information either as set forth in the proposed rules or in the manner prescribed under its currently effective rules will have no practical application under this final rule. Whatever information is now required to be reported to the Commission in duly certified minutes pursuant to § 572.703(b) with regard to shippers' requests and complaints, consultations and relevant documents, will be deemed sufficient to satisfy this reporting requirement, regardless of how frequently or infrequently agreement parties decide to meet.

Although the Commission, as an independent regulatory agency, is not subject to Executive Order 12291, dated February 17, 1981, it has nonetheless reviewed the rule in terms of that Order and has determined that this rule is not a "major rule" as defined in Executive Order 12291 because it will not result in:

(1) 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 government agencies, or geographic regions; or

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

Inasmuch as this final rule will affect only common carriers by water, conferences of such carriers, ports, and marine terminal operators, and will result in a lessening of current regulatory burdens, the Federal Maritime Commission certifies, pursuant to section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 605(b), that the rule will not have a significant economic impact on a substantial number of small entities, including small businesses, small organizational units and small government jurisdictions.

The collection of information requirements contained in this regulation have been approved by the Office of Management and Budget under the provisions of the Paperwork Reduction Act of 1980, as amended, and have been assigned OMB control number 3072–0040 for 46 CFR part 560 and 3072–0045 for 46 CFR part 572. Public reporting burden for this collection of information is estimated to result in an average burden reduction of 5 manhours per response for 46 CFR part 560 and an average burden reduction of 2 manhours per response for 46 CFR part 572. This includes savings in the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information to Norman W. Littlejohn, Director, Bureau of Administration, Federal Maritime Commission, Washington, DC 20573; and to the Office of Information and Regulatory Affairs, Attention: Desk Officer for the Federal Maritime Commission, Office of Management and Budget, Washington, DC 20503.

List of Subjects

46 CFR Part 560

Administrative practice and procedure; Antitrust; Freight; Maritime carriers; Penalties; Rates and fares; Reporting and recordkeeping requirements.

46 CFR Part 572

Administrative practice and procedure; Antitrust; Maritime carriers; Rates and fares; Reporting and recordkeeping requirements.

Therefore, parts 560 and 572 of title 46, Code of Federal Regulations, are amended as follows:

PART 560—[AMENDED]

1. The authority citation for part 560 continues to read as follows:

Authority: 5 U.S.C. 553; 46 U.S.C. app. 814, 817(a), 820, 821, 833a and 841a.

2. Section 560.307(e)(1) is revised to read as follows:

§ 560.307 Marine terminal agreements—exemption

* * * * *

(e) * * *

(1) A true copy and 10 additional copies of the filed agreement;

* * * * *

3. The second sentence in § 560.401 (a) is revised to read as follows:

§ 560.401 Filing of agreements.

(a) * * *. Such requests shall consist of a true copy and 10 additional copies of the agreement and all supporting information. * * *

§ 560.404 [Amended]

4. Section 560.404(c) is removed.

5. The first sentence in § 560.602(e) is revised to read as follows:

§ 560.602 Comments and protests.

* * * * *

(e) Except as provided in this section and § 560.403, or except, in the case of an unprotested agreement, as the Director, Bureau of Trade Monitoring and Analysis may in his/her discretion initiate, or unless specifically requested in writing by the Commission, with copies to the proponents and persons which have filed protests or comments, no other written or oral communication concerning a pending agreement shall be permitted. * * *

6. Section 560.702 is amended by revising the heading for the section, removing paragraph (a), and redesignating paragraph (b) as paragraph (d).

7. Section 560.703 is amended by redesignating paragraphs (a), (b) and (c) as paragraphs (a), (b), and (c) of § 560.702 respectively.

8. Section 560.702 is further amended by revising the first sentence of newly redesignated paragraph (a) to read as follows:

§ 560.702 Filing of minutes—including shippers' requests and complaints.

(a) The parties to each approved conference agreement, agreement between or among conferences, or agreements subject to this part whereby the parties are authorized to fix rates (except leases, licenses, assignments or other agreements of similar character for the use of marine terminal facilities) shall, through a designated official, file with the Commission a report of all meetings describing all matters within the scope of the agreement which are discussed or taken up at any such meeting, and shall specify the action taken with respect to each such matter, including any shippers' requests and complaints, which are discussed at any such meeting. * * *

* * * * *

§ 560.703 [Removed]

9. Section 560.703 is removed and reserved.

PART 572—[AMENDED]

1. The authority citation for part 572 continues to read as follows:

Authority: 5 U.S.C. 553; 46 U.S.C. app. 1701–1707, 1709–1710, 1712, and 1714–1717.

2. Section 572.309(a)(2)(i) is revised to read as follows:

§ 572.309 Miscellaneous modifications to agreements—exemptions.

(a) * * *

(2) * * *

(i) *Article 3*—Parties to the agreement (limited to conference agreements, voluntary ratemaking agreements having no other anticompetitive authority (e.g., pooling authority or capacity reduction authority), and discussion agreements among passenger vessel operating common carriers which are open to all ocean common carriers operating passenger vessels of a class defined in the agreements and which do not contain ratemaking, pooling, joint service, sailing or space chartering authority).

* * * * *

3. Section 572.401(a)(1) is revised to read as follows:

§ 572.401 Filing of agreements.

(a) * * *

(1) A true copy and 10 additional copies of the filed agreement;

* * * * *

4. Section 572.402(d) is revised to read as follows:

§ 572.402 Form of agreements.

* * * * *

(d) Each agreement and/or modification filed will be accompanied by a separate signature page, appended as the last page of the item, which is signed in the original by each of the parties personally or by an authorized representative, indicating immediately below each signature, the typewritten full name of the signing party and his or her position, including organizational affiliation.

* * * * *

5. The second sentence is section 572.603(a) is revised to read as follows:

§ 572.603 Comment.

(a) * * * Such comments will be submitted in an original and ten (10) copies and are not subject to any limitations except the time limits provided in the **Federal Register** notice.

* * * * *

§ 572.702 [Removed]

6. Section 572.702 is removed.

7. Section 572.703 is redesignated as § 572.702 and is amended by revising the section heading and paragraph (b) to read as follows:

§ 572.702 Filing of minutes—including shippers' requests and complaints, consultations, and other documents.

* * * * *

(b) *Content of minutes.* Except as provided in paragraph (c) of this section, conferences, interconference agreements, agreements between a conference and one or more ocean common carriers, pooling agreements, equal access agreements, discussion agreements, maritime terminal conferences, and marine terminal rate fixing agreements shall, through a designated official, file with the Commission a report of each meeting defined in paragraph (a) of this section describing all matters within the scope of the agreement which are discussed or considered at any such meeting, including shippers' requests and complaints, as well as consultations with shippers and shippers' associations, and shall indicate the action taken. These reports need not disclose the identity of parties that participated in discussions or the votes taken.

* * * * *

8. Section 572.704 is redesignated as § 572.703 and revised to read as follows:

§ 572.703 Other documents.

Each agreement required to file minutes pursuant to § 572.702 shall list in said minutes all reports, circulars, notices, statistics, analytical studies or other documents, not otherwise filed with the Commission pursuant to this subpart, which are distributed to the member lines and are used to reach a final decision on any of the following matters:

(a) Revenue projections and plans. (This would exclude individual rate adjustments but would include general rate adjustments, surcharges and other items affecting shipper costs.)

(b) Studies regarding proposed changes to the conference agreement or its membership.

(c) Non-conference competition.

(d) Changes in the nature and type of transportation service generally and specifically at individual ports or points.

(e) Trade tonnaging requirements, vessel utilization and vessel replacement plans.

(f) Conference participation in trade (market share).

(g) The exercise of the right of independent action.

(h) Development of transportation technology and intermodal services.

(i) Malpractices.

(j) Use of service contracts, time volume rate schemes and loyalty contracts.

(k) Conference relationship with shippers and shipper groups.

(l) Governmental and other foreign requirements affecting the conference.

§ 572.705 [Redesignated as § 572.704]

9. Section 572.705 is redesignated as § 572.704.

By the Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 92-20657 Filed 9-3-92; 8:45 am]

BILLING CODE 6730-01-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 1

[OST Docket No. 1; Amdt. 1-250]

Organization and Delegation of Powers and Duties Delegation to the Commandant, United States Coast Guard

AGENCY: Office of the Secretary, DOT.

ACTION: Final rule.

SUMMARY: The Secretary of Transportation has delegated to the Commandant, United States Coast Guard, the authority to establish and enforce regulations to prevent the introduction and spread of aquatic nuisance species into the Great Lakes through the ballast water of vessels. The Code of Federal Regulations does not reflect this delegation; therefore, a change is necessary.

EFFECTIVE DATE: September 4, 1992.

FOR FURTHER INFORMATION CONTACT: LT Jonathan C. Burton, Office of Marine Environmental Protection (G-MEP), (202) 267-0970, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593; or Mr. Steve Farbman, Office of the Assistant General Counsel for Regulation and Enforcement, C-50, (202) 366-9307, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590.

SUPPLEMENTARY INFORMATION: The Secretary of Transportation has delegated to the Commandant, United States Coast Guard, authority contained in 16 U.S.C. 4711 to establish and enforce regulations to prevent the introduction and spread of aquatic nuisance species into the Great Lakes through the ballast water of vessels. The Code of Federal Regulations does not reflect this delegation; therefore, a change is necessary.

Since this amendment relates to departmental management, organization, procedure, and practice, notice and comment on it are unnecessary, and it may be made effective in fewer than 30 days after publication in the **Federal Register**. Therefore, this final rule is effective upon publication in the **Federal Register**.

List of Subjects in 49 CFR Part 1

Authority delegations (Government agencies), Organization and functions (Government agencies).

In consideration of the foregoing, part I of title 49, Code of Federal Regulations, is amended to read as follows:

PART 1—[AMENDED]

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

Authority: 49 U.S.C. 322.

2. Section 1.46 is amended by adding a new paragraph (ww) to read as follows:

§ 1.46 Delegations to Commandant of the Coast Guard.

* * * * *

(ww) Carry out the functions and exercise the authority vested in the Secretary by 16 U.S.C. 4711 to establish and enforce regulations to prevent the introduction and spread of aquatic nuisance species into the Great Lakes through the ballast water of vessels. This authority may be redelegated.

Issued on: August 25, 1992.

Andrew H. Card, Jr.,

Secretary of Transportation.

[FR Doc. 92-21326 Filed 9-3-92; 8:45 am]

BILLING CODE 4910-62-M

INTERSTATE COMMERCE COMMISSION

49 CFR Parts 1039 and 1313

[Ex Parte No. 387 (Sub-No. 964)]

Railroad Transportation Contracts

AGENCY: Interstate Commerce Commission.

ACTION: Final rule.

SUMMARY: The Commission modifies its regulations to exempt rail carriers from the requirement to file contracts, other than contracts for agricultural commodities, entered into with purchasers of rail services pursuant to Section 10713 of the Interstate Commerce Act to clarify that any provisions for the automatic extension or renewal of contracts must be reflected in the contract summaries and amended contract summaries filed with the Commission; and to clarify that the filing of contract summaries and amended contract summaries toll the running of the Commission review period provided for in the statute. This rule is intended to eliminate an unnecessary filing requirement.

EFFECTIVE DATE: This rule is effective October 5, 1992.

FOR FURTHER INFORMATION CONTACT: James W. Greene, (202) 927-5597

or

Charles E. Langyher III, (202) 927-5160 [TDD for hearing impaired: (202) 927-5721].

SUPPLEMENTARY INFORMATION: In a notice of proposed rulemaking (NPR) served March 20, 1992, and published on March 23, 1992 at 57 FR 9997, we proposed to exempt rail carriers from the requirement to file copies of railroad transportation contracts and to clarify that provisions for the automatic renewal or extension of contracts must be included in the corresponding summaries filed with the Commission We pointed out that more than 70,000 contracts and summaries are received each year; that the filings have become routine and are virtually without substantive controversy; and that, even though parties allowed to file complaints against contracts can request discovery of applicable contract provisions, only one such complaint has been received since 1985.

Comments in response to the NPR were received from 8 shippers and shipper organizations,[1] 7 carriers and carrier organizations,[2] Mr. Patrick W.

[1] The Chemical Manufacturers Association (CMA); Iowa Grain and Feed Association (IGFA); The National Industrial Transportation League (NITL); UP-MP Shippers Association (UMSA); Western Coal Traffic League (WCTL); the Dow Chemical Company (Dow); Minnesota Mining and Manufacturing Company (3M); and National Railway Equipment Company (NREC).

[2] The Association of American Railroads (AAR); The American Short Line Railroad Association (ASLRA); Apalachicola Northern Railroad Company (AN); Michigan Southern Railroad Co., Inc. (MSO); and Keokuk Junction Railway, jointly with Toledo, Peoria & Western Railway Corporation, and Wisconsin & Southern Railroad Co. (joint carriers).

Simmons,[3] and the U.S. Department of Transportation (DOT). The majority of the commenters (6 carriers, 3 shippers and DOT) expressed unqualified support for the Commission's proposal. Of the remainder, 3 commenters (2 shippers and Mr. Simmons) opposed the proposal; 2 commenters (1 carrier and 1 shipper) requested that the Commission also exempt carriers from the requirement to file contract summaries; 1 commenter (a shipper) requested that the filing requirement be retained for agricultural commodity contracts; and 1 commenter (a shipper) requested that the Commission both retain the filing requirement for agricultural commodity contracts and exempt carriers from the requirement to file summaries for non-agricultural commodity contracts.

Upon review of all the comments and the Commission's tentative conclusions in the NPR, we find that the proposed rules should be finalized, except that we will continue to require the filing of contracts for agricultural commodities. The statute provides additional remedies and grounds for complaints with respect to agricultural commodity contracts, and continuation of the filing requirement will allow us to more closely monitor contracts providing for the transportation of these commodities. We further find that certain additional changes are warranted to clarify that the filing of contract summaries will toll the running of the Commission's review period provided for in the statute.

As pointed out in the NPR and by most of the commenters, the railroad transportation contract provisions of the Staggers Rail Act of 1980 have grown in popularity and importance since their initiation (over 70,000 contracts and summaries are filed each year), and the program has operated without substantive controversy in recent years. The continued filing of contract summaries will meet the Commission's regulatory requirements for other than agricultural commodity contracts and will ensure that the public continues to receive the same level of information it has received up to this point with respect to contract filings. The Commission has adequate alternative sources of information available to it regarding the utilization of railroad transportation contracts, and, when complaints are filed against contracts, or when it finds any other need therefor, the Commission can obtain copies of contracts from the rail carriers.

[3] Mr. Simmons is Illinois Legislative Director for the United Transportation Union.

Environmental and Energy Considerations

This action will not have a significant impact upon the quality of the human environment or the conservation of energy resources.

Regulatory Flexibility Analysis

This action will not have a significant impact on a substantial number of small entities.

List of Subjects

49 CFR Part 1039

Agricultural commodities, Intermodal transportation, Manufactured commodities, Railroads.

49 CFR Part 1313

Administrative practice and procedure, Agricultural commodities, Forests and forest products, Railroads.

Decided: August 27, 1992.

By the Commission, Chairman Philbin, Vice Chairman McDonald, Commissioners Simmons, Phillips, and Emmett. Commissioner Phillips commented with a separate expression. Commissioner Simmons, jointed by Vice Chairman McDonald, dissented with a separate expression.

Sidney L. Strickland, Jr.,

Secretary.

For the reasons set forth in the preamble, title 49, Chapter X, parts 1039 and 1313 of the Code of Federal Regulations are amended as follows:

PART 1039—EXEMPTIONS

1. The authority citation for part 1039 continues to read as follows:

Authority: 49 U.S.C. 10321, 10505, 10708, 10761, 10762, 11105, 11902, 11903 and 11904; 5 U.S.C. 553.

2. A new § 1039.23 is added as follows:

§ 1039.23 Railroad contracts entered into pursuant to 49 U.S.C. 10713.

Rail carriers are exempt from the provisions of 49 U.S.C. 10713 and 49 CFR part 1313 to the extent, and only to the extent, that such provisions require the filing of contracts and contract amendments for other than agricultural commodities with the Commission. This exemption does not extend to contracts or contract amendments for agricultural commodities, or to any contract summaries or amended contract summaries. Rail carriers must immediately provide to the Commission all contracts and/or contract amendments it requests.

PART 1313—RAILROAD CONTRACTS ENTERED INTO PURSUANT TO 49 U.S.C. 10713

1. The authority citation for part 1313 continues to read as follows:

Authority: 49 U.S.C. 10321 and 10713; 5 U.S.C. 553.

2. In § 1313.2, paragraph (b) is revised to read as follows:

§ 1313.2 Jurisdiction; contract approval/disapproval.

* * * * *

(b) *Contract approval date.* Except as provided in § 1313.7(a)(2):

(1) The contract is approved on the 30th day after the filing of the contract summary if the Commission does not institute a proceeding to review the contract.

(2) If the Commission institutes a proceeding to review a contract, it has jurisdiction for 60 days after the contract summary is filed. Under these circumstances the contract will be approved:

(i) On the date the Commission approves the contract, if the date of approval is 31 or more days after the filing date of the contract summary;

(ii) On the 31st day after the contract summary filing date if the Commission denies the complaint against the contract by the 30th day after the contract summary filing date; or

(iii) On the 60th day after the contract summary filing date, if the Commission fails to disapprove the contract.

* * * * *

3. In § 1313.3, the introductory text of paragraph (a), and paragraphs (b) and (c)(1) are revised to read as follows:

§ 1313.3 Contract implementation date.

(a) Transportation or service performed under a contract or amendment may being, without specific Commission authorization, on or after the date the contract summary (or amended contract summary) is filed and before Commission approval as defined in 49 CFR 1313.2, subject to the following conditions:

* * * * *

(b) Except as provided under paragraph (c) of this section, transportation or service may not begin under a contract or on amendment to a contract before the filing date of either the contract summary or the amended contract summary, respectively.

(c) * * *

(1) A transportation contract summary or amended contract summary under 49 U.S.C. 10713 has been filed with the

Commission and has been approved by the Commission or by operation of law.

* * * * *

4. In § 1313.7, paragraph (b)(1)(iv) is revised to read as follows:

§ 1313.7 Contract filing, title pages, and numbering.

* * * * *

(b) * * *

(1) * * *

(iv) A solid one inch black border, or a similar border consisting of continuous repetitions of a single alphabetic or special character, down the right side of the title page.

* * * * *

5. In § 1313.10, paragraph (b)(5)(iii) is revised to read as follows:

§ 1313.10 Contract summary content—agricultural commodities.

* * * * *

(b) * * *

(5) * * *

(iii) Termination date of the contract. If the terms of the contract provide for automatic extension or renewal, such information must be shown in connection with the termination date.

* * * * *

6. In § 1313.11, paragraph (b)(4)(iii) is revised to read as follows:

§ 1313.11 Contract summary content—forest products and paper.

* * * * *

(b) * * *

(4) * * *

(iii) Termination date of the contract. If the terms of the contract provide for automatic extension or renewal, such information must be shown in connection with the termination date.

* * * * *

[FR Doc. 92-21375 Filed 9-3-92; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 661

[Docket No. 920412-2112]

Ocean Salmon Fisheries Off the Coasts of Washington, Oregon, and California

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

ACTION: Inseason adjustment.

SUMMARY: NMFS announces the modification of the bag limit for the recreational fishery in the exclusive economic zone (EEZ) from Cape Alava to the Queets River, Washington. The Director, Northwest Region, NMFS (Regional Director), has determined that the recreational bag limit should be increased from one fish to two fish per day beginning August 23, 1992. This action is intended to provide a bag limit comparable to recreational salmon fisheries operating in nearby areas, increase recreational fishing effort, and maximize the harvest of coho salmon without exceeding the ocean share allocated to the recreational fishery in the subarea.

DATES: The modification takes effect 0001 hours local time, August 23, 1992. Actual notice to affected fishermen was given prior to that time through a special telephone hotline and the U.S. Coast Guard Notice to Mariners broadcasts as provided by 50 CFR 661.23. Comments will be accepted through September 21, 1992.

ADDRESSES: Comments may be mailed to Rolland A. Schmitten, Director, Northwest Region, National Marine Fisheries Service, NOAA, 7600 Sand Point Way NW., BIN C15700-Bldg. 1, Seattle, WA 98115-0070. Information relevant to this notice has been compiled in aggregate form and is available for public review during business hours at the office of the NMFS Northwest Regional Director.

FOR FURTHER INFORMATION CONTACT: William L. Robinson at (206) 526-6140.

SUPPLEMENTARY INFORMATION: In its emergency interim rule and notice of 1992 management measures (57 FR 19388, May 6, 1992), NMFS announced that the 1992 recreational fishery for all salmon species between Cape Alava and the Queets River, Washington, would open July 13. The fishery will continue through the earliest of October 1, or until the attainment of either the subarea quota of 3,000 coho salmon or the overall chinook salmon quota north of Cape Falcon, Oregon. The preseason area restriction that limits fishing to inside 6 miles was rescinded, effective 0001 hours local time, August 2 (57 FR 35764, August 11, 1992). Preseason restrictions still in effect include a recreational bag limit of one fish per day and no more than four fish in 7 consecutive days.

Based on the best available information on August 20, the recreational catch in the subarea totaled about 1,400 coho salmon through August 16. Since catch and fishing effort have declined sharply during the last 3 weeks, recreational fishing representatives requested changing the daily bag limit from one fish to two fish. Hence, the new limit will be comparable to recreational salmon fisheries operating in nearby areas. The modified bag limit is expected to increase fishing effort in the subarea and to provide additional opportunity to fully harvest the subarea coho salmon quota. Therefore, the bag limit for the recreational fishery in the subarea from Cape Alava to the Queets River is changed from one fish to two fish per day. Modification of recreational bag limits is authorized by regulation 50 CFR 661.21(b)(1)(iii). The restriction on landing or retaining no more than four fish in 7 consecutive days remains in effect.

In accordance with the inseason notice procedures of 50 CFR 661.23, actual notice to fishermen of this action as given prior to 0001 hours local time, August 23, 1992, by telephone hotline number (206) 526-6667 or (800) 662-9825 and by U.S. Coast Guard Notice to Mariners broadcasts on Channel 16 VHF-FM and 2182 kHz.

The Regional Director consulted with representatives of the Pacific Fishery Management Council and the Washington Department of Fisheries regarding the adjustment affecting the recreational fishery between Cape Alava and the Queets River. The State of Washington will manage the recreational fishery in State waters adjacent to this area of the EEZ in accordance with this Federal action. This notice doe not apply to treaty Indian fisheries or to other fisheries that may be operating in other areas.

Because of the need for immediate action, the Secretary of Commerce has determined that good cause exists for this notice to be issued without affording a prior opportunity for public comment.

Other Matters

This action is authorized by 50 CFR 661.23 and is in compliance with Executive Order 12291.

List of Subjects in 50 CFR Part 661

Fisheries, Fishing, Indians, Reporting and recordkeeping requirements.

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

Dated: August 31, 1992.

David S. Crestin,

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

[FR Doc. 92-21294 Filed 9-3-92; 8:45 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 57, No. 173
Friday, September 4, 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

Food Safety and Inspection Service

9 CFR Parts 307 and 310

[Docket No. 83-008W]

Streamlined Inspection System—Cattle and Staffing Standards

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Withdrawal of proposed rule.

SUMMARY: The Food Safety and Inspection Service (FSIS) is withdrawing its November 30, 1988, proposal to establish a new system of post-mortem inspection for cattle (Streamlined Inspection System—Cattle). FSIS does not intend to proceed with this rulemaking, since the proposed rule is now considered absolute.

FOR FURTHER INFORMATION CONTACT: Dr. William O. James, Director, Slaughter Inspection Standards and Procedures Division, Science and Technology, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 720-3219.

SUPPLEMENTARY INFORMATION: The Food Safety and Inspection Service on November 30, 1988, published a proposal (53 FR 48262) to amend various provisions of the Federal meat inspection regulations to permit the Agency to implement a streamlined inspection system for cattle in establishments slaughtering steers and heifers and requiring three or more inspectors. The proposal also would have required quality control for use in certain large cattle slaughtering establishments.

FSIS does not intend to proceed with this rulemaking, since the proposed rule is now considered obsolete. Accordingly, FSIS hereby withdraws the proposed rule published in the **Federal Register** on November 30, 1988 (53 FR 48262).

Done at Washington, DC, on: August 31, 1992.

H. Russell Cross,

Administrator.

[FR Doc. 92-21295 Filed 9-3-92; 8:45 am]

BILLING CODE 3410-DM-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 92-NM-151-AD]

Airworthiness Directives; British Aerospace Model ATP Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain British Aerospace Model ATP series airplanes. This proposal would require replacement of currently installed AC generator endplate fixing bolts with longer bolts. This proposal is prompted by a recent report that the existing bolts may be too short to protrude past the bolt locking feature, which could result in the bolts becoming loose. The actions specified by the proposed AD are intended to prevent a generator malfunction, loss of engine oil, and engine shutdown or failure due to loose bolts.

DATES: Comments must be received by October 22, 1992.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 92-NM-151-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from British Aerospace, PLC, Librarian for Service Bulletins, P.O. Box 17414, Dulles International Airport, Washington, DC 20041-0414. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 92-NM-151-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 92-NM-151-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

Discussion

The United Kingdom Civil Aviation Authority (CAA), which is the airworthiness authority for the United

Kingdom, recently notified the FAA that an unsafe condition may exist on certain British Aerospace Model ATP series airplanes. The CAA advises that there has been a recent report that under certain tolerance conditions, the AC generator endplate fixing bolts may be too short to protrude past the bolt locking feature, which could result in the bolts becoming loose. Loose bolts in this area, if not detected and corrected, could result in a generator malfunction, loss of engine oil, and engine shutdown or failure.

British Aerospace has issued Service Bulletin ATP–24–52, dated June 19, 1992, which references Lucas Aerospace Service Bulletin BA03303–24–3, dated June 12, 1992. The Lucas Aerospace service bulletin describes procedures for replacing the currently installed AC generator endplate fixing bolts with longer bolts. Installation of these new bolts will ensure security and locking of the endplate assembly. The CAA classified the Lucas Aerospace service bulletin as mandatory.

This airplane model is manufactured in the United Kingdom and is type certificated for operation in the United States under the provisions of Section 21.29 of the Federal Aviation Regulations and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the CAA has kept the FAA informed of the situation described above. The FAA has examined the findings of the CAA, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require replacement of currently installed AC generator endplate fixing bolts with longer bolts. The actions would be required to be accomplished in accordance with the Lucas Aerospace service bulletin described previously.

The FAA estimates that 10 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 2 work hours per airplane to accomplish the proposed actions, and that the average labor rate is $55 per work hour. Required parts would be supplied by the manufacturer at no cost to operators. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $1,100. This total cost figure assumes that no operator has yet accomplished the proposed requirements of this AD action.

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—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:

British Aerospace: Docket 92–NM–151–AD.

Applicability: Model ATP series airplanes equipped with Lucas Generators, part number BA03303, certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent a generator malfunction, loss of engine oil, and engine shutdown or failure, accomplish the following:

(a) Within 3 months after the effective date of this AD, replace the currently installed AD generator endplate fixing bolts, part number 79801316009, with longer bolts, part number 79801316013, in accordance with Lucas Aerospace Service Bulletin BA03303–24–3, dated June 12, 1992.

(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, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Standardization Branch.

Note: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch.

(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.

Issued in Renton, Washington, on August 21, 1992.

Bill R. Boxwell,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92–21343 Filed 9–3–92; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 92–NM–156–AD]

Airworthiness Directives; British Aerospace Model ATP Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to all British Aerospace Model ATP series airplanes. This proposal would require modifications of the stall warning system and the cabin lighting system. This proposal is prompted by two reports of moisture and ice entering the stall warning lift transducer pillarbox opening and the subsequent accretion of ice on the unit. The actions specified by the proposed AD are intended to prevent malfunctioning of the stall warning system.

DATES: Comments must be received by October 22, 1992.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 92–NM–156–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from

British Aerospace, PLC, Librarian for Service Bulletins, P.O. Box 17414, Dulles International Airport, Washington, DC 20041–0414. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 92–NM–156–AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 92–NM–156–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The United Kingdom Civil Aviation Authority (CAA), which is the airworthiness authority for the United Kingdom, recently notified the FAA that an unsafe condition may exist on all British Aerospace Model ATP series airplanes. The CAA advises that there have been two reports of moisture and ice entering the stall warning lift transducer pillarbox opening and the subsequent accretion of ice on the unit. These conditions occur due to the difficulty in designing an effective seal while still maintaining free movement of the stall warning airstream vane. This condition, if not corrected, could result in malfunctioning of the stall warning system.

British Aerospace has issued Service Bulletin ATP–27–41–70031B, Revision 3, dated June 5, 1992, which describes procedures for replacement of the existing stall warning lift transducers with units that incorporate increased wattage heaters and a deflector plate (Modification 70031B). Installation of these new units will ensure effective operation under extreme icing conditions by improving unit moisture and ice shielding and increasing heating available to melt any ice that accrues. The CAA classified this service bulletin as mandatory.

British Aerospace has also issued Service Bulletin ATP–24–38–10204A, Revision 2, dated August 14, 1991, which describes procedures for increasing the wiring cable size for the stall warning heater and the stall warning lift transducer (Modification 10204A). An increased sized cable is installed to the frame heaters surrounding both leading edge stall warning lift transducers to reduce the drop in the system voltage. In addition, certain cable and circuit breakers are changed to compensate for the increased wattage heaters installed with the modified lift transducers.

Additionally, British Aerospace has issued Service Bulletin ATP–33–19–10238A, dated March 19, 1992, which describes procedures for moving the cabin lighting from essential to non-essential circuit breakers (Modification 10238A). This modification will reduce the potential for exceeding the battery capacity when Modification 70031B, described above, is installed.

This airplane model is manufactured in the United Kingdom and is type certificated for operation in the United States under the provisions of § 21.29 of the Federal Aviation Regulations and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the CAA has kept the FAA informed of the situation described above. The FAA has examined the findings of the CAA, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require installing a new stall warning lift transducer, increasing the wiring cable size for the stall warning heater and the stall warning lift transducer, and moving the cabin lighting from the essential to the non-essential circuit. The actions would be required to be accomplished in accordance with the service bulletins described previously.

The FAA estimates that 10 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 57 work hours per airplane (including preparation and recovery time) to accomplish the proposed actions, and that the average labor rate is $55 per work hour. Required parts will be supplied by the manufacturer at no cost to operators, once removed parts are returned to the manufacturer. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $31,350. This total cost figure assumes that no operator has yet accomplished the proposed requirements of this AD action.

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—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:

British Aerospace: Docket 92–NM–156–AD.

Applicability: All Model ATP series airplanes, certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent malfunctioning of the stall warning system, accomplish the following:

(a) Within 6 months after the effective date of this AD, accomplish paragraphs (a)(1), (a)(2), and (a)(3) of this AD:

(1) Install a new stall warning lift transducer, part number C74007–4, on the left- and right-hand wing leading edges, in accordance with British Aerospace Service Bulletin ATP–27–41–70031B, Revision 3, dated June 5, 1992.

(2) Increase the wiring cable size for the stall warning heater and the stall warning lift transducer, in accordance with British Aerospace Service Bulletin ATP–24–38–10204A, Revision 2, dated August 14, 1991.

(3) Move the cabin lighting from the essential to the non-essential circuit, in accordance with British Aerospace Service Bulletin ATP–33–19–10238A, dated March 19, 1992.

(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, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Standardization Branch.

Note: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch.

(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.

Issued in Renton, Washington, on August 21, 1992.

Bill R. Boxwell,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service

[FR Doc. 92–21344 Filed 9–3–92; 8:45 am]

BILLING CODE 4910–13–M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 33

Deletion of Options Regulations Regarding Customer Complaints and Promotional Material

AGENCY: Commmodity Futures Trading Commission.

ACTION: Proposed rules.

SUMMARY: The Commission is proposing to delete provisions of regulation 33.4 which require boards of trade designated as contract markets for options to adopt rules requiring member futures commission merchants (FCMs) that engage in the offer or sale of commodity options regulated under part 33 to send copies of customer complaints and the resolutions thereof, and copies of all promotional material to the member's designated self-regulatory organization.

DATES: Comments must be received by October 5, 1992.

ADDRESSES: Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581.

FOR FURTHER INFORMATION CONTACT: Tobey Kaczensky, Assistant Deputy Director, Audit and Review Section, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581 (202) 254–8246.

SUPPLEMENTARY INFORMATION:

I. The Commission, through the Markets 2000 component of its excellence 2000 Project, is reexamining the regulation of futures and options markets. As part of this reevaluation process, the Commission solicited the ideas, suggestions, and views of industry members regarding, among other things, the Commission's existing regulatory scheme. In its comment letter dated May 7, 1992 the Futures Industry Association (FIA) suggested, among other matters, deleting certain portions of the rules governing exchange-traded option contracts. The FIA noted that these provisions were part of the special provisions of the Commission's options pilot program and pointed out the "relatively trouble free experience with options."

In particular, the FIA identified two subsections of Commission Regulation 33.4(b). Commission Regulation 33.4(b)(4) requires any board of trade requesting designation as a contract market for the trading of domestic commodity options to adopt certain rules. Regulation 33.4(b)(4)(iii) provides that one of those rules must require member futures commission merchants to send copies of all options customer complaints and the record of the final disposition thereof to the member's designated self-regulatory organization. Regulation 33.4(b)(8) provides that exchange rules must require member FCMs to submit all promotional material to the member's designated self regulatory organization for review. The Commission believes the FIA's suggestion to delete these subsections has merit and, therefore, is proposing to delete 17 CFR 33.4(b)(4)(iii) and 17 CFR 33.4 (b)(8). In this regard, Commission regulation 33.4(b)(4)(i) will continue to require that boards of trade require member FCMs to retain all options complaints. Regulation 33.4(b)(ii) will continue to require that boards of trade adopt and retain rules which require each FCM to make a record of the date the complaint was received, the associated person who serviced, or the introducing broker who introduced the account, a general description of the matter complained of, and what, if any, action was taken by the FCM in regard to the complaint.

The provisions proposed to be deleted date from the Commission's pilot program for the reintroduction of domestic exchange-traded options.[1] At that time, the Commission was concerned that the history of customer abuses that marked the previous trading of commodity options not be repeated. Thus, the Commission imposed certain requirements on the exchanges in an effort to guard against fraud in the offer and sale of exchange-traded options on commodity futures. The pilot program has since been terminated, and the Commission recently reassessed and eliminated some provisions of the options designation requirements.[2]

In light of the activities of the Joint Audit Committee ("JAC"), which is responsible for, among other things, coordinating the self regulatory organizations' audit and financial surveillance programs, including compliance audit procedures, the Commission believes that the exchanges and the National Futures Association (NFA) can be given flexibility in meeting their affirmative action compliance obligations. It should be noted that the JAC's program for FCM audits includes a review of options customer complaints and promotional material. In addition, NFA Rule 2–29 sets standards for promotional material.

The Commission believes that the elimination of the regulations described

[1] For background, see generally 56 FR 43694 (Sept. 4, 1991).

[2] *Id.*

will materially reduce burdens on registrants without significantly reducing customer protection. The staff will monitor through rule enforcement reviews the review of complaints and promotional material. However, the Commission believes it is necessary to seek public comment on whether the elimination of the described requirements could adversely affect systems currently in place to provide customer protection with respect to supervising options sales practices.

II. Related Matters.

A. Regulatory Flexibility Act. The Regulatory Flexibility Act (RFA) 5. U.S.C. 601 *et seq.*, requires that agencies, in proposing rules, consider the impact of those rules on small businesses. These proposed deletions will relieve a regulatory burden and accordingly will have no significant impact on a substantial number of small entities. For the above reason, and pursuant to section 3(a) of the RFA, 5 U.S.C. 605(b), the Chairman, on behalf of the Commission, hereby certifies that these proposed deletions will not have a significant economic impact on a substantial number of small entities.

B. Paperwork Reduction Act.

The Paperwork Reduction Act of 1980. (PRA) 44 U.S.C. 3501 *et seq.*, imposes certain requirements on Federal agencies (including the Commission) in connection with their conducting or sponsoring any collection of information as defined by the PRA. In compliance with the Act the Commission has submitted these proposed deletions to the Office of Management and Budget. These proposed deletions have no burden.

List of Subjects in 17 CFR Part 33

Regulation of domestic exchange-traded commodity option transactions.

In consideration of the foregoing and pursuant to the authority contained in the Commodity Exchange Act and, in particular, section 4(b) of said Act, the Commission proposes to amend Part 33 of title 17 of the Code of Federal Regulations as follows:

PART 33—REGULATION OF DOMESTIC EXCHANGE-TRADED COMMODITY OPTION TRANSACTIONS

1. The authority citation for part 33 continues to read as follows:

Authority: 7 U.S.C. 2, 2a, 4, 6, 6a, 6b, 6e, 6f, 6g, 6h, 6i, 6j, 6k, 6l, 6m, 6n, 6o, 7, 7a, 7b, 8, 9, 11, 12a, 13a, 13a-1, 13b, 19, and 21, unless otherwise noted.

§ 33.4 [Amended]

2. Section 33.4(b)(4)(iii) is removed.

3. Section 33.4(b)(8) is removed and reserved.

Issued in Washington, DC, August 27th, 1992, by the Commodity Futures Trading Commission.

Lynn K. Gilbert,

Deputy Director of the Secretariat.

[FR Doc. 92-21053 Filed 9-3-92; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 4

Vessel Repair Applications for Relief From Duty

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

ACTION: Proposed rule.

SUMMARY: This document proposes to amend the Customs Regulations to increase the monetary jurisdictional authority of the three Customs Regional Vessel Repair Liquidation Units to decide whether to approve or disapprove certain applications for relief from the assessment of duties under the vessel repair statute. The increased authority would be effective only in cases in which specifically applicable Customs Headquarters precedent exists.

DATES: Comments must be received on or before November 3, 1992.

ADDRESSES: Written comments (preferably in triplicate) may be addressed to and inspected at the Regulations and Disclosure Law Branch, room 2119, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, DC 20229.

FOR FURTHER INFORMATION CONTACT: Bruce Friedman, Office of Trade Operations, 202-927-0300 (operational matters), or Larry L. Burton, 202-927-0840 (legal matters).

SUPPLEMENTARY INFORMATION:

Background

Section 1466 of title 19, United States Code, provides that a duty of 50 per cent ad valorem shall be assessed upon the value of repairs accomplished outside of the United States on certain American-flag vessels. The statute, as well as numerous judicial and administrative interpretations, provides exceptions to the assessment of duty under specific circumstances.

The statutory mandate is implemented under § 4.14 of the Customs Regulations (19 CFR 4.14), which provides the necessary working guidelines for Customs as well as vessel operators. Among the matters set forth in § 4.14 are the procedures for seeking administrative refund or remission of assessed duty. Necessary evidence is gathered in one of three Vessel Repair Liquidation Units located in the New York Customs Region (New York, New York, for entries filed in the Northeast, New York, and North Central Regions), the South Central Customs Region (New Orleans, Louisiana, for entries filed in the Southeast, South Central, and Southwest Regions), and the Pacific Customs Region (San Francisco, for entries filed in the Pacific Region). Each of these locations is presently empowered to consider and decide initial requests for duty refund or remission (Application for Relief) when there exists clear Customs Headquarters precedent regarding the matter under consideration and when the decision will result in a refund or remission of less than $2,500 in duty (19 CFR 4.14(c)(2)).

Section 4.14 was significantly revised in 1980 by publication in the Federal Register of Treasury Decision 80-237 (45 FR 46560), September 30, 1980. A Customs field jurisdictional amount was first made a part of the Customs Regulations with that publication. At that time, the limit for field determination was set at $2,500 because to set it at a higher suggested limit would "preclude a central review of major issues" by Customs Headquarters. Over the intervening years, the cost of foreign shipyard operations has been significantly inflated. In consideration of this factor, together with the development of necessary Customs expertise outside of Headquarters, Customs believes that it is appropriate that the jurisdictional limitation for determinations in the Regional Vessel Repair Liquidation Units be increased to $50,000 in cases in which there exists clear Customs Headquarters precedent.

Comments

Before adopting this proposal, consideration will be given to any written comments timely submitted to Customs. Comments submitted will be available for public inspection in accordance with the Freedom of Information Act (5 U.S.C. 552), § 1.4, Treasury Department Regulations (31 CFR 1.4), and § 103.11(b), Customs Regulations (19 CFR 103.11(b)), on regular business days between the hours

of 9 a.m. and 4:30 p.m. at the Regulations and Disclosure Law Branch, room 2119, U.S. Customs Service Headquarters, 1301 Constitution Avenue, NW., Washington, DC.

Regulatory Flexibility Act

Although this document is being issued with notice for public comment, it is not subject to the notice and public procedure requirements of 5 U.S.C. 553 because it relates to agency management. Accordingly, this document is not subject to the regulatory analysis or other requirements of 5 U.S.C. 601 *et seq.*

Executive Order 12291

This document does not meet the criteria for a "major rule" as specified in E.O. 12291. Accordingly, no regulatory impact analysis has been prepared.

Drafting Information

The principal author of this document was Larry L. Burton, Carrier Rulings Branch, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

List of Subjects in 19 CFR Part 4

Customs duties and inspection, Reporting and recordkeeping requirements, Vessels.

Proposed Amendment

It is proposed to amend part 4, Customs Regulations (19 CFR part 4), as set forth below.

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

1. The general authority citation for part 4 and the specific authority citation for § 4.14 continue to read as follows:

Authority: 5 U.S.C. 301; 19 U.S.C. 66, 1624; 46 U.S.C. App. 3;

* * * * *

§ 4.14 also issued under 19 U.S.C. 1466, 1498;

* * * * *

§ 4.14 [Amended]

2. It is proposed to amend section 4.14(c)(2) by removing both references to "$2,500" where they appear in the paragraph, and adding in their places "$50,000."

Michael H. Lane,

Acting Commissioner of Customs.

Approved: August 26, 1992.

Peter K. Nunez,

Assistant Secretary of the Treasury.

[FR Doc. 92-21276 Filed 9-3-92; 8:45 am]

BILLING CODE 4820-02-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[NH-5-1-5613; A-1-FRL-4202-2]

Approval and Promulgation of State Air Quality Implementation Plans for Designated Facilities and Pollutants; New Hampshire; Plan for Controlling Total Reduced Sulfur Emissions From Existing Kraft Pulp Mills

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This action proposes to approve New Hampshire's "111(d) plan" for the control of total reduced sulfur (TRS) emissions from existing kraft pulp mills. The plan was submitted by the New Hampshire Department of Environmental Services (DES) on January 3, 1992. The plan consists of a new regulation, Part Env-A 1207, in Chapter 1200 of the New Hampshire Administrative Rules Governing the Control of Air Pollution which is entitled "Pulp and Paper Industry: Total Reduced Sulfur Emissions from Kraft Pulp Mills." The plan satisfies EPA's requirements for adoption and submittal of a plan to control TRS emissions from designated facilities in accordance with section 111(d) of the Clean Air Act (Act).

DATES: Comments must be received on or before October 5, 1992.

ADDRESSES: Comments may be mailed to Linda M. Murphy, Director, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region I, JFK Federal Bldg., Boston, MA 02203. Copies of the State submittal and EPA's technical support document are available for public inspection during normal business hours at the Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region I, One Congress Street, 10th floor, Boston, MA and the Air Resources Division, Department of Environmental Services, 64 North Main Street, Caller Box 2033, Concord, NH 03302-2033.

FOR FURTHER INFORMATION CONTACT: Cheryl A. Aloi, (617) 565-3252.

SUPPLEMENTARY INFORMATION: On January 3, 1992, the New Hampshire DES submitted a 111(d) plan controlling TRS emissions from existing kraft pulp mills in the State. This plan was developed to meet the requirements of Section 111(d) of the Act. Under Section 111(d), EPA established procedures whereby States submit plans to control existing sources of designated pollutants. Designated pollutants are defined as pollutants which are not included on a list published under Section 108(a) of the Act (i.e., National Ambient Air Quality Standard pollutants) or emitted from a source category regulated under Section 112 of the Act, but to which a standard of performance for new sources applies under Section 111. TRS is such a "designated" pollutant. Under Section 111(d), emission standards are to be adopted by States and submitted to EPA for approval. The standards limit the emissions of designated pollutants from existing facilities which, if new sources, would be subject to the new source performance standards (NSPS). Such facilities are called "designated facilities."

The procedures under which States submit these plans to control existing sources are defined in subpart B of 40 Code of Federal Regulations (CFR) part 60. According to subpart B, States are required to develop plans within federal guidelines for the control of designated pollutants. EPA publishes guideline documents for development of State emission standards along with the promulgation of any NSPS for a designated pollutant. These guidelines apply to designated pollutants and include information such as a discussion of the pollutant's effects, description of control techniques and their effectiveness, cost considerations and potential impacts. Such guideline documents also recommend emission limits and times for compliance and identify control equipment which will achieve those emission limits.

In subpart B, two types of designated pollutants are discussed. One type of designated pollutant is the type that may cause or contribute to the endangerment of public health. It is referred to as a health-related pollutant. The other type of designated pollutant is a welfare-related pollutant, for which adverse effects on public health have not been demonstrated.

For welfare-related pollutants such as TRS, States have the option of balancing emission guidelines, times for compliance, and other information in the guideline documents against other issues of public concern in the establishment of emission standards, compliance schedules and variances, as long as the guideline document and public hearing information are considered and all the other requirements of subpart B are met. Therefore, States have greater flexibility in establishing plans for the control of TRS. Factors other than technology and costs can be considered in developing a TRS control plan.

In New Hampshire, one kraft pulp mill is affected by this plan for existing facilities. It is the James River Corporation's plant in Berlin.

Summary of the Plan

The 111(d) plan consists of amendments to Chapter 1200 of the New Hampshire Administrative Rules Governing the Control of Air Pollution. The amendments include a new Part Env-A 1207 entitled "Pulp and Paper Industry: Total Reduced Sulfur Emissions from Kraft Pulp Mills." Part Env-A 1207 was adopted by the State of New Hampshire on October 31, 1991, to control TRS emissions from existing kraft pulp mills. Part Env-A 1207 became effective on that same date. This regulation contains the following emission limitations and requirements for existing processes:

(1) It prohibits gases which contain TRS in excess of 5 parts per million (ppm) by volume on a dry basis, corrected to 10 percent oxygen from any digester system or multiple-effect evaporator (MEE) system unless the following conditions are met:

(i) The gases are combusted in a lime kiln subject to the provisions of the regulation or the requirements of the kraft pulp mill NSPS (i.e., 40 CFR part 60, subpart BB); or

(ii) The gases are combusted in an incinerator or other device, and are subjected to a minimum temperature of 1200 °F. for at least 0.5 seconds.

(2) It prohibits gases from any old design [1] kraft recovery furnace which contain TRS in excess of 300 ppm by volume on a dry basis, corrected to 8 percent oxygen after December 31, 1991, except as provided in paragraph (4).

(3) It prohibits gases from any old design kraft recovery furnace which contains TRS in excess of 150 ppm by volume on a dry basis, corrected to 8 percent oxygen after December 31, 1993, except as provided in paragraph (4).

(4) It prohibits gases from any old design kraft recovery furnace which contain TRS in excess of 20 ppm by volume on a dry basis, corrected to 8 percent oxygen, 30 days after the date that any old design kraft recovery furnace emitted gases which contain TRS less than or equal to 20 ppm by volume on a dry basis, corrected to 8 percent oxygen, for 60 consecutive 12-hour block periods at normal production levels, excluding those 12-hour periods where startup or shutdown occurred, or periods where the facility is not operating.

(5) It prohibits gases from any new design [2] kraft recovery furnace which contain TRS in excess of 200 ppm by volume on a dry basis, corrected to 8 percent oxygen after December 31, 1991, except as provided in paragraph (7).

(6) It prohibits gases from any new design kraft recovery furnace which contain TRS in excess of 120 ppm by volume on a dry basis, corrected to 8 percent oxygen after December 31, 1993, except as provided in paragraph (7).

(7) It prohibits gases from any new design kraft recovery furnace which contain TRS in excess of 20 ppm by volume on a dry basis, corrected to 8 percent oxygen, 30 days after the date that any new design kraft recovery furnace emitted gases which contain TRS less than or equal to 20 ppm by volume on a dry basis, corrected to 8 percent oxygen, for 60 consecutive 12-hour block periods at normal production levels, excluding those 12-hour periods where startup or shutdown occurred, or periods where the facility is not operating.

(8) It prohibits gases from any kraft recovery furnace which contain TRS in excess of 20 ppm by volume on a dry basis, corrected to 8 percent oxygen after December 31, 1995.

(9) It prohibits gases from any smelt dissolving tank which contain TRS in excess of 0.016 grams per kilogram (g/kg) black liquor solids as H_2S (0.033 pounds per ton (lb/ton) black liquor solids as H_2S).

(10) It prohibits gases from any lime kiln which contain TRS in excess of 20 ppm by volume on a dry basis, corrected to 10 percent oxygen.

In addition, the regulation outlines the monitoring requirements, recordkeeping and reporting requirements, and test methods necessary for each subject TRS-emitting process. It also defines excess emissions for each affected process. Compliance with all of the requirements of the regulation except the emission standards for kraft recovery furnaces is required by October 31, 1992. Compliance with the requirements for kraft recovery furnaces is required in "increments of progress" as specified in 40 CFR 60.24(e)(1). Final compliance with the most stringent emission standards specified in the regulation for kraft recovery furnaces is required by December 31, 1995.

EPA has reviewed the plan and has written a technical support document based on the requirements of Section 111(d) of the Act, 40 CFR part 60, subpart B, and the EPA guideline document entitled "Kraft Pulping: Control of TRS Emissions from Existing Mills" (EPA–450/2–78–003b). The technical support document is available for inspection during normal business hours at the EPA Regional Office listed in the **ADDRESSES** section of this notice.

EPA's review of New Hampshire's submittal indicates that it meets the requirements of 40 CFR part 60, subpart B. EPA is proposing to approve New Hampshire's 111(d) plan controlling TRS emissions from kraft pulp mills, submitted on January 31, 1992. EPA is soliciting public comments on the issues discussed in this notice or on other relevant matters. These comments will be considered before taking final action. Interested parties may participate in the Federal rulemaking procedure by submitting written comments to the EPA Regional Office listed in the **ADDRESSESS** section of this notice.

Proposed Action

EPA is proposing to approve the 111(d) plan controlling TRS emissions from kraft pulp mills submitted by the New Hampshire Department of Environmental Services. The plan consists of a regulation entitled "Part Env-A 1207 Pulp and Paper Industry: Total Reduced Sulfur Emissions from Kraft Pulp Mills" and affects one existing kraft pulp mill in the State of New Hampshire.

Under 5 U.S.C. 605(b), I certify that this action will not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709.)

This action has been classified as a Table 3 action by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214–2225).

EPA has submitted a request for a permanent waiver for Tables 2 and 3 SIP Revisions. OMB has agreed to continue the temporary waiver until such time as it rules on EPA's request.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future submittal of a 111(d) plan by any State. Each request for approval of a 111(d) plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

List of Subjects in 40 CFR Part 62

Administrative practice and procedure, Air pollution control, Intergovernmental relations, Paper and paper products industry, Reporting and recordkeeping requirements.

[1] In the regulation, an "old design kraft recovery furnace" is defined as a furnace without membrane wall or welded wall construction.

[2] In the regulation, a "new design kraft recovery furnace" is defined as a furnace with membrane wall or welded wall construction.

Authority: 42 U.S.C. 7401–7642.

Dated: August 20, 1992.

Julie Belaga,

Regional Administrator, Region I.

[FR Doc. 92–21366 Filed 9–3–92; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2, 15, 22, and 99

[GEN Docket No. 90–314 and ET Docket No. 92–100, FCC 92–333]

Establishment of New Personal Communications Services

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This notice of proposed rulemaking (NPRM) seeks comprehensive comment on the regulatory steps needed to realize the promise of personal communications services (PCS) with the least amount of regulatory delay. The Commission sought comment on allocating portions of the 1850–1990 MHz band for licensed PCS services and unlicensed devices contingent on the outcome of broader reallocation proposals for emerging technologies; and on allocating three megahertz in the 900 MHz range to licensed narrowband PCS services.

DATES: Comments are due by November 9, 1992, and reply comments are due by December 9, 1992.

ADDRESSES: Federal Communications Commission, 1919 M St. NW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Tom Mooring, Office of Engineering and Technology, Frequency Allocation Branch, (202) 653–8114.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's combined NPRM in GEN Docket No. 90–314 and ET Docket No. 92–100, which was adopted on July 16, 1992, and released on August 14, 1992.

The complete text of this NPRM is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this NPRM also may be purchased from the Commission's duplication contractor, Downtown Copy Center, at (202) 452–1422, 1114 21st Street, NW., Washington, DC 20036.

Summary of Notice of Proposed Rule Making

1. This NPRM proposed spectrum allocations to permit provision to the public of new personal communications services, or PCS. PCS likely will consist of a variety of new mobile and portable services and technologies, such as small, lightweight telephone handsets that work at home, in the office, or on the streets; portable, wireless facsimile machines; wireless PBXs; advanced "smart" paging devices; and wireless electronic mail services.

2. The advent of PCS likely will impact the future development of all telecommunications networks. New PCS and products are expected to create new markets and provide new or additional competition in many segments of the telecommunications industry. For the consumer, PCS is expected to increase productivity and efficiency across a broad array of industries and have a positive impact on the international competitiveness of U.S. telecommunications products and services.

3. The NPRM made proposals for the implementation of licensed PCS services and unlicensed equipment at 2 GHz; and separately, for licensed narrowband PCS services at 900 MHz. The 2 GHz proposals are contingent upon the resolution of ET Docket No. 92–9, 57 FR 5993 (1992), which proposes a broader reallocation of 2 GHz spectrum for emerging technologies. The Commission also reiterated its intent not to harm the quality of service offered by its licensees that currently use the 2 GHz band, and solicited comment on a proposal that the Commission permit and facilitate negotiations between incumbent and new users on relocation terms and conditions.

4. For licensed PCS services at 2 GHz, the Commission proposed to allocate a minimum of 90 MHz, 1850–1895/1930–1975 MHz, with assignments of twenty, thirty, or forty megahertz per provider, with the preferred option being thirty megahertz. The Commission noted that the 1970–1975 MHz portion of this band recently was allocated on a primary basis for Mobile-Satellite Service in Region 2 at the WARC.

5. The Commission proposed four alternatives for licensing areas: the 487 "basic trading areas," or the 49 "major trading areas" (as defined by Rand McNally); the 194 LATAs; or nationwide; and requested comment on the preferred option. The Commission also proposed a minimum of three licensees per service area, and sought comment on whether four or five licensees per service area would be more desirable and could be accommodated.

6. With regard to 2 GHz licensed PCS services, the Commission solicited comment on local exchange carrier (LEC) and cellular eligibility, including: Whether cellular licensees should be allowed to hold PCS licenses within their cellular service areas; liberalization of cellular service rules to allow cellular firms to make better use of their existing frequencies; and whether LECs should be eligible to receive PCS licenses (unless barred by their cellular holdings) and, if so, whether the spectrum available to LECs should be less than that provided other licensees. (No set-asides are proposed.)

7. The Commission also proposed to allocate twenty megahertz of spectrum at 1910–1930 MHz for unlicensed (part 15) devices and to allocate three megahertz of spectrum at 901–902, 930–931, and 940–941 MHz for licensed narrowband PCS services.

8. The Commission solicited comment on whether PCS should be regulated as a common carrier or private service, and proposed that PCS licensees be given a federally protected right to interconnect with the public switched network without regard to their regulatory classification.

9. The Notice proposed a technical framework formulated to permit significant flexibility in the design and implementation of PCS systems, devices, and services. Contingent upon the outcome of Docket 92–9 in the Notice proposed technical standards, including power and height limits, and restrictions on energy radiation into a microwave receiver, to protect incumbent microwave operations. The Commission also sought comment on related technical and operational issues, including: The appropriate level of technical and operational standards; a decision not to establish a PCS technical advisory committee; and ways to encourage industry development of technical and operational standards.

10. Further, the Commission asked for comment on possible reforms of the lottery process and on possible competitive bidding rules (in the event Congress authorized use of competitive bidding).

List of Subjects

47 CFR Part 2

Frequency allocations, Radio.

47 CFR Part 15

Communications equipment.

47 CFR Part 22

Communications common carriers.

47 CFR Part 99

Personal communications services, Radio.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 92–21168 Filed 9–3–92; 8:45 am]

BILLING CODE 6712–01–M

Notices

Federal Register
Vol. 57, No. 173
Friday, September 4, 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

[Docket No. 021N]

Office of the Secretary

National Advisory Committee on Meat and Poultry Inspection; Meetings

Notice is hereby given that meetings of the National Advisory Committee on Meat and Poultry Inspection will be held on Tuesday, 1 p.m. to 5 p.m., and Wednesday, 8 a.m. to 12 noon, September 22–23, 1992, at the Holiday Inn, 11787 Lee Jackson Memorial Highway, Fairfax, VA, (703) 352–2525.

The Committee provides advice and recommendations to the Secretaries of Agriculture pertaining to the meat and poultry inspection program, pursuant to sections 7(c), 24, 205, 301(a)(3), 301(c) of the Federal Meat Inspection Act (21 U.S.C. 607(c), 624, 645, 661(a)(3) and 661(c) and sections 5(a)(3), 5(a)(4), 5(c), 8(b), and 11(e) of the Poultry Products Inspection Act (21 U.S.C. 454(a)(3), 454(c), 457(b), and 460(e).

The meetings will include discussion of the following topics:

1. Introductions and opening comments;
2. Review and approval of agenda;
3. Questions/comments from the Committee from agenda of previous meeting;
4. Microbiological Baseline Data Collection program;
5. Standards and Labeling issues;
6. Topics suggested by the Committee;
7. General discussion of issues relevant to FSIS;
8. North American Free Trade Agreement and its implications for the meat and poultry industries;
9. Unfinished business; items from the audience, time permitting.

Notice is hereby given on the appointment of members to the Committee. The members are: Ms. Amy Barr, Good Housekeeping, New York, NY; Dr. Wesley B. Bonner, Veribest Cattle Feeders, Inc., Veribest, TX; Dr. Claude W. Carraway, North Carolina Department of Agriculture, Raleigh, NC; Dr. James H. Denton, University of Arkansas, Fayetteville, AR; Mr. Stanley J. Emerling, National Association of Meat Purveyors, Reston, VA; Mr. L. L. Gast, Inspection and Management Resources, Gaithersburg, MD; Mr. Mark A. Gustafson, U.S. Meat Exporters Federation, Denver, CO; Mr. James H. Hodges, American Meat Institute, Arlington, VA; Dr. Thomas Hoes, Wampler-Longacre, Inc., Franconia, PA; Dr. Curtis L. Kastner, Kansas State University, Manhattan, KS; Dr. Winston H. Marshall, H&M Foods Corporation, North Richland Hills, TX; Dr. Fred Shank, Food and Drug Administration, Washington, DC; Dr. Gary C. Smith, Colorado State University, Ft. Collins, CO; Mr. Edgar C. Staren, Starmill, Inc., Oak Brook, IL; and Mr. Larry K. Winslow, Perdue Farms, Inc., Salisbury, MD.

The Committee meetings are open to the public on a space available basis. Comments of interested persons may be filed prior to and following the meeting and should be addressed to Mr. Bill Dennis, Assistant to the Administrator, U.S. Department of Agriculture, Food Safety and Inspection Service, Room 3175, South Agriculture Building, 14th and Independence Avenue, SW., Washington, DC 20250. Background materials are available for inspection by contacting Mr. Dennis on (202) 720–9150.

Done at Washington, DC, on September 1, 1992.

H. Russell Cross,

Administrator, Food Safety and Inspection Service.

[FR Doc. 92–21383 Filed 9–3–92; 8:45 am]

BILLING CODE 3410–DM–M

Animal and Plant Health Inspection Service

[Docket No. 92–127–1]

Notice of Proposed Interpretive Ruling in Connection With The Upjohn Company Petition for Determination of Regulatory Status of ZW–20 Virus Resistant Squash

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of Proposed Interpretive Ruling.

SUMMARY: We are advising the public that the Animal Health Inspection Service (APHIS) has received a petition from The Upjohn Company seeking a determination regarding the regulatory status of its ZW–20 virus resistant squash. APHIS is requesting comments on its proposal to issue an interpretive ruling that the ZW–20 virus resistant squash does not present a plant pest risk, and therefore, would no longer be considered a regulated article under its regulations.

DATES: Consideration will be given only to written comments that are 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. 92–127–1. A copy of the Upjohn submission and any written 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. A copy of the Upjohn petition may be obtained by contacting Ms. Kay Peterson at 301–436–7601.

FOR FURTHER INFORMATION CONTACT: Michael A. Lidsky, Deputy Director, Biotechnology Coordination and Technical Assistance, or L. Val Giddings, Chief, International Programs Branch, Biotechnology Coordination and Technical Assistance, BBEP, APHIS, USDA, room 850, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–7601.

SUPPLEMENTARY INFORMATION: On July 13, 1992, the Animal and Plant Health Inspection Service (APHIS) received a "Petition for Determination of Regulatory Status" from The Upjohn Company (Upjohn), of Kalamazoo, MI. The Upjohn petition seeks a determination from APHIS that its ZW–20 virus resistant squash no longer be considered a "regulated article" under regulations in 7 CFR part 340 (the regulations).

The ZW–20 virus resistant squash (*Cucurbita pepo* L. cultivar YC77E ZW–20) (ZW–20 squash) has been described by Upjohn as a squash line which contains the coat protein genes of

watermelon mosaic virus 2 (WMV2) and zucchini yellow mosaic virus (ZYMV), and which exhibits significant field resistance against WMV2 and ZYMV.

The Upjohn petition states that the ZW–20 squash should no longer be regulated by APHIS because it does not present a plant pest risk. The ZW–20 squash is currently considered a regulated article under the regulations because it was developed through the use of vectors, promoters, and terminators from plant pathogenic sources. However, as indicated in the petition, the vectors used in producing the ZW–20 squash were disarmed, and the other plant pathogen derived elements did not present a risk of plant pest introduction or dissemination. The field testing of the ZW–20 squash has demonstrated that it does not present a plant pest risk.

Under the regulations, a genetically engineered plant or other organism is a regulated article, subject to regulatory oversight by APHIS, if it is a plant pest or it is unclassified or the Deputy Administrator has reason to believe it is a plant pest. Based on reviews for a number of field tests of the ZW–20 squash and the information in the petition submitted by Upjohn, APHIS believes that the ZW–20 squash is not a plant pest, and that there is no reason to believe that it may be a plant pest or otherwise presents any plant pest risk. Therefore, APHIS is proposing to issue a ruling that the ZW–20 squash is not a regulated article under its regulations. APHIS is requesting comments on the petition and the proposed ruling.

After reviewing the data submitted by the petitioner, written comments received during the comment period, as well as other relevant literature, and interpreting the application of statutes and regulations to these data and comments, APHIS will issue its interpretive ruling regarding the regulatory status of the ZW–20 squash. A notice of the ruling and its availability will be published in the **Federal Register**.

Done in Washington, DC, this 1st day of September 1992.

Robert Melland,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 92–21379 Filed 9–3–92; 8:45 am]

BILLING CODE 3410–34–M

Forest Service

Intermountain Region; Fee Schedule For Communications Uses

AGENCY: Forest Service, USDA.

ACTION: Correction.

SUMMARY: This document corrects the communications uses fee schedule announced by the Intermountain Regional Forester on August 21, 1992. A key indexing number was "rounded off" erroneously, resulting in incorrect fee calculations.

FOR FURTHER INFORMATION CONTACT: Frank Elder (801) 625–5150, Recreation and Lands Staff. Copies of the corrected fee schedule may also be obtained by writing to the Regional Forester, Intermountain Region, 324 25th Street, Ogden, UT 84401.

SUPPLEMENTARY INFORMATION: The September 1, 1992, Federal Register contained a Notice of Availability of the Intermountain Region's fee schedule for communications uses authorized on National Forest System lands located in the States of Nevada, Utah, and portions of California, Colorado, Idaho, and Wyoming. Implementation actions included use of the Consumer Price Index (Urban) to adjust the fees annually to stay current and thereby continue to represent fair market value. When calculating the index, the Forest Service inadvertently "rounded" the cumulative index two decimal places (1.15) rather than three (1.154). Three decimal places is the standard practice in the use of adjustment factors for these and other uses. Use of the erroneous adjustment factor results in miscalculated fees. While small, these errors need corrections which will result in fee increases between $1 to $8. The fee schedule was mailed to all communications use permit holders of record. An errata sheet will be included with their 1993 Bills for Collection explaining this error. This error appears on page 5 of the fee schedule notice mailed to permittees.

Dated: August 28, 1992.

Gray F. Reynolds,

Regional Forester, Intermountain Region.

[FR Doc. 21300 Filed 9–3–92; 8:45 am]

BILLING CODE 3410–11–M

Rural Electrification Administration

Electric and Telephone Program Regulations

AGENCY: Rural Electrification Administration, USDA.

ACTION: Notice: Rescission of certain obsolete REA bulletins.

SUMMARY: As part of an ongoing project to simplify, clarify, and update Agency regulations and in response to the President's regulatory review initiative, the Rural Electrification Administration (REA) hereby announces the rescission of a number of outdated publications.

EFFECTIVE DATE: These publications are rescinded effective on September 4, 1992.

FOR FURTHER INFORMATION CONTACT: Sue Arnold, Management Analyst, Program Support Staff, Rural Electrification Administration, room 2230-S, 14th Street and Independence Avenue, SW., Washington, DC 20250–1500. Telephone: 202–720–0736.

SUPPLEMENTARY INFORMATION: In the State of the Union Address on January 28, 1992, President Bush announced a 90-day moratorium on new regulations and a concurrent review of existing regulations. In a January 28, 1992, memorandum to certain Department and Agency heads, the President directed that agencies set aside a 90-day period "to evaluate existing regulations and programs and to identify and accelerate action on initiatives that will eliminate any unnecessary regulatory burden or otherwise promote economic growth."

On February 25, 1992, at 57 FR 6483, the Department of Agriculture published a request for public comments on how Departmental regulations can be improved, updated or streamlined and made more "user friendly."

In 1990 REA began its own independent project to simplify, clarify and update Agency regulations. Consistent with the spirit of both regulatory review projects, REA is now rescinding the REA bulletins listed below. These bulletins contain regulatory material that has become outdated. Some of the information and instructions in the bulletins have been rendered obsolete through legislation or codified regulations. The material in other bulletins is unnecessary in today's business environment.

On June 18, 1992, at 57 FR 27212, REA published a notice proposing to rescind these bulletins. Comments were received from the National Rural Electric Cooperative Association, the Virginia, Maryland and Delaware Association of Electric Cooperatives, and from three REA electric borrowers. One commentor objected to the rescission of Bulletin 45–4, Distribution System Energy Losses. Since the bulletin was updated in April 1990, the commentor implies that the information should still be accurate. REA believes that in today's business environment it is no longer appropriate to devote government resources to the development of guidelines of this nature.

Two commentors addressed Bulletin 112–3, Area Coverage Service. One of these noted the importance of the

principle of area coverage and objected to the rescission. The other noted that REA policies on area coverage are now codified at 7 CFR 1710.103, published on January 9, 1992, rendering the bulletin obsolete.

One commentor believes that the guidance in Bulletin 110–1, Member Services, Community Relations and Power Use is "...vital to the rural electric program and should continue to be the subject of policy guidance from REA." REA believes, in today's environment, that members of electric cooperatives, the cooperatives themselves, and their trade associations are better able to provide this kind of guidance than a Federal agency in Washington, DC. REA agrees with the commentor that communication between a generation and transmission cooperative and its distribution members is vital to assessing credit worthiness. However, this kind of relationship is not addressed in the bulletin under discussion.

One commentor suggested that the public be given an opportunity to comment on any replacements to the bulletins being rescinded. REA's project to simplify, clarify and update Agency regulations, including certain requirements now contained in bulletins, will afford borrowers and other members of the public an opportunity to comment on proposed rules. REA will consider all comments when drafting its final rules. Borrowers are encouraged to consult with their REA general field representatives or with REA Washington staff at any time, either orally or in writing, with comments and suggestions about Agency directives.

One commentor, while pointing out that "it is unnecessary for REA to explain in detail the reason or reasons for rescinding each individual policy bulletin on the list," suggests that REA list the specific statute or regulation that overrides or supersedes regulatory material. REA believes such a list is unnecessary.

List of REA Bulletins Rescinded

Number	Title	Issued
24–1	Electric Loan Policy for Section 5 Loans	3/69
45–4	Distribution System Energy Losses	4/90
100–1:400–2	Selection of an Attorney by an REA Borrower (Supplement 2/75)	4/60
107–1:407–1	Data Processing Systems	2/79
107–2	Coding System for Material Items	6/77
107–3	Data Processing Systems—Factors to Consider in Conversion	10/72
109–6	Personnel Practices for Business Security	12/58
110–1	Member Services, Community Relations and Power Use	2/71
112–3	Area Coverage Service	9/58
180–5	Authorization and Accounting for Travel and Incidental Expenses	6/67

Authority: 7 U.S.C. 901 *et seq.*

Dated: August 28, 1992.

James B. Huff, Sr.,

Administrator.

[FR Doc 92–21382 Filed 9–3–92; 8:45 am]

BILLING CODE 3410–15–F

ARMS CONTROL AND DISARMAMENT AGENCY

The President's General Advisory Committee on Arms Control and Disarmament; Closed Meeting

August 27, 1992.

In accordance with the Federal Advisory Committee Act, as amended, the U.S. Arms Control and Disarmament Agency announces the following Presidential committee meeting:

Name: General Advisory Committee on Arms Control and Disarmament.

Date: October 15 and 16, 1992.

Time: 9 a.m.

Place: State Department Building, Washington, DC.

Type of Meeting: Closed

Contact: Robert M. Meissner, Executive Director, General Advisory Committee on Arms Control and Disarmament, room 5927, Washington, DC, 20451. (202) 647–5178.

Purpose of Advisory Committee: To advise the President, the Secretary of State, and the Director of the Arms Control and Disarmament Agency respecting matters affecting arms control, disarmament, and world peace.

Agenda: The Committee will review specific issues of national security policy and arms control.

Reason for Closing: The GAC members will be reviewing and discussing matters specifically required by Executive Order to be kept secret in the interest of national defense and foreign policy.

Authority to Close Meeting: The closing of this meeting is in accordance with a determination by the Director of the Arms Control and Disarmament Agency dated August 21, 1992, made pursuant to the provisions of section 10(d) of the Federal Advisory Committee Act as amended.

Cathleen Lawrence,

Committee Management Officer.

[FR Doc. 92–21316 Filed 9–3–92; 8:45 a.m.]

BILLING CODE 6820–32–M

COMMISSION ON CIVIL RIGHTS

Agenda and Public Meeting of the Idaho Advisory Committee

Pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, notice is hereby given that the meeting of the Idaho Advisory Committee to the Commission, previously announced in the Federal Register on August 20, 1992 (57 FR 37768), FR Doc. 92–19857, to convene at 1 p.m. until 4 p.m. on Thursday, September 10, 1992, at the Guadalupe Center, 630 Falls Avenue, Twin Falls, Idaho 83303, has been rescheduled to convene at 1 p.m. and adjourn at 4 p.m. on Thursday, September 17, 1992, at the same location. The purpose of the meeting is to plan activities and programming for the coming year.

Persons desiring additional information should contact Committee Chairperson Gladys Esquibel at (208) 678–3838 or Philip Montez, Director of the Western Regional Office, at (213) 894–3437. 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, September 1, 1992.

Wilfredo J. Gonzalez,

Staff Director.

[FR Doc. 92-21511 Filed 9-3-92; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 597]

Extension of Authority and Expansion With Restrictions Subzones 122D, 122E, and 122H; Corpus Christi, TX

Pursuant to its authority granted in the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), and the Foreign-Trade Zones Board Regulations (15 CFR part 400), the Foreign-Trade Zones Board (the Board) adopts the following Resolution and Order:

Whereas, on September 5, 1985, the Foreign-Trade Zones (FTZ) Board designated the Port of Corpus Christi Authority (the Port), as grantee of FTZ 122, under a zone plan which included conditional approval for foreign-trade subzone status at the manufacturing plants of Aker Gulf Marine (formerly Gulf Marine Fabricators, Inc.) (SZ 122D), Berry Contracting, Inc. (SZ 122E), and Hitox Corporation of America (SZ 122H) in the Corpus Christi, Texas, area (Board Order 310, 50 FR 38020, 9/19/85);

Whereas, the foregoing subzones were approved subject to restrictions, including a five-year time restriction, which has been extended (to 9/5/92);

Whereas, the Port has made application (three applications were consolidated as Docket 50–91, filed 9–5–91, 56 FR 46411, 9–12–91) to the Board requesting an indefinite extension of authority and removal of certain restrictions applicable to Subzones 122D, 122E, and 122H, and expansion of Subzones 122E and 122H, including expansion of zone manufacturing authority for Subzone 122H;

Whereas, notice of said application has been given in the **Federal Register** and public comment has been invited;

Whereas, the Board has found that the requirements of the Act and the Board's regulations would be satisfied, and that the proposal would be in the public interest provided that approval is subject to the standard restrictions on steel mill products;

Now, therefore, the Board hereby orders that the authority for Subzones 122D, 122E and 122H is extended, that Subzones 122E and 122H are expanded and that certain restrictions (except those on steel mill products) are removed in accordance with the consolidated application filed September 5, 1991, subject to restrictions requiring that privileged foreign status (19 CFR 14641) shall be elected on any foreign steel mill products used in the manufacture of finished products not classified as vessels, and requiring that foreign steel mill products used in the manufacture of products classified as vessels shall be subject to the standard shipyard restriction as contained in Board Order 539 (56 FR 56627, 11–6–91), and subject to the Act and the Board's Regulations (as revised, 56 FR 50790–50808, 10/8/91), including § 400.28.

Signed at Washington, DC, this 26th day of August, 1992, pursuant to Order of the Board.

Francis J. Sailer,

Acting Assistant Secretary of Commerce for Import Administration, Chairman, Committee of Alternates, Foreign-Trade Zones Board.

Attest:

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 92-21429 Filed 9-3-92; 8:45 am]

BILLING CODE 3510-DS-M

International Trade Administration

[A-351-811]

Certain Hot Rolled Lead and Bismuth Carbon Steel Products From Brazil; Postponement of Preliminary Antidumping Duty Determination

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

EFFECTIVE DATE: September 4, 1992.

FOR FURTHER INFORMATION CONTACT: Linda L. Pasden or Richard Weible, Office of Agreements Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230, telephone (202) 377–3793.

POSTPONEMENT: On August 24, 1992, Inland Steel Industries, Inc. and the Bar, Rod & Wire Division of Bethlehem Steel Corp., the petitioners in this investigation, requested that the Department postpone the preliminary determination in this investigation from September 21, 1992, until November 10, 1992. The Department finds no compelling reasons to deny the request. Accordingly, we are postponing the date of the preliminary determination until not later than November 10, 1992.

This notice is published pursuant to section 733(c)(2) of the Tariff Act of 1930, as amended, and 19 CFR 353.15(d).

Dated: August 28, 1992.

Rolf Th. Lundberg, Jr.,

Acting Assistant Secretary for Import Administration.

[FR Doc. 92-21428 Filed 9-3-92; 8:45 am]

BILLING CODE 3510-DS-M

[C-507-501]

In-Shell Pistachios From Iran; Determination Not To Revoke Countervailing Duty Order

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

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

SUMMARY: The Department of Commerce is notifying the public of its determination not to revoke the countervailing duty order on in-shell pistachios from Iran.

EFFECTIVE DATE: September 4, 1991.

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

SUPPLEMENTARY INFORMATION: On March 10, 1992, the Department of Commerce ("the Department") published in the **Federal Register** (57 FR 8436) its intent to revoke the countervailing duty order on in-shell pistachios from Iran (51 FR 8344; March 11, 1986). We have not received a request for an administrative review of the order for the last five consecutive anniversary months. In accordance with 19 CFR 355.25(d)(4)(iii), the Secretary of Commerce will conclude that an order is no longer of interest to interested parties and will revoke the order if no interested party objects to revocation or requests an administrative review by the last day of the fifth anniversary month.

On March 26, 1992, the California Pistachio Commission and the Western Pistachio Association, interested parties and the petitioners in the original investigation, objected to our intent to revoke the order. Because he requirements of 19 CFR 355.15(d)(4)(iii) have not been met, we will not revoke the order.

Dated: August 20, 1992.

Joseph A. Spetrini,

Deputy Assistant Secretary for Compliance.

[FR Doc. 92-21427 Filed 9-3-92; 8:45 am]

BILLING CODE 3510-DS-M

National Oceanic and Atmospheric Administration

[Docket No. 920784-2184]

Announcement of Opportunities for Funding Research in the National Estuarine Research Reserve System for Fiscal Year 1993

AGENCY: Sanctuaries and Reserves Division (SRD), Office of Ocean and Coastal Resource Management (OCRM), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Notice.

SUMMARY: The Sanctuaries and Reserves Division of the Office of Ocean and Coastal Resource Management is soliciting proposals for funding of research within the National Estuarine Research Reserves. The focus of funding for the upcoming annual grant period is the effect of non-point source pollution on estuarine and estuarine-like ecosystems. This notice describes the procedures for proposal submission, establishment of funding priorities and selection criteria.

DATES: Pre-proposals must be submitted and be postmarked no later than September 30, 1992. Notification regarding the disposition of the pre-proposals will be issued on or about November 1, 1992. Final proposals must be postmarked no later than December 18, 1992.

FOR FURTHER INFORMATION CONTACT: Dr. Michael P. Crosby, Chief Scientist & National Research Coordinator, Sanctuaries and Reserves Division, Office of Ocean and Coastal Resource Management, NOS/NOAA, 1825 Connecticut Ave., NW., suite 714, Washington, DC 20235; Attn: FY93 NERRS Research; 202/606-4126; FAX 202 606-2496.

SUPPLEMENTARY INFORMATION:

I. Authority and Background

Section 315 of the Coastal Zone Management Act (CZMA), 16 U.S.C. § 1461), estaolishes the National Estuarine Research Reserve System (NERRS). Subsection 315(e)(1)(B) authorizes the Sanctuaries and Reserves Division (SRD) of the Office of Ocean and Coastal Resource Management (OCRM), National Oceanic and Atmospheric Administration (NOAA), to make grants or cooperative agreements to any coastal state or public or private person for purposes of supporting research within the NERSS. This program is listed in the Catalog of Federal Domestic Assistance under "Coastal Zone Management Estuarine Research Reserve," Number 11.420.

II. Information on Established National Estuarine Research Reserves

The NERRS consists of carefully selected estuarine areas of the United States which are designated, preserved, and managed for research and educational purposes. The Reserves are chosen to reflect regional differences and to include a variety of ecosystem types in accordance with the classification scheme of the national program as presented in 15 CFR part 921 (49 FR 26502-26520).

Each NERRS site is uniquely suited for supporting a wide range of beneficial uses of ecological, economic, recreational, and aesthetic value which are dependent upon maintenance of a healthy ecosystem. Each site provides critical habitat for a wide range of ecologically and commercially important species of fish, shellfish, birds, and other aquatic and terrestrial wildlife. Each Reserve has been designed to ensure its effectiveness as a conservation unit and as a site for long-term research and monitoring. As part of a national system, the Reserves collectively provide a unique opportunity to address research questions and estuarine management issues of national significance. For a more comprehensive description of the sites, contact individual site Managers and/or Research Coordinators. The on-site contacts and addresses of the National Estuarine Research Reserves are provided in appendix I.

III. Availability of Funds

Funds are available on a competitive basis to any coastal state, public or private university, qualified public or private institution, or individuals, to conduct research within National Estuarine Research Reserves. Managers and Research Coordinators at NERRS sites are ineligible to submit competitive research proposals under this Announcement. In FY91 and 92, SRD provided funding in the amounts of approximately $400,000 and $700,000, respectively, for research in the NERRS. The approximately range of funding in past years per successful project has been between $10,000 and $50,000. Federal funds requested must be matched by the applicant by at least 30% of the total cost of the project, not just the Federal share. For example, if the total project cost is $10,000, the Federal share is $7,000, match is $3,000.

Note: The match requirement was decreased from 50% to 30% by Coastal Zone Act Reauthorization Amendments of 1990.

The required match must be with cash or the value of goods and services directly benefiting the project in accordance with 15 CFR Part 24, "Uniform Administrative Requirements for Grants and Cooperative Agreements with State and Local Governments," or OMB Circular A-110, "Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations. It is anticipated that projects receiving funding under this announcement will begin in the spring/summer of 1993. NERRS research funds are normally awarded through a cooperative agreement. Applicants not familiar with the requirements of a cooperative agreement or who need additional information on application requirements are encouraged to contact the applicable Reserve Manager or SRD.

No award of Federal funds shall be made to an applicant who has an outstanding delinquent Federal debt until either: (1) The delinquent account is paid in full, (2) A negotiated repayment schedule is established and at least one payment is received, or (3) Other arrangements satisfactory to the Department of Commerce are made. In addition, any researchers who are past due for submitting acceptable final reports of any previous SRD-funded research will be ineligible to be considered for new awards until final reports are received, reviewed and deemed acceptable by SRD. Unsatisfactory performance under prior Federal awards may result in an application not being considered for funding. A false statement on an application is grounds for denial or termination of funds and grounds for possible punishment by a fine or imprisonment as provided in 18 U.S.C. 1001.

IV. Purpose and Priorities

Research funds are primarily used to support management-related research that will enhance scientific understanding of Reserve environments, provide information needed by Reserve Managers and coastal zone decision-makers, and improve public awareness of estuaries and estuarine management issues. Research projects may be oriented to specific Reserves; however, projects that will benefit more than one Reserve in the national system will be given a higher emphasis than Reserve-specific projects.

The ten-year primary research objective is the study of natural and anthropogenically-induced change in the ecology of estuarine and estuarine-like

ecosystems that comprise the National Estuarine Research Reserve System. All research funded through SRD should be designed to provide information of significant value to the development and implementation of management policy governing the U.S. coastal zone, for which NOAA's Office of Ocean and Coastal Resource Management has management and regulatory responsibilities. Five two-year research priority categories will serve as foci for the SRD competitive research program over this ten-year period. The first of the two-year research priorities will begin in FY93 (see below). Every two years, beginning in FY94, SRD will review (and if necessary, re-evaluate) its next ten-year set of research priorities. This system will ensure a continuous decade-long research agenda which, in turn, will provide the basis for long-term research and monitoring in the NERRS program. This system will also facilitate long-term interaction with other Federal and state agencies, as well as the academic research community.

NERRS Research Priorities for FY 1993–2002

FY 1993, 1994: Non-point Source Pollution (Pollution inputs from non-focused or nonidentifiable sources).

FY 1995, 1996: Habitat Restoration (restoration of coastal habitats that have been altered by anthropogenic activities and/or inputs).

FY 1997, 1998: Alterations in Habitat Utilization by Coastal Biota (exotic species, commercial species, non-commercial species).

FY 1999, 2000: Alterations in Water Circulation, Transportation and Quality (tidal exchange, fresh water diversion, hydrological budgets, ground water intrusion, biotic species transportation).

FY 2001, 2002: Anthropogenic Inputs and Activities (focused and identifiable—i.e., dredge spoils, HAZMAT, recreational uses, commercial uses).

Each year's research proposals should be designed to answer the same standardized, management-oriented question. In FY 1993 the question to be addressed is: "How will non-point source pollution affect estuarine or estuarine-like ecosystems in terms of a) functional biodiversity, b) functional ecology, c) human health, d) eutrophication, and e) and/or commercial fisheries."

Research proposals submitted in response to this announcement must address coastal management issues identified as having regional or national significance, must relate them to the National Research Priorities described in this announcement, and be conducted (at least partially) within one or more designated NERRS sites. Research projects are normally funded for a duration of either one or two years. It is the applicant's prerogative as to whether his/her proposal should be reviewed as a one- or two-year study. Researchers submitting one-year proposals should design their studies so that at the end of one year of funding significant results will be obtained. In FY93, it is expected that approximately 50% of the competitive research budget will be expended for studies with a two-year duration. Multi-year funding will always be initiated in the first year of a two-year priority. One year projects may be submitted in either year of a two-year priority. This will ensure that no site is automatically locked out of research funds in the second year of a priority period and will ensure infusion of "fresh ideas" each year. Second-year funding of multi-year projects is not guaranteed. It is at the discretion of SRD based on such factors as performance and the availability of funds. However, funding priority will be given to the second year of multi-year proposals upon satisfactory completion of the first year of research. The research topic and the Reserve must be carefully chosen to ensure that the resource management issues of primary concern to the Reserve and the NERRS are addressed. Thus, it is very important that all prospective researchers contact the appropriate Reserve before submitting a proposal responding to this announcement.

V. Guidelines for Proposal Preparation, Proposal Review and Evaluation and Reporting Requirements

Applicants for SRD research funds must follow the guidelines presented herein when preparing pre-proposals and proposals for research in National Estuarine Research Reserves. Pre-proposals and proposals not following these guidelines will be returned to the applicant without further review.

Proposals for research in the NERRS are solicited annually for award the following fiscal year. Proposal due dates and other pertinent information are contained in this announcement of research opportunities. All proposals sent to SRD must cite and reference this **Federal Register** notice. Proposers must submit an original and two (2) copies of each proposal and 2 copies of all supportive documents (curricula vitae, literature referenced, etc.).

It is important to understand that each proposal will be reviewed only as a one-year project or a two-year project, not both. It is the applicant's responsibility to design his/her study as either a one-year or a two-year study and to clearly inform SRD as to which category the proposal should be classified. Applicants that are approved for further review must submit an original and two (2) copies of their full proposals as well. For second year funding researchers submitting multi-year proposals must re-submit all NOAA forms, certifications, detailed budgets with justifications, milestone schedules, and any changes in the Statement of Work.

A. Pre-proposals

Pre-proposals will be used by SRD to evaluate the applicability of the research plan with regard to the goals of this announcement. Pre-proposals are limited to 8 double-spaced pages including the abstract, introduction, objectives, statement of hypothesis, brief methods description, and discussion of anticipated results and benefits. A discussion of coordination with other research in progress or proposed would also be helpful. Curricula vitae (not to exceed 3 pages each) for each researcher must be included. The budget description showing matching funds, cover page, curriculum vitae, literature cited section, and any tables or figures, will not be counted in the 8 double-spaced page limit. Submit the original and 2 copies of the pre-proposal and additional sections to: Dr. Michael P. Crosby, Chief Scientist & National Research Coordinator, Sanctuaries and Reserves Division, suite 714, 1825 Connecticut Avenue, NW., Washington, DC 20235. All pre-proposals must be postmarked no later than September 30, 1992. Receipt of all pre-proposals will be acknowledged and a copy sent to the appropriate Reserve Manager. All pre-proposals will be reviewed by Dr. Crosby and his staff, the SRD Headquarters Regional Managers and their staff, and the Reserve Manager, Research Coordinator, and their research advisory committees. Pre-proposals will be rated using the criteria listed in section C below, "Proposal Review and Evaluation." Applicants will be notified by mail as to the disposition of their pre-proposals on or about November 1, 1992. Applicants whose research projects are deemed by SRD to warrant further consideration will be requested to submit a full proposal. Incomplete pre-proposals will be returned to the Principal Investigator without further review.

B. Full Proposals

Full proposals must be postmarked no later than December 18, 1992. Submit 1 original and 2 copies of the proposal (including all forms, curricula vitae, etc.) to the same address as the pre-proposals. These guidelines for proposal

preparation should be followed in preparing your proposals. The proposal should be no longer than 20 double-spaced pages, excluding table of contents, title page, literature cited, curricula vitae, and figures and tables. Incomplete proposals will be returned to the Principal Investigator without further review.

Proposal Content

1. *Cover sheet.* The applicant must submit as a cover sheet a Standard Form 424 (revised 4/88) with all blocks completed and the SF–424A and SF–424B, Budget and Assurances. These forms are available upon request from the Sanctuaries and Reserves Division, 1825 Connecticut Avenue, NW., suite 714, Washington, DC 20235, (202) 606–4126.

Specification of a proposed starting date does not ensure receiving an award by that date. Therefore, work on a project should not begin before the effective date on the official notification of the award from the NOAA Grants Officer. If any costs are incurred prior to an award being made the applicant does so solely at their own risk of not being reimbursed by the Government. Notwithstanding any verbal assurance that they may have received, there is no obligation on the part of the Department of Commerce to cover pre-award costs.

A proposal must be signed and dated by the organizational official authorized to contractually obligate the submitting organization. The principal investigator is also signatory.

2. *Title page.* Proposal title must include the name of the NERRS site(s) in which the research will be conducted, and whether it is a one or two-year project.

3. *Table of contents, lists of figures and tables.* These should list the major contents of the proposal and the appropriate page numbers.

4. *Abstract.* A one-page abstract must be included. The abstract should state the research objectives, scientific methods to be used, the significance of the project to a particular Reserve, the NERRS program, and the national research priorities.

5. *Project description.* The main body of the proposal should be a detailed statement of the work to be undertaken, and include the following headings and components:

(a) *Introduction.* This section should introduce the reviewer to the research setting and environment. It should include a brief review of pertinent literature, and describe the research problem in relation to relevant coastal management issues and the FY93 research priority identified in this Request for Proposals.

(b) *Objectives.* This section should discuss the overall study objectives, the specific research objectives, and the relationship of research project objectives to site-specific and NERRS program objectives. This section should also present the primary hypothesis upon which this project is focused, as well as any additional or component hypotheses which will be addressed by this research.

(c) *Methods.* This section should state the method(s) to be used to test the hypotheses and accomplish the specific research objectives including a systematic discussion of what, when, where, and how the data are to be collected, analyzed, and reported. Field and laboratory methods should be scientifically valid and reliable and accompanied by a statistically sound sampling scheme. Methods should be well documented and described in sufficient detail to enable other scientists to evaluate their appropriations and their possible impact on the environment. Methods chosen should be justified and compared with other methods employed for similar work.

Techniques should allow the testing of the hypotheses, but also provide baseline data that may be used in answering related ecological and management questions concerning the Reserve environment. Measures should be concise and reliable enough to allow comparison with those made at different sites and times by different investigators. If the project is envisioned as the initial phase of a long-term effort (e.g., a monitoring program) the methods selected must be stable enough that it is unlikely that they will change drastically over the next 10–15 years. The methods must have proven their utility and sensitivity as indicators for natural or human-induced change. Unproven or newly-devised methods should be field-tested to evaluate their soundness and likely success before applying for SRD research funds.

Analytical methods and statistical tests applied to the data should be documented, thus providing a rationale for choosing one set of methods over alternatives. Quality control measures also should be documented (e.g., statistical confidence levels, standards of reference, performance requirements, internal evaluation criteria). Indicate by way of discussion how data are to be synthesized, interpreted and integrated into final work products, and how and where the data are to be catalogued and stored for ready retrieval at later dates.

A map clearly showing the study location and any other features of interest must be included. Use a U.S. Geological Survey topographic map, or an equivalent, in constructing the location map for the proposal. Consultation with Reserve personnel to identify existing maps is strongly recommended.

(d) *Project significance.* In this section, discuss how the proposed research effort will enhance or contribute to improving the state of knowledge of the estuary and assist coastal zone management decision-making; i.e., why is the proposed research important and how can the results be used to manage coastal resources? This section must also discuss, in detail, the relation of the proposed research to the research priorities stated in the research announcement. In addition, the applicant must also provide a clear discussion of how the proposed research addresses state and national estuarine and coastal resource management issues and how the results can be utilized by policy-makers. If research findings may be applicable to other sites in the NERRS, this should be given special mention. If the research is to be conducted at more than one Reserve, the applicant must provide copies of correspondence with the appropriate Reserve Managers indicating consultation with the Managers and their support for the proposed project.

(e) *Milestone schedule.* A milestone schedule is required in the proposal. This schedule should show, in table form, anticipated dates for completing field work and data collection, data analysis, progress reports, the draft technical report, the final technical report and other related activities. Use "Month 1, Month 2," rather than June, July, etc., in preparing these charts. (SRD Headquarters requires at least six weeks from time of receipt to review draft technical reports.)

(f) *Personnel and project management.* Give a complete description of how the project will be managed, including the name and expertise of the principal investigator and the name(s), expertise, and task assignments of team members. Evidence of ability to successfully complete the proposed research should be supported by reference to similar efforts performed. Curricula vitae (not to exceed 3 pages for each investigator) listing qualifications related to professional and technical personnel should be provided. All non-profit and for-profit applicants are subject to a name check review process as required

by Department of Commerce regulations. The proposal should discuss and explain any portion of work expected to be subcontracted, and identify probable sources.

(g) *Literature cited.* Provide complete references for current literature, research, and other appropriate published and unpublished documents cited in the text of the proposal.

(h) *Budget.* The applicant may request funds under any of the categories listed below as long as the costs are reasonable and necessary to perform research and are determined to be in accordance with the previously mentioned 15 CFR part 24 and OMB Circulars A–21, A–122, A–87, and A–110. The amount of Federal funds requested must be matched by the applicant by at least 30% of the total project cost. Cash or the value of goods and services, except land, directly benefitting the research project may be used to satisfy the matching requirements. Funds from other Federal agencies may not be used as match. General guidelines for the non-Federal share are contained in 15 CFR part 24 and OMB Circular A–110.

The budget should contain itemized costs with appropriate narratives justifying proposed expenditures. Budget categories are to be broken down as follows, clearly showing both Federal and non-Federal shares side by side:

—*Salaries and Wages.* Salaries and wages of the principal investigator and other members of the project team constitute direct costs in proportion to the effort devoted to the project. The number of full-time person months or days and the rate of pay (hourly, monthly, or annually) should be indicated. Salaries requested must be consistent with the institution's regular practices. The submitting organization may request that salary data remain confidential information.

—*Fringe benefits.* Fringe benefits (i.e., social security, insurance, retirement) may be treated as direct costs as long as this is consistent with the institution's regular practices.

—*Equipment.* While not their primary purpose, research funds may be approved for the purchase of major equipment only if the following conditions are met:

(a) A lease versus purchase analysis has been conducted and the findings determine that purchase is the most economical method of procurement; and

(b) The equipment does not exist at the recipient's institution or the Reserve site and is essential for the successful completion of the project.

Discuss each of these points along with the purpose of the equipment and a justification for its use. Provide a list of equipment to be purchased, leased, or rented by model number and manufacturer, where known. At the termination of the contract, equipment acquired costing $300 or more with a life expectancy of 2 years or more will become the property of the NERR(s) where the research was conducted unless there is a demonstrated need for the equipment at the recipient institution to support Reserve-sponsored research, or there are inadequate facilities and provisions for housing, storing, protecting, and maintaining the equipment on location at the Reserve.

—*Travel.* The type, extent, and estimated cost of travel should be explained and justified in relation to the proposed research. Travel expense is limited to round trip travel to field research locations and should not exceed 40 percent of total direct costs. Requests for funds to travel to conferences are discouraged and will not be approved unless a clear justification is provided.

—*Other Direct Costs.* Other anticipated costs should be itemized under the following categories:

(i) *Materials and supplies.* The budget should indicate in general terms the types of expendable materials and supplies required and their estimated costs;

(ii) *Research vessel or aircraft rental.* Include purpose, unit cost, duration of use, and justification;

(iii) *Laboratory space rental.* Funds may be requested for use of laboratory space at research establishments away from the grantee's institution while conducting studies specifically related to the proposed effort;

(iv) *Telecommunication services and reproduction costs.* Include expenses associated with telephone calls, telex, copying, reprint charges, film duplication, etc;

(v) *Consultant services and subcontracts.* Consultant services should be disclosed and justified in the proposal. Funds may be requested for transportation and subsistence, and for consultant's travel. Travel costs, per diem and other related costs must be listed. Furnish information on consultation's expertise, primary organizational affiliation, daily compensation rate, and number of days of service;

(vi) *Computer services.* The cost of unusual or costly computer services may be requested and must be justified.

—*Indirect costs.* Include fees and overhead costs based on the negotiated rate agreement by the cognizant agency on behalf of the Federal Government.

Note: It is the policy of the Department of Commerce that indirect costs shall not exceed direct costs.

(i) *Requests for reserve support services.* On-site Reserve personnel sometimes can provide limited logistical support for research projects in the form of manpower, equipment, supplies, etc. Any request for Reserve support services should be approved by the Reserve Manager prior to proposal submission and be included as part of the proposal package in the form of written correspondence.

(j) *Coordination with other research in progress or proposed.* SRD encourages collaboration and cost-sharing with other investigators to enhance scientific capabilities and avoid unnecessary duplication of effort. Proposals should include a description of how the proposed effort will be coordinated with other research projects that are in progress or proposed, if applicable.

(k) *Other sources of financial support.* List all current or pending research to which the principal investigator or other key personnel have committed their time during the period of the proposed work, regardless of support. Indicate the level of effort or percentage of time devoted to these projects.

In addition to their required non-Federal match, SRD encourages investigators to seek other sources of financial support to supplement Federal funds. If the proposal submitted to SRD is being submitted to other possible sponsors, list them and describe the extent of support being sought. Disclosure of this information will not jeopardize chances for Federal funding.

(l) *Permits.* The applicant must apply for any applicable state or Federal permits. Attach a copy of the permit application and supporting documentation to the proposal as an appendix. SRD must receive notification of the approval of the permit application before funding can be approved.

Again, to be considered for second year funding for multi-year proposals, applicants must re-submit all NOAA forms, certifications, detailed budgets with justifications, milestone schedules, and any changes in the Statement of Work by the FY94 pre-proposal deadline.

C. Proposal Review and Evaluation

All proposals are thoroughly reviewed by Dr. Crosby and his staff, and by at least two outside individuals who are acknowledged experts in the particular field represented by the proposal. Each full proposal is also forwarded to the applicable SRD Regional and Reserve

staff for their comments. Applicants are requested to include the names, addresses, and telephone numbers of five (5) individuals who, in their opinions, are especially well qualified to evaluate the proposal objectively. Once SRD award recommendations are authorized by the NOAA Grants Management Division and the cooperative agreement is awarded, verbatim copies of the reviews, excluding the names of reviewers, are mailed, upon request, to each Principal Investigator/Project Director.

In order to provide for the fair and equitable selection of the most meritorious research projects for support, SRD has established specific criteria for their review and evaluation. These criteria are intended to be applied to all research proposals in a balanced and judicious manner, in accordance with the SRD Research Priorities set forth in this request for proposals (RFP). The criteria used in the peer review process to aid SRD in its final selection of research projects are listed below, together with the elements that constitute each criterion and the relative weight (in parenthesis):

1. *Scientific merit (20%).* This criterion relates to determining whether the objectives of the proposal or of the observations are important to the field, and to assess the likelihood that the research will improve the scientific understanding of estuarine processes within the Reserve as well as in other similar estuaries.

2. *Technical approach (20%).* This criterion assesses the technical feasibility of the proposed effort, the reasonableness of the hypotheses, the degree to which the proposed timeline is realistic, the appropriateness and scientific validity of the proposed analytical methods, the degree to which the proposal demonstrates an understanding of the Reserve environment and management needs, the current state of knowledge in the particular field of research interest, and the total research requirements.

3. *Utility to reserve management and to regional coastal management issues (20%).* This criterion relates to determining the likelihood that results of this research will be important to management of the Reserve (does its address management issues relevant to the site and the region?) and for addressing coastal management issues of regional importance (will the results of this study significantly enhance a coastal zone manager's ability to wisely manage coastal resources?).

4. *Relevance to National Research Priorities and utility to national coastal management issues (20%).* This criterion is used to assess the relationship between the objectives of the proposed project and the National Research Priorities established by NOAA, and the likelihood that results of this research will be important to national coastal management issues.

5. *Qualifications of P.I. and key personnel (10%).* This criterion relates to the experience and past performance of the principal investigator and key personnel, their familiarity with the geographic area of the proposed study, and their publication record.

6. *Institutional support and capabilities (5%).* This criterion relates to the extent of the applicant institution's support for and commitment to the proposed research and what facilities, equipment, and other resources are available to the principal investigator and key personnel from his/her institution for use in accomplishing the proposed work.

7. *Budget (5%).* This criterion is used to determine whether the budget is realistic and reasonable for accomplishing the proposed tasks.

D. Reporting Requirements

Awards for research are usually made during the third or fourth quarter of the fiscal year (April through September). Semi-annual performance and financial reports, a draft technical report, and a final technical report, and a final technical report are required as conditions of the award.

Performance Reports are summaries of all work performed during the preceding 6 months and show the overall progress against the milestone schedule in the approved proposal. A statement of the milestones reached, data compiled, and analyses completed must be included. In addition, a summary of any significant technical, manpower, schedule, or cost problems encountered during the preceding quarter, an assessment of their probable impact on the project's approved milestone schedule, and a statement of any corrective action taken or proposed is also required. Any presentations at scientific meetings (or publications including theses, dissertations, and journal articles) that occurred should be highlighted. Also required is a summary of major work activities scheduled for the next quarter and any questions or problems regarding the applicant's work that requires discussion with or resolution by SRD. The semi-annual performance reports are not expected to exceed 2–5 pages in length. Principal investigators are encouraged to routinely discuss (via telephone, personal visits, FAX, etc.) progress of their research with the Reserve Manager and/or Research Coordinator and SRD headquarters research staff.

Financial reports are to be filed at the same time as technical and performance reports, cover the same periods, and show the status of the project's financial operations.

The draft and final technical reports are required to be prepared following SRD's "Guidelines for Preparing Technical Reports of Research in National Estuarine Research Reserves" which is available upon request (202) 606–4126.

All final reports are due 90 days after the project end date.

E. Further Information

For further information on research opportunities under the National Estuarine Research Reserve System, contact the on-site personnel listed in appendix I or the Sanctuaries and Reserves Division, Office of Ocean and Coastal Resource Management, 1825 Connecticut Avenue, NW., suite 714, Washington, DC 20235, (202) 606–4126.

VI. General Requirements

Cooperative agreements for Federal financial assistance are subject to all Federal and Department regulations, policies, and procedures applicable to Federal assistance awards, such as compliance with the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, and other laws and regulations prohibiting discrimination; patent and copyright requirements; cost sharing; the use of U.S. flag carriers for international travel; and the use of foreign currency as appropriate to accomplish the objectives of a project.

The requirements of Executive Order 12372, "Intergovernmental Review of Federal Programs," are applicable to the awards of grants and cooperative agreements under this notice. However, the requirements of the Executive Order apply to individuals only if a state or local government is the provider of the non-Federal funds.

All primary applicants must submit a completed Form CD–511, "Certifications Regarding Debarment, Suspension and Other Responsibility Matter; Drug-Free Workplace Requirements and Lobbying,"and applicants should be advised that:

1. *Nonprocurement debarment and suspension.* Prospective participants (as defined at 15 CFR 26.105) are subject to 15 CFR Part 26, "Nonprocurement Debarment and Suspension," and the related section of the certification form;

2. *Drug-free workplace.* Grantees (as defined at 15 CFR 26.105), are subject to

15 CFR part 26, Subpart F, "Governmentwide Requirements for Drug-Free Workplace (Grants)" and the related section of the certification form;

3. *Anti-lobbying.* Persons (as defined at 15 CFR 28.105) are subject to the lobbying provisions of 31 U.S.C. 1352, "Limitation on the use of appropriated funds to influence certain Federal contracting and financial transactions," and the lobbying section of the certification form which applies to applications/bids for grants, cooperative agreements, and contracts for more than $100,000, and loans and loan guarantees for more than $150,000, or the single family maximum mortgage limit for affected programs, whichever is greater;

4. *Anti-lobbying disclosures.* Any applicant that has paid or will pay for lobbying using any funds must submit an SF–LLL, "Disclosure of Lobbying Activities," as required under 15 CFR part 28, appendix B.

A. Adherence to Original Objectives

The Principal Investigator should feel free to pursue important leads that may arise during the conduct of the project. SRD support will not be jeopardized if the Principal Investigator discontinues or materially modifies the originally planned line of inquiry in favor of one that appears to have more promise. The Chief Scientist & National Research Coordinator of SRD must, however, give prior written approval when a modification would result in a major deviation from the original objective(s) or project scope, including activities specifically excluded from support when the award has been made. The Chief Scientist & National Research Coordinator will consult with the appropriate NERRS Manager and Research Coordinator prior to giving approval for such modifications.

B. Adherence to Original Budget Estimates

The cooperative agreement award includes or refers to a budget that lists the items for which funds are provided. All budget transfers will be subject to the provisions of the Department of Commerce Standard Terms and Conditions. While the Principal Investigator has reasonable flexibility to alter direction of the project when changes seem advantageous, the recipient organization must consider the effect of any budget reallocations on the direct cost portions of the budget, and must observe the conditions prescribed by the award. Any change in the budget that will affect the match portion of the award must be approved in writing by the NOAA Grants Officer. When any budget change requires the NOAA Grants Officer's approval, two copies of the request, signed by the Principal Investigator and by the recipient organization's authorized official, should be sent to the Grants Management Division and the Chief Scientist & National Research Coordinator. The request should clearly state which budget items are to be changed and by what amounts and should explain the reasons for the change. (Applicants and institutional grants offices should be aware that all matching funds, including over-match, are understood to be a commitment to the project by NOAA's Grants Management Division and must be obligated and used by the project end date.)

C. Changes in Personnel

Written approval by the NOAA Grants Officer is required for any permanent change in Principal Investigator(s) or project director(s) or for any temporary change in excess of three (3) months, such as an investigator taking sabbatical leave. Furthermore, SRD must be informed when it appears that a Principal Investigator will devote substantially less effort to the work than anticipated in the approved proposal. Written prior approval is also required for any change in senior personnel specifically named in the proposal and for the addition of senior personnel not named in the proposal.

D. Transfer of Principal Investigator

When a Principal Investigator plans to leave an institution during the course of an award, the institution has the prerogative to nominate a substitute P.I. or request that the award be terminated and closed out. Substitute P.I.'s are subject to written approval by the NOAA Grants Officer. In those cases where a particular P.I.'s participation is integral to a given project and the PI's original and new institutions agree, SRD may request a transfer of the cooperative agreement and the assignment of remaining unobligated funds to the P.I.'s new institution.

E. Subcontracts

Subcontracts that become necessary after a cooperative agreement has been made must be submitted to SRD for approval. The proposed performance statement and budget, a statement indicating the basis for selection of the contractor, and a justification of the proposed arrangement must be provided. Recipients shall require applicants/bidders for subgrants, contracts, subcontracts, or other lower tier covered transactions at any tier under the award to submit, if applicable, a completed CD–512, "Certifications Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transactions and Lobbying," and disclosure form SF–LLL, "Disclosure of Lobbying Activities." Form CD–512 is intended for the use of recipients and should not be transmitted to the Department of Commerce. SF–LLL submitted by any tier recipient or subrecipient should be submitted to the Department of Commerce in accordance with the instructions contained in the award document.

F. Suspension or Termination of Cooperative Agreements

SRD cooperative agreements may be suspended or terminated in accordance with the procedures contained in the General Grant Conditions. Cooperative agreements may also be terminated by mutual agreement. Termination by mutual agreement shall not affect any commitment of cooperative agreement funds that, in the judgement of SRD after consultation with the recipient, had become firm (been expended) before the effective date of the termination.

G. Proposals as Public Record

A proposal that results in an SRD cooperative agreement becomes part of the record of the transaction and will be available to the public, upon written request, except as described below. Information or material that SRD and the applicant or recipient mutually agree to be of a privileged nature will be held in confidence to the extent permitted by the Freedom of Information Act (FOIA), 5 U.S.C. 522, and other applicable laws. Without assuming any liability for inadvertent disclosure, SRD will seek to limit dissemination of such information to its personnel and, when necessary for evaluation of the proposal, to outside reviewers. Accordingly, any privileged information the applicant views as confidential should be set forth in a separate section of the proposal and be labeled with an accompanying statement bearing a legend such as: "The following is confidential information that the proposing entity requests not to be released to persons outside the Government, except for purposes of evaluation." Appropriate labeling in the application aids identification of what may be specifically prohibited from disclosure by statute. In accordance with Department of Commerce Administrative Order 203–26 (May 15, 1985), if a decision has been made not to fund an application containing information marked "confidential," "proprietary," trade secret, "or the like,

the proposal shall be returned promptly to the sender.

A proposal that does not contain confidential information and does not result in an SRD cooperative agreement will be retained by SRD for a period not to exceed 3 years, and will be released to the public only with the consent of the proposer or to the extent required by FOIA and other applicable laws. Portions of proposals resulting in awards that contain descriptions of inventions in which either the Government or the recipient owns or may own a right, title, or interest (including a nonexclusive license) will normally not be made available to the public until after reasonable time has been allowed for filing a patent application(s). It is the policy of SRD to notify the recipient of requests for copies of funded proposals so that the recipient may advise SRD of such inventions described in the proposal.

H. Inventions and Copyrightable Materials

Eash SRD cooperative agreement in support of research may be subject to a patent rights clause. Normally, recipients may elect to retain principal rights to their employees' inventions, subject to certain conditions set forth in the Federal Acquisition Circular 84–27. Each NOAA cooperative agreement may be subject to several conditions affecting copyrightable material (reports, publications, software, etc.) produced in the performance of work under the cooperative agreement. Normally, recipients may own or permit others to own most rights to such material, with the Government receiving the right to use the material for Government purposes.

SRD encourages dissemination, especially through publication in refereed journals and similar media, of research performed under its cooperative agreements. SRD may arrange for the publication of outstanding SRD-funded research projects in its NOAA Technical Memorandum Series disseminated through the National Technical Information Service (NTIS) of the U.S. Department of Commerce.

I. Classification

The Under Secretary for Oceans and Atmosphere, NOAA, determined that this notice is not a major action requiring a regulatory impact analysis under Executive Order 12291 because it is not likely to 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, and local government agencies or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Prior notice and an opportunity for public comment are not required by the Administrative Procedure Act or any other law because this notice concerns grant, benefits and contracts. Therefore, a regulatory flexibility analysis is not required for purposes of the Regulatory Flexibility Act.

This action is categorically excluded from the requirement to prepare an environmental assessment by NOAA Directive 02–10.

This notice does not contain policies with federalism implications sufficient to warrant preparation of a federalism assessment under Executive Order 12612.

This notice contains a collection of information requirements subject to the Paperwork Reduction Act. The collection of this information has been approved by the Office of Management and Budget, OMB Control Number 0648–0121.

(Federal Domestic Assistance Catalog Number 11.420 Coastal Zone Management Estuarine Research Reserves)

Dated: July 7, 1992.

W. Stanley Wilson,

Assistant Administrator for Ocean Services and Coastal Zone Management.

Appendix I. NERRS On-Site Staff

Alabama

Mr. Thomas McAlpin, Manager, Weeks Bay National Estuarine Research Reserve, 10936–B, U.S. Highway 98, Fairhope, AL 36532, (205) 928–9792.

California

Mr. Steve Kimple, Manager, Dr. Andrew deVogelaere, Research Coordinator, Elkhorn Slough National Estuarine Research Reserve, 1700 Elkhorn Road, Watsonville, CA 95076, (408) 728–0560.

Mr. Paul Jorgensen, Manager, Tijuana River National Estuarine Research Reserve, 301 Caspian Way, Imperial Beach, CA 92032, (619) 575–3613.

Florida

Mr. Woodard Miley II, Manager, Mr. Lee Edmiston, Research Coordinator, Apalachicola River National Estuarine Research Reserve, 261 7th Street, Apalachicola, FL 32320, (904) 653–8063.

Mr. Gary Lytton, Manager, Dr. Thomas Smith, Research Coordinator, Rookery Bay National Estuarine Research Reserve, 10 Shell Island Road, Naples, FL 33942, (813) 775–8845.

Georgia

Dr. Fred Marland, Manager & Research Coordinator, Sapelo Island National Estuarine Research Reserve, Department of Natural Resources, P.O. Box 19, Sapelo Island, GA 31327, (912) 485–2251.

Hawaii

Mr. William Stormont, Manager, Waimanu Valley National Estuarine Research Reserve, Department of Land and Natural Resources, Division of Forestry & Wildlife, 1151 Punchbowl Street, Honolulu, HI 96813, (808) 587–0051.

Maine

Mr. James List, Manager, Dr. Michelle Dionne, Research Coordinator, Wells National Estuarine Research Reserve, RR #2, Box 806, Wells, ME 04090, (207) 646–1555.

Maryland

Ms. Mary Ellen Dore, Manager, Chesapeake Bay National Estuarine Research Reserve in Maryland, Dept. of Natural Resources, Tawes State Office Building, B–3, 580 Taylor Avenue, Annapolis, MD 21401, (410) 974–2784.

Massachusetts

Ms. Christine Gault, Manager, Waquoit Bay National Estuarine Research Reserve, Dept. of Environmental Management, P.O. Box 92W, Waquoit, MA 02536, (508) 457–0495.

New Hampshire

Mr. Peter Wellenberger, Manager, Great Bay National Estuarine Research Reserve, New Hampshire Fish and Game Department, 37 Concord Road, Durham, NH 03824, (603) 868–1095.

New York

Ms. Elizabeth Blair, Manager, Mr. Chuck Nieder, Research Coordinator, Hudson River National Estuarine Research Reserve, New York State Department of Environmental Conservation, c/o Bard College Field Station, Annandale-on-Hudson, NY 12504, (914) 758–5193.

North Carolina

Dr. John Taggart, Manager, Dr. Steve Ross, Research Coordinator, North Carolina National Estuarine Research Reserve, University of North Carolina at Wilmington, 7205 Wrightsville Avenue, Wilmington, NC 28403, (919) 256–3721.

Ohio

Mr. Eugene Wright, Manager, Dr. David Klarer, Research Coordinator, Old Woman Creek National Estuarine Research Reserve, 2514 Cleveland Road, East, Huron, OH 44839, (419) 433–4601.

Oregon

Mr. Michael Graybill, Manager, Dr. Steve Rumrill, Research Coordinator, South Slough National Estuarine Research Reserve, P.O. Box 5417, Charleston, OR 97420, (503) 888–5558.

Puerto Rico

Ms. Anaisa Delgado, Manager, Mr. Carlos J. Cianchini, Research Coordinator, Jobos Bay National Estuarine Research Reserve,

Dept. of Natural Resources, P.O. Box 1170, Guayama, PR 00655, (809) 864–0105.

Rhode Island

Mr. Al Beck, Manager, Narragansett Bay National Estuarine Research Reserve, Dept. of Environmental Management, Box 151, Prudence Island, RI 02872 (401) 683–6780.

Virginia

Dr. Maurice P. Lynch, Manager, Dr. Jeffrey Shields, Research Coordinator, Chesapeake Bay National Estuarine Research Reserve in Virginia, Virginia Institute of Marine Science, College of William and Mary, P.O. Box 1347, Gloucester Point, VA 23062, (804) 642–7135.

Washington

Mr. Terry Stevens, Manager, Dr. Douglas Bulthuis, Research Coordinator, Padilla Bay National Estuarine Research Reserve, 1043 Bayview-Edison Road, Mt. Vernon, WA 98273, (206) 428–1558.

Sites Expected to be Designated in 1992:

South Carolina

Mr. Michael D. McKenzie, Project Manager, Ashepoo-Combahee-Edisto (ACE) Basin, South Carolina Wildlife and Marine Resources Department, P.O. Box 12559, Charleston, SC 29412, (803) 762–5052.

Dr. F. John Vernberg, Project Manager, North Inlet-Winyah Bay, Baruch Marine Field Laboratory, P.O. Box 1630, Georgetown, SC 29442, (803) 546–3623.

[FR Doc. 92–21287 Filed 9–3–92; 8:45 am]

BILLING CODE 3510–08–M

Membership of the National Oceanic and Atmospheric Administration Performance Review Boards

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of Membership of NOAA Performance Review Boards.

SUMMARY: In conformance with the Civil Service Reform Act of 1978, 5 U.S.C., 4314(c)(4), NOAA announces the appointment of persons to serve as members of NOAA Performance Review Boards (PRBs). The NOAA PRBs are responsible for reviewing performance appraisals and ratings of Senior Executive Service (SES) members and making written recommendations to the appointing authority on SES retention and compensation matters, including performance-based pay adjustments, awarding of bonuses and amounts, initial recommendations for potential rank awards and recertification. The appointment of these members to the NOAA PRBs will be for periods of 24 months service beginning September 30, 1992.

EFFECTIVE DATE: The effective date of service of appointees to the NOAA Performance Review Boards is September 30, 1992.

FOR FURTHER INFORMATION CONTACT: Debbie J. Scholl, Senior Executive Service Program Officer, Personnel and Civil Rights Office, Office of Administration, NOAA, 1335 East-West Highway, Silver Spring, Maryland 20910, (301) 713–0530.

SUPPLEMENTARY INFORMATION: The names and titles of the members of the NOAA PRBs (NOAA officials unless otherwise identified) are set forth below:

J. Roy Spradley, Special Advisor for International Environmental Programs, Office of the Under Secretary
J. Michael Hall, Director, Office of Global Programs, Office of the Deputy Under Secretary
Donald Scavia, Director, NOAA Coastal Ocean Program Office, Office of the Deputy Under Secretary
Robert M. Valone, Director, Systems Program Office, Office of the Deputy Under Secretary
William H. Hooke, Deputy Chief Scientist, Office of the Chief Scientist
Robert F. Fagin, Director, Office of Administration
Martha R. Lumpkin, Director, Central Administrative Support Center, Office of Administration
Thomas A. Campbell, General Counsel
Robert A. Newman, Director, Office of External Affairs
Glenn A. Flittner, Director, Office of Research and Environmental Information, National Marine Fisheries Service (NMFS)
Nancy Foster, Director, Office of Protected Resources, NMFS
Morris M. Pallozzi, Director, Office of Enforcement, NMFS
Rolland A. Schmitten, Director, Northwest Region, NMFS
Gertrude Coxe, Director, Ocean and Coastal Resource Management, National Ocean Service (NOS)
Andrew Robertson, Chief, Coastal Monitoring & Bioeffects Assessment Division, NOS
Kenneth D. Hadeen, Director, National Climatic Data Center, National Environmental Satellite, Data and Information Services (NESDIS)
Thomas N. Pyke, Assistant Administrator, NESDIS
P. Krishna Rao, Director, Office of Research and Applications, NESDIS
Gregory W. Withee, Deputy Assistant Administrator for Environmental Information Services, NESDIS
Richard P. Augulis, Director, Central Region, National Weather Service (NWS)
Lois J. Gajdys, Chief, Management and Budget, NWS
Eugenia Kalnay, Chief, Development Division, National Meteorological Center, NWS
Walter Telesetsky, Director, Office of Systems Operations, NWS
Hugo F. Bezdek, Director, Atlantic Oceanographic and Meteorological Laboratories, Office of Oceanic and Atmospheric Research (OAR)
Syukuro Manabe, Supervisory Research Meteorologist, Geophysical Fluid Dynamics Laboratories, OAR
Kikuro Miyakoda, Supervisory Research Meteorologist, Geophysical Fluid Dynamics Laboratories, OAR
Alan R. Thomas, Deputy Assistant Administrator, OAR
Joseph E. Clark, Deputy Director, National Technical Information Service, Department of Commerce (DOC)
Burton Colvin, Deputy Director Academic Affairs, National Institute of Standards and Technology (NIST), DOC
Frederick T. Knickerbocker, Executive Director, Economic Affairs, DOC
Chris Kuyatt, Coordinator of Radiation, NIST, DOC
Roy R. Mullen, Associate Chief, National Mapping Division, United States Geological Survey, Department of Interior
Joe D. Simmons, Deputy Director, Center for Basic Standards, National Institutes of Science and Technology, DOC
Sheldon Wiederhorn, Scientific Assistant to Director, NIST, DOC

Dated: August 31, 1992.

John A. Knauss,

Under Secretary for Oceans and Atmosphere.

[FR Doc. 92–21329 Filed 9–3–92; 8:45 am]

BILLING CODE 3510–12–M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement Lists Proposed Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed additions to procurement list.

SUMMARY: The Committee has received proposals to add to the Procurement List commodities and services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

COMMENTS MUST BE RECEIVED ON OR BEFORE: October 5, 1992.

ADDRESSES: Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 3, suite 403, 1735 Jefferson Davis Highway, Arlington, Virginia 22202–3461.

FOR FURTHER INFORMATION CONTACT: Beverly Milkman (703) 557–1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact on the proposed actions.

If the Committee approves the proposed additions, all entities of the Federal Government (except as otherwise indicated) will be required to procure the commodities and services listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the commodities and services to the Government.

2. The action does not appear to have a severe economic impact on current contractors for the commodities and services.

3. The action will result in authorizing small entities to furnish the commodities and services to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the commodities and services proposed for addition to the Procurement List.

Comments on this certification are invited. Commenters should identify the statement(s) underlying the certification on which they are providing additional information.

It is proposed to add the following commodities and services to the Procurement List:

Commodities

Trousers, Woodland Camouflage

8415–01–084–1016
8415–01–084–1017
8415–01–084–1705
8415–01–084–1706
8415–01–084–1707
8415–01–084–1708
8415–01–084–1709
8415–01–084–1710
8415–01–084–1711
8415–01–084–1712
8415–01–084–1713
8415–01–084–1714
8415–01–084–1715
8415–01–084–1716
8415–01–084–1717
8415–01–084–1718
8415–01–084–3193
(10% of the Government Requirement)

8415–01–184–1343
8415–01–184–1344
8415–01–184–1345
8415–01–184–1346
8415–01–184–1347
8415–01–184–1348
8415–01–184–1349
8415–01–184–1350
8415–01–184–1351
8415–01–184–1352
8415–01–184–1353
8415–01–184–1354
8415–01–184–1355
8415–01–184–1356
8415–01–184–1357
(5% of the Government Requirement)

Nonprofit Agency: Goodwill Industries of South Florida Miami, Florida.

Services

Food Service

Tinker Air Force Base, Oklahoma

Nonprofit Agency: Oklahoma County Council for Mentally Retarded Citizens, Inc., Oklahoma City, Oklahoma.

Janitorial/Custodial

Norris Cotton Federal Building
275 Chestnut Street
Manchester, New Hampshire

Nonprofit Agency: Easter Seal Society of New Hampshire, Inc., Manchester, New Hampshire.

Beverly L. Milkman,

Executive Director.

[FR Doc. 92–21405 Filed 9–3–92; 8:45 am]

BILLING CODE 6820–33–M

Procurement List Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Additions to procurement list.

SUMMARY: This action adds to the Procurement List cattle ear tags to be furnished by a nonprofit agency employing persons who are blind or have other severe disabilities.

EFFECTIVE DATE: October 5, 1992.

ADDRESSES: Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 3, suite 403, 1735 Jefferson Davis Highway, Arlington, Virginia 22202–3509.

FOR FURTHER INFORMATION CONTACT: Beverly Milkman (703) 557–1145.

SUPPLEMENTARY INFORMATION: On July 6, 1992, the Committee for Purchase from the Blind and Other Severely Handicapped published a notice (57 FR 29713) of the proposed addition of these tags to the Procurement List. Before the notice of rulemaking was published the Committee received comments from the current contractor and a member of Congress. The latter urged the Committee to consider the contractor's comments. The current contractor advised the Committee in response to a request for sales data that adding the cattle ear tag to the Procurement List would have a severe adverse impact on his firm, which had been supplying it to the Government continuously for the past nine years and was dependent upon it. After reviewing the data submitted by the current contractor and considering the potential adverse impact on that firm of adding the item to the Procurement List, the Committee decided to add only 60 percent of the total Government requirement for the item to the Procurement List. This approach will provide employment for people with severe disabilities and at the same time avoid the possibility of a severe adverse impact upon the current contractor because that firm will continue to have the opportunity to compete for a portion of the Government business.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to produce the commodities, fair market price, and impact of the addition of the current or most recent contractors, the Committee has determined that the commodities listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.4.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other then the small organizations that will furnish the commodities to the Government.

2. The action will not have a severe economic impact on current contractors for the commodities.

3. The action will result in authorizing small entities to furnish the commodities to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the commodities proposed for addition to the Procurement List.

Accordingly, the following commodities are hereby added to the Procurement List:

Tag, Cattle Ear

9905–00–NSH–0027 Silver Plated
9905–00–NSH–0028 Orange Baked Enamel
9905–00–NSH–0029 Red Baked Enamel
(60% of the Government's requirement for the Department of Agriculture, Minneapolis, MN)

This action does not affect contracts awarded prior to the effective date of this addition or options exercised under those contracts.

Beverly L. Milkman,

Executive Director.

[FR Doc. 92–21406 Filed 9–3–92; 8:45 am]

BILLING CODE 6820–33–M

Procurement List Addition; Correction

In notice document 92–20063, appearing on page 38299 in the issue of Monday, August 24, 1992 the effective date of the addition should be changed to September 23, 1992.

Beverly L. Milkman,

Executive Director.

[FR Doc. 92–21407 Filed 9–3–92; 8:45 am]

BILLING CODE 1505–02–M

COMMODITY FUTURES TRADING COMMISSION

Occupation Categories; Amendments to List

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice to amend list of occupation categories.

SUMMARY: On August 27, 1982, the Commission published in the **Federal Register** notification of its list of occupation categories for option contracts (47 FR 37880). This list, as amended on January 10, 1983 (48 FR 1047), February 3, 1984 (49 FR 4200), October 15, 1984 (49 FR 40159), October 26, 1984 (49 FR 43048), December 17, 1985 (50 FR 51385), July 22, 1986 (51 FR 26236), January 28, 1987 (52 FR 2920), March 2, 1987 (52 FR 6139), and March 11, 1992 (57 FR 8632) forms the basis from which the Commission measures commercial participation in domestic exchange-traded commodity options. Futures commission merchants and members of contract markets are required under Commission Rule 1.37(a), 17 CFR 1.37(a)(1982), to record for each option customer account they carry an appropriate occupation category from a list of such categories set forth by the Commission. Futures commission merchants and members of contract markets are required also to record a symbol indicating whether the option customer is commercial or non-commercial. In order to accommodate proposed options on clean air (sulfur dioxide emission allowance) futures, the Commission has determined to revise its list of occupation categories.

FOR FURTHER INFORMATION CONTACT: Richard Shilts of the Division of Economic Analysis, (202) 254–7303, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581.

SUPPLEMENTARY INFORMATION: The Commission has revised the list of commercial categories for option contracts as follows:

Commodity and Occupation Categories

Sugar, Cocoa, and Coffee

1. Producer
2. Merchant or dealer.
3. Refiner/processor of raw commodities.
4. Manufacturer of intermediate or final products.
5. Other commercial.

Metals/Precious Metals

6. Miner/producer.
7. Primary or secondary refiner.
8. Dealer (metal merchant).
9. Commercial end user.
46. Fabricator or alloyer.
11.*Other commercial.

Petroleum

39. Crude oil or natural gas producer.
40. Crude oil or natural gas reseller.
12. Refiner.
53. Natural gas processor.
13. Product marketer and/or distributor.
14. End user.
15. Other commercial.

Financial Instruments/Foreign Exchange

16. Savings and loan, mortgage bank or thrift institution.
17. Commercial bank.
18. Insurance company.
19. Pension and retirement fund.
20. Mutual fund.
21. Broker/dealer.
22. Foundation or endowment.
23. Other commercial.
24. Importer/exporter of goods and services.
25. Investor/issuer of foreign currency denominated securities.

Grains, Soybeans, and Soybean Products

26. Grain or soybean producer.
27. Producer cooperative.
28. Elevator operator or merchant other than a producer cooperative.
29. Processor, including feed manufacturing and soybean crushing.
30. Livestock feeder or producer.
47. Soybean oil refiner.
31. Other commercial.

Livestock and Frozen Pork Bellies

32. Farmer or rancher.
33. Commercial feedlot operator.
34. Other livestock feeder.
35. Marketing agency and/or merchant.
36. Packer or other meat processor.
37. Meat wholesale, retailer, or buyer.
38. Other commercial.

Cotton and Frozen Concentrated Orange Juice

41. Producer/grower.
42. Producer/grower cooperative.
43. Merchant/wholesaler.
44. Mill operator/processor.
45. Other commercial.

Forest Products

48. Producer.
49. Remanufacturers.
50. Wholesalers.
51. Retailers and builders.
52. Other commercial.

Emission Allowances

54. Electric utilities.
55. Allowance broker/dealers.
56. Opt-in firms.
57. Other commercial.

Under the revisions, a new commodity category, emission allowances, would be added with four new occupation categories: category 54, electric utilities; category 55, allowance broker/dealers; category 56, opt-in firms; and category 57, other commercial. These revisions will accommodate option trading based on sulfur dioxide emission allowances and related instruments.

As is the case with the existing categories, the appropriate classification for a customer is based on the primary activity of the customer in using the option market in conjunction with its cash market activities.

Issued in Washington, DC on August 25, 1992.

Jean A. Webb,

Secretary to the Commission.

[FR Doc. 92–21348 Filed 9–3–92; 8:45 am]

BILLING CODE 6351–01–M

* Category 10 intentionally blank.

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

Department of Defense Wage Committee; Closed Meetings

Pursuant to the provisions of section 10 of Public Law 92–463, the Federal Advisory Committee Act, notice is hereby given that a meeting of the Department of Defense Wage Committee will be held on Tuesday, October 6, 1992; Tuesday, October 13, 1992; Tuesday, October 20, 1992 and Tuesday, October 27, 1992, at 2 p.m. in room 800, Hoffman Building #1, Alexandria, Virginia.

The Committee's primary responsibility is to consider and submit recommendations to the Assistant Secretary of Defense (Force Management and Personnel) concerning

all matters involved in the development and authorization of wage schedules for federal prevailing rate employees pursuant to Public Wage 92–392. At this meeting, the Committee will consider wage survey specifications, wage survey data, local wage survey committee reports and recommendations, and wage schedules derived therefrom.

Under the provisions of section 10(d) of Public Law 92–463, meetings may be closed to the public when they are "concerned with matters listed in 5 U.S.C. 552b." Two of the matters so listed are those "related solely to the internal personnel rules and practices of an agency," (5 U.S.C. 552b. (c)(2)), and those involving "trade secrets and commercial or financial information obtained from a person and privileged or confidential" (5 U.S.C. 552b. (c)(4)).

Accordingly, the Deputy Assistant Secretary of Defense (Civilian Personnel Policy/Equal Opportunity) hereby determines that all portions of the meeting will be closed to the public because the matters considered are related to the internal rules and practices of the Department of Defense (5 U.S.C. 552b. (c)(2)), and the detailed wage data considered were obtained from officials of private establishments with a guarantee that the data will be held in confidence (5 U.S.C. 552b(c)(4)).

However, members of the public who may wish to do so are invited to submit material in writing to the chairman concerning matters believed to be deserving of the Committee's attention.

Additional information concerning this meeting may be obtained by writing the Chairman, Department of Defense Wage Committee, room 3D264, The Pentagon, Washington, D.C. 20310.

Dated: August 31, 1992.

L.M. Bynum,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 92–21284 Filed 9–3–92; 8:45 am]

BILLING CODE 3810–01–M

Department of the Air Force

Privacy Act of 1974; Delete and Amend Systems of Records

AGENCY: Department of the Air Force, DOD.

ACTION: Delete and amend systems of records.

SUMMARY: The Department of the Air Force proposes to delete 13 and amend four existing systems of records in its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: The deleted systems are effective immediately. The amended systems will be effective October 5, 1992, unless comments are received which result in a contrary determination.

ADDRESSES: Send comments to the 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 08, 1985
50 FR 50337 December 10, 1985
51 FR 4531 February 05, 1986
51 FR 7317 March 05, 1986
51 FR 16735 May 06, 1986
51 FR 18927 May 23, 1986
51 FR 41382 November 14, 1986
51 FR 44332 December 09, 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 09, 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 06, 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 05, 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 deleted and amended systems are not within the purview of subsection (r) of the Privacy Act (5 U.S.C. 552a), as amended, 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, as amended, published in their entirety.

Dated: August 31, 1992.

L. M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

DELETIONS

F030 REDCOM A

System name: United States Readiness Command (USREDCOM) Military Personnel Data File, (51 FR 18928, May 23, 1986).

Reason: System is a duplicate of F030 AF A and F035 AF MP O, and is no longer needed.

F035 AFAA A

System name: Air Force Audit Agency Office File, (50 FR 22387, May 29, 1985).

Reason: System is a duplicate of F030 AF A and F035 AF MP O, and is no longer needed.

F035 AFAA B

System name: Air Force Audit Agency Office Personnel File, (50 FR 22388, May 29, 1985).

Reason: System is a duplicate of F030 AF A and F035 AF MP O, and is no longer needed.

F035 AFAA C

System name: Informal Airmen/Reserve Information Record, (50 FR 22389, May 29, 1985).

Reason: System is a duplicate of F030 AF A and F035 AF MP O, and is no longer needed.

F035 AFCC B

System name: Management Control System (MCS), (51 FR 44345, December 9, 1986).

Reason: System is a duplicate of F030 AF A and F035 AF MP O, and is no longer needed.

F035 AFIS A

System name: Intelligence Reserve Information System (IRIS), (50 FR 22391, May 29, 1985).

Reason: System is a duplicate of F030 AF A and F035 AF MP O, and is no longer needed.

F035 ARPC F

System name: Biographical File, (50 FR 22399, May 29, 1985).

Reason: System is a duplicate of F030 AF A and F035 AF MP O, and is no longer needed.

F035 TAC A

System name: Informational Personnel Records (PA Personnel

Background), (50 FR 22429, May 29, 1985).

Reason: System is a duplicate of F030 AF A and F035 AF MP O, and is no longer needed.

F035 SAC B

System name: Officer Involuntary Administrative Separation File, (51 FR 44350, December 9, 1986).

Reason: System is a duplicate of F030 AF A and F035 AF MP O, and is no longer needed.

F050 AFSP A

System name: Unit Training Program, (50 FR 22439, May 29, 1985).

Reason: System is a duplicate of F030 AF A and F035 AF MP O, and is no longer needed.

F127 AFISC A

System name: Safety Education File, (50 FR 22502, May 29, 1985).

Reason: System is a duplicate of F030 AF A and F035 AF MP O, and is no longer needed.

F178 AFSC A

System name: Rome Air Development Center (RADC) Manpower Resources Expenditure System, (50 FR 22543, May 29, 1985).

Reason: System is a duplicate of F030 AF A and F035 AF MP O, and is no longer needed.

F178 AFSC C

System name: Integrated Management Information and Control System (IMICS), (50 FR 22543, May 29, 1985).

Reason: System is a duplicate of F030 AF A and F035 AF MP O, and is no longer needed.

AMENDMENTS

F035 ATC J

SYSTEM NAME:

Drug Abuse Control Case Files, (57 FR 24601, June 10, 1992).

CHANGES:

* * * * *

SYSTEM LOCATION:

Delete entry and replace with "Sensitive Skills Element (Special Counseling), 3731 Personnel Processing Squadron, Lackland Air Force Base, TX 78236–5000."

* * * * *

PURPOSE(S):

Delete "Special Counseling Section" and replace with "Sensitive Skills Element (Special Counseling)."

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with "Commander, 3731 Personnel Processing Squadron, Lackland Air Force Base, TX 78236–5000."

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 Sensitive Skills Element (Special Counseling), 3731 Personnel Processing Squadron, Lackland Air Force Base, TX 78236–5000."

RECORD ACCESS PROCEDURES:

Delete entry and replace with "Individuals seeking to access records about themselves contained in this system should address requests to the Sensitive Skills Element (Special Counseling), 3731 Personnel Processing Squadron, Lackland Air Force Base, TX 78236–5000."

* * * * *

F035 ATC J

SYSTEM NAME:

Drug Abuse Control Case Files.

SYSTEM LOCATION:

Sensitive Skills Element (Special Counseling), 3731 Personnel Processing Squadron, Lackland Air Force Base, TX 78236–5000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force active duty enlisted personnel and Reserve personnel referred to drug abuse office.

CATEGORIES OF RECORDS IN THE SYSTEM:

Various letters describing drug abuse information such as notification of disposition, recommendation for disposition, drug abuse determination of urinalysis cases.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: powers and duties; delegation by; Air Force Regulation 39–10, Administration Separation of Airman, and Air Force Regulation 30–2, Social Actions Program.

PURPOSE(S):

Discharge authority, Sensitive Skills Element (Special Counseling), and squadron commanders determine extent of prior service drug abuse and make determinations of discharge or retention in the Air Force.

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 systems notices apply to this system.

Note: Records of identity, diagnosis, prognosis or treatment of any client/patient, irrespective of whether or when he/she ceases to be a client/patient, maintained in connection with the performance of any alcohol/drug abuse, family advocacy, AIDS, or sickle cell prevention and treatment function conducted, requested, or directly or indirectly assisted by any department or agency of the United States, shall, except as provided herein, be confidential and be disclosed only for the purposes and under the circumstances expressly authorized in 42 U.S.C. 290dd–3, 290ee–3. These statutes take precedence over the Privacy Act of 1974 in regard to accessibility of such records except to the individual to whom the record pertains. The Department of the Air Force "Blanket Routine Uses" do not apply to these records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

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:

Retained in office files for one year after annual cutoff, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, 3731 Personnel Processing Squadron, Lackland Air Force Base, TX 78236–5000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information on themselves should address written inquiries to the Sensitive Skills Element (Special Counseling), 3731 Personnel Processing

Squadron, Lackland Air Force Base, TX 78236–5000.

RECORD ACCESS PROCEDURES:

Individuals seeking to access records about themselves contained in this system should address written requests to the Sensitive Skills Element (Special Counseling), 3731 Personnel Processing Squadron, Lackland Air Force Base, TX 78236–5000.

CONTESTING RECORD PROCEDURES:

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.

RECORD SOURCE CATEGORIES:

Information obtained from squadron commanders, base surgeons, classification interviewers, medical institutions and from source documents such as reports.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F035 ATC K

SYSTEM NAME:

Processing and Classification of Enlistees (PACE), (57 FR 24602, June 10, 1992).

CHANGES:

SYSTEM LOCATION:

Delete "3507 Airman Classification Squadron (ATC)" and replace with "3731 Personnel Processing Squadron."

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Delete the word "School" and insert "Group" in two places.

* * * * *

PURPOSE(S):

Delete "3700 Personnel Processing Group" and replace with "3700 Mission Support Squadron."

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with "Commander, 3731 Personnel Processing Squadron Lackland AFB, TX 78236–5000."

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 Commander, 3731 Personnel Processing Squadron, Lackland Air Force Base, TX 78236–5000."

RECORD ACCESS PROCEDURES:

Delete entry and replace with "Individuals seeking to access records about themselves contained in this system should address written requests to the Commander, 3731 Personnel Processing Squadron, Lackland Air Force Base, TX 78236–5000."

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RECORD SOURCE CATEGORIES:

Delete "3507 Airman Classification Squadron (ATC)" and replace with "3731 Personnel Processing Squadron."

* * * * *

F035 ATC K

SYSTEM NAME:

Processing and Classification of Enlistees (PACE).

SYSTEM LOCATION:

Air Training Command Randolph AFB, TX 78150–5000, input/output remote at 3731 Personnel Processing Squadron, Lackland AFB, TX 78236–5000 and HQ USAF Recruiting Service, Randolph AFB, TX 78150–5421.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force active duty enlisted personnel. Attached records for Air National Guard and Air Force reserve personnel attending basic military training and the Officer Training Group. Active duty enlisted personnel attending Officer Training Group in TDY status.

CATEGORIES OF RECORDS IN THE SYSTEM:

Airmen trainee records containing name, Social Security Number, and other personal data for assignment from basic military training, security investigation, job preferences, dependent data, education, test scores, grade and promotions, biographical history, physical data, drug abuse history, enlistment personnel and guaranteed training enlistee program data, separation information, classification data, service dates, and basic training flight, squadron, entry and graduation dates.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by; and Air Force Regulation 39–1, Airman Classification; and Executive Order 9397.

PURPOSE(S):

To create an initial record for the Base Level Military Personnel Data System (BLMPS); to provide Air Force Military Personnel Center (AFMPC) with initial accession information on non-prior service enlistees; provide for improved classification and assignment procedures using computer processes; provide necessary information to Joint Unit Military Pay System (JUMPS) and Lackland Entering Pay System (LEAPS) for establishment of military pay records; interface the data ring process to the maximum extent with other functional areas; and to standardize and simplify personnel processing for the 3700 Mission Support Squadron, Lackland AFB, TX, so that they may more effectively control record preparation, processing, and classification actions necessary to transition civilian enlistees to military status.

Aptitude tests are administered; biographical history and job and assignment preferences are collected; and personal data is collected from enlistment records to establish a mechanized record necessary to support classification and assignment of trainees. Accession and update data is furnished through automatic interface to the advanced Personnel Data System (PDS) at AFMPC and Air Training Command, Randolph AFB, TX; to JUMPS at Defense Accounting and Finance Center, Denver, CO, and to LEAPS at accounting and finance, Lackland AFB, TX.

History records are furnished monthly to the Human Resources Laboratory, Personnel Research Division (HRLPRD) Brooks AFB, TX, for statistical analysis and to HQ USAF Recruiting Service/RSO, Randolph AFB, TX, for use in the enlistee quality control monitoring system. Data is used to prepare forms, processing schedules, reassignment and promotion orders, classification actions, transaction and error rosters, autodin lists, and management products necessary to administer trainees while at Lackland AFB, TX. Standard BLMPS products such as JUMPS transaction registers, strength balance reports, and suspense lists are prepared. Changes in basic data, promotions, reassignments, separations, and duty status changes are reported to PDS, JUMPS, and LEAPS as the action occurs. History records used at HRLPRD and the enlistee quality control monitoring system are augmented by additional data from PDS and technical training centers and are used to evaluate the quality of airmen enlisted in the USAF and the effects of changes in procurement and classification policies.

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:

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 for basic trainees are retained in active file until departure from basic military training is confirmed then transferred to history file on magnetic tape for one year. Records for Officer trainees are maintained in the active file until end of fiscal year in which they enter training and then transferred to history file on magnetic tape for one year. History file is 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:

Commander, 3731 Personnel Processing Squadron, Lackland AFB, TX 78236–5000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information on themselves should address written inquiries to the Commander, 3731 Personnel Processing Squadron, Lackland AFB, TX 78236–5000.

RECORD ACCESS PROCEDURES:

Individuals seeking to access records about themselves contained in this system should address written requests to the Commander, 3731 Personnel Processing Squadron, Lackland AFB, TX 78236–5000.

CONTESTING RECORD PROCEDURES:

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.

RECORD SOURCE CATEGORIES:

Information obtained from automated system interfaces, from source documents such as reports, and from forms prepared during enlistment processing and completed during interviews and testing at 3731 Personnel Processing Squadron.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F050 ATC A

SYSTEM NAME:

Officer Training School Resource Management System - Officer Trainees, (57 FR 24611, June 10, 1992).

CHANGES:

SYSTEM NAME:

Change system name to "Officer Training Group (OTG) Resource Management System - Officer Trainees."

SYSTEM LOCATION:

Delete entry and replace with "3700 Officer Training Group, Lackland AFB, TX 78236–5000."

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with "Registrar, 3700 Officer Training Group (OTG/MT), Lackland AFB, TX 78236–5000."

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 Registrar, 3700 Officer Training Group (OTG/MT), Lackland AFB, TX 78236–5000."

RECORD ACCESS PROCEDURES:

Delete entry and replace with "Individuals seeking to access records about themselves contained in this system should address written requests to the Registrar, 3700 Officer Training Group (OTG/MT), Lackland AFB, TX 78236–5000."

* * * * *

F050 ATC A

SYSTEM NAME:

Officer Training Group (OTG) Resource Management System - Officer Trainees.

SYSTEM LOCATION:

3700 Officer Training Group, Lackland AFB, TX 78236–5000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Officer trainees while attending OTG.

CATEGORIES OF RECORDS IN THE SYSTEM:

Officer trainee record showing name, Social Security Number; demographic data such as college degree, major institution, and year awarded; OTG selection data such as Air Force Officer Qualifying Test scores; performance data such as test scores, measurement evaluation, merits and demerits earned, involvement in remedial programs; health data to include height, weight aerobic program requirements and performance; injuries that require waivers to training or delay of commissioning; student disposition indicators showing in-training, eliminated, recycled, holdover or graduated.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. Chapter 907 - Schools and camps as implemented by Air Force Regulation 53–27, Officer Training School (OTS) Pre-commissioning Program, USAF; Air Training Command Regulation 53–3, Administration of the Officer Training School (OTS) Program, and Executive Order 9397.

PURPOSE(S):

To track attrition to the OTG program by cause and type comparing that against demographic and performance data of the individual, and to monitor the progress of an individual toward completion of the program. Records may be grouped by class, squadron, flight, a demographic or performance factor in the accomplishment of evaluations of the program or the individual in relation to peers. Studies, analyses, and evaluations that use these records are intended to improve the quality of the training program, and develop a more accurate profile of those individuals who can be expected to accomplish the OTG program.

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:

Records are stored on magnetic tape, disk units, in computers and on computer output products.

RETRIEVABILITY:

Retrieved by 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 retained for two years after class graduation then destroyed. 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:

Registrar, 3700 Officer Training Group (OTG/MT), Lackland AFB, TX 78236–5000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information on themselves should address written inquiries to the Registrar, 3700 Officer Training Group (OTG/MT), Lackland AFB, TX 78236–5000.

RECORD ACCESS PROCEDURES:

Individuals seeking to access records about themselves contained in this system should address written requests to the Registrar, 3700 Officer Training Group (OTG/MT), Lackland AFB, TX 78236–5000.

CONTESTING RECORD PROCEDURES:

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.

RECORD SOURCE CATEGORIES:

Information obtained from the individual, flight commanders, OTG instructors, personnel specialists and members of the registrar's office.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F050 AMC A

SYSTEM NAME:

Training Instructors (Academic Instructor Improvement/Evaluation), (50 FR 22454, May 29, 1985).

CHANGES:

SYSTEM IDENTIFICATION NUMBER:

Change system identification number to "F050 AMC A".

* * * * *

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 written inquiries to the Chief, Academic Training Branch, 1550th Technical Training Squadron, 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, Academic Training Branch, 1550th Technical Training Squadron, Kirtland Air Force Base, NM 87117–5000."

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 A

SYSTEM NAME:

Training Instructors (Academic Instructor Improvement/Evaluation).

SYSTEM LOCATION:

Chief, Academic Training Branch, 1550th Technical Training Squadron, Kirtland Air Force Base, NM 87117–5000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Academic instructors.

CATEGORIES OF RECORDS IN THE SYSTEM:

Forms for evaluating instructor performance in the classroom.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by.

PURPOSE(S):

Basic for instructor improvement.

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.

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 reassignment or separation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Academic Training Branch, 1550th Technical Training Squadron, Kirtland Air Force Base, NM 87117–5000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information on themselves should address written inquiries to the Chief, Academic Training Branch, 1550th Technical Training Squadron, 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, Academic Training Branch, 1550th Technical Training Squadron, Kirtland Air Force Base, NM 87117–5000.

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:

Supervisors.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 92–21293 Filed 09–03–92; 8:45 am]

BILLING CODE 3810–01–F

Department of the Army

Directorate of Personal Property Performance Bond Policy

AGENCY: Military Traffic Management Command, DOD.

ACTION: Notice.

SUMMARY: This is to announce effective October 1, 1992, the Military Traffic Management Command (MTMC) will implement the method of releasing performance bonds announced in 57 FR 11941, April 8, 1992. The article read as follows:

Agency: Military Traffic Management Command (MTMC)

Action: Directorate of Personal Property Performance Bond Policy

Summary: The Military Traffic Management Command's (MTMC) qualification standard for carriers to participate in the international movement of household goods and unaccompanied baggage shipment services includes a requirement that a carrier place a continuous performance bond on file with MTMC. The minimum amount of the bond is currently $100,000 or 2.5 percent of the carrier's gross annual revenue derived from the preceding year's Department of Defense (DOD) international shipments, whichever is more. The purpose of the performance bond requirement is to protect the DOD's interests against shipments becoming frustrated or delayed prior to delivery to the member.

The bond requirement is set forth in DOD 4500.34–R, dated October 19, 1991, Appendix A, paragraph I.B.11.

Recently, requests have been received from carriers to release performance bonds on file with MTMC. Therefore, MTMC intends to implement the following procedures for releasing a carrier's performance bond. Carriers wishing to have their performance bond released by MTMC must conform to the conditions and policies prescribed below.

1. Release of Performance Bond Policy-General

a. Carriers must submit a written request to Headquarters, Military Traffic Management Command (HQMTMC), Directorate of Personal Property, Rate Acquisition Division (MTPP–CA), for the return of either performance bond type listed below. The request must provide a reason why the bond needs to be returned and be accompanied by a listing of shipments which are in the carrier's possession or control. Any shipment not delivered to the member or member's designated agent is considered to be in the carrier's possession or control. If no shipments are in the carrier's possession or control, the request must so state.

b. It is MTMC's policy performance bonds will not be released until all shipment services and final delivery to the member have been completed. This constitutes final performance by the carrier. Shipments in storage-in-transit (SIT) at destination area considered in-transit and do not meet the final delivery or completed performance standard stated above. The following policies apply for the release of bonds based on the type of bond the carrier has on file.

c. This policy applies to active carriers (DOD-approved) and inactive carriers (carriers in a nonuse status, disqualified, but retaining DOD approval; and carriers voluntarily withdrawn from the program, but who have agreed to onward movement of shipments to final destination).

2. Annual Performance Bond Release Procedures

a. Active Carriers:

(1) Carriers wishing return of the last Annual Performance Bond may have the bond returned to them (or their surety company, at their request) only if all shipments have been delivered to the member. Shipments in the pipeline and/or in SIT will remain subject to coverage under the bond until delivery is complete.

(2) If there are still undelivered shipments or shipments in SIT, the carrier may obtain a rider from its surety company to apply those shipments to the continuous performance bond on file with MTMC, changing the effective date of the continuous bond to the pickup date of the oldest undelivered shipment. After the rider is attached to the continuous bond, the Annual Performance Bond may be returned to the carrier (or surety company).

(3) For shipments in the pipeline or SIT, the carrier must submit a list of all shipments to include Government Bill of Lading number, member's name, rank, Social Security Number, pickup date of shipment, responsible destination personal property shipping office, and status.

b. Inactive Carriers:

(1) Paragraphs a.(1)–(3) apply.

(2) If the carrier does not have a continuous bond on file, the value of the Annual Performance Bond may be reduced to cover the costs of delivering outstanding shipments. A reduction in the bond's value must be agreed to by the carrier and surety. Based on the listing of outstanding shipments, MTMC will determine a dollar value of the new bond. In this case, a rider from the surety company must be affixed to the bond. The bond will remain a part of the carrier's file until all shipments are delivered.

3. Continuous Performance Bond Release Procedures

a. Active Carriers (DOD-approved carriers):

Carriers wishing return of the continuous performance bond may have the bond returned to them (or their surety company, at their request) only if all shipments have been delivered to the service members. Shipments in the pipeline and/or in SIT will remain subject to coverage under the bond until delivery is complete.

b. Inactive Carriers (DOD-approved carriers in nonuse status; disqualified, but retain DOD approval; voluntarily withdrawn from program, but agreed to onward movement of shipments to final destination):

MTMC will consider reducing the value of the bond to cover the costs of delivering outstanding shipments. A reduction in the bond's value must be agreed to by the carrier and surety. In this case, a rider from the surety company must be affixed to the bond.

For shipments in the pipeline or SIT, the carrier must submit a list of all shipments to include Government Bill of Lading number, member's name, rank, Social Security Number, pickup date of shipment, responsible destination personal property shipping office, and status.

The bond will remain a part of the carrier's file until all shipments are delivered.

Dates: Comments requested by May 8, 1992.

For Further Information Contact: Mrs. Rosemarie F. Guzzardo or Mrs. Sylvia Walker at (703) 756–1190, Headquarters, Military Traffic Management Command, ATTN: MTPP–CA (Mrs. Guzzardo or Mrs. Walker), room 408, 5611 Columbia Pike, Falls Church, VA 22041–5050.

Kenneth L. Denton,

Army Federal Register Liaison Officer.

[FR Doc. 92–21248 Filed 9–3–92; 8:45 am]

BILLING CODE 3710–08–M

Directorate of Personal Property Change to Mobile Home Tender of Service

AGENCY: Military Traffic Management Command (MTMC) DOD.

ACTION: Notice.

SUMMARY: This is to announce effective 1 October 1992, the Military Traffic Management Command (MTMC) will implement a change to the Mobile Home Tender of Service. The Mobile Home Tender of Service Paragraph 16 will be changed to comply with the Carmack Amendment and will read as follows:

16. Liability. I agree that my liability shall apply from time of pickup during

SIT to time of receipt of shipment by the member or his designated agent at an accessible destination delivery site. I shall accept liability for loss or damage to all items packed or secured by my company. I shall accept tariff liability for loss or damage to all items packed by owner when external damage to the mobile home is apparent. Liability, as used herein, means applicable rate tariff or rate tender liability, declared valuation, or PPGBL liability. Damage, per se, does not constitute violation of this tender. I agree to deliver the mobile home and its contents to destination in the same condition as received at origin. The burden will be upon me to establish that any loss or damage was caused by conditions that relieve me of liability.

FOR FURTHER INFORMATION CONTACT: Mrs. Diane Coleman or Mr. Hank Spieler at (703) 756–2577, Headquarters, Military Traffic Management Command, ATTN: MTPP–CD (Mrs. Coleman or Mr. Spieler), room 408, 5611 Columbia Pike, Falls Church, VA 22041–5050.

Kenneth L. Denton,

Army Federal Register Liaison Officer.

[FR Doc. 92–21301 Filed 9–3–92; 8:45 am]

BILLING CODE 3710–08–M

Availability of Non-exclusive, Exclusive or Partially Exclusive Licensing of U.S. Patent Application Concerning Blood Clot Lysis in Mammals Using a Combination of Ultrasound and a Tissue-Type Plasminogen Activator

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 Application Serial No. 07/531,281 entitled "Blood Clot Lysis in Mammals Using a Combination of Ultrasound and a Tissue-Type Plasminogen Activator" filed May 31, 1990 for licensing. This patent will be 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, (301) 619–2065.

SUPPLEMENTARY INFORMATION: The invention represents a method whereby the fibrinolytic effect of tissue-type plasminogen activator can be enhanced by the application of external ultrasound. The patent describes the use of intermittent ultrasound delivered at a frequency and intensity used in physiotherapy from a planar transducer 6 cm external to the site of thrombus to increase the fibrinolytic efficacy of intravenous tissue-type plasminogen activator in vitro and in an animal jugular vein thrombosis model. Intermittent ultrasound, when used as described in the patent has no effect on clot lysis in the absence of t-PA and does not induce temperature increases or tissue damage during the 200-minute period.

Kenneth L. Denton,

Army Federal Register Liaison Officer.

[FR Doc. 92–21249 Filed 9–3–92; 8:45 am]

BILLING CODE 3710–08–M

Availability of Non-exclusive, Exclusive, or Partially Exclusive Licensing of U.S. Patent Concerning a Process for the Preparation of Protein Complexes and Their Use as Antibacterial Vaccines

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. 4,707,543 entitled "Process for the Preparation of Detoxified Polysaccharide-Outer Membrane Protein Complexes, and Their Use as Antibacterial Vaccines" issued November 17, 1987 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, (301) 619–2065.

SUPPLEMENTARY INFORMATION: The invention involves a preparative method for the purification of meningococcal and certain other gram negative outer membrane proteins and the use of these proteins as a vaccine when complexed noncovalently with capsular polysaccaride, or detoxified lipopolysaccharide (LPS). It includes a method for the direct extraction of the outer membrane proteins from whole cells, removal of LPS, capsular polysaccharides, and other contaminants, and the hydrophobic complexing of the purified outer membrane proteins to lipid-containing polysaccharides. The method yields purified outer membrane proteins that are essentially free of LPS, and when complexed with lipid containing polysaccharides are useful as a vaccine.

Kenneth L. Denton,

Army Federal Register Liaison Officer.

[FR Doc. 92–21250 Filed 9–3–92; 8:45 am]

BILLING CODE 3710–08–M

Availability of Non-exclusive, Exclusive, or Partially Exclusive Licensing of U.S. Patent Application Concerning a Quantitative Method for Measuring Thrombin-Specific Anticoagulants

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 Application Serial Number 07/893,631 entitled "A Quantitative Method for Measuring Thrombin Time for Determining Plasma Levels of Thrombin-Specific Inhibitors" filed June 5, 1992 for licensing. This patent will be 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, (301) 619–2065.

SUPPLEMENTARY INFORMATION: The invention represents a technique whereby a clotting assay, the thrombin time, can be modified to provide a quantitative thrombin time (QTT) for determining concentrations of the thrombin-specific inhibitor hirudin, or its analogues, in patient plasmas. It includes a method to dilute patient plasma and utilizes human alpha thrombin and purified fibrinogen. Reliable results can be obtained in plasmas that have low fibrinogen and elevated fibrinogen-fibrin degradation products, lupus anticoagulants, or heparin concentrations equal to or less than 0.9 U/mL. Plasma concentrations of recombinant human hirudin (rHirudin) or other analogues can be determined by comparing the OTT of patient plasma against a standard curve of QTT generated from four different concentrations of rHirudin. The assay can be performed on most available coagulation instruments.

Kenneth L. Denton,

Army Federal Register Liaison Officer.

[FR Doc. 92–21251 Filed 9–3–92; 8:45 am]

BILLING CODE 3710–08–M

Defense Nuclear Agency

Privacy Act of 1974; Amend Record Systems

AGENCY: Defense Nuclear Agency, DOD.

ACTION: Amend record systems.

SUMMARY: The Defense Nuclear Agency proposes to amend nine existing systems of records to its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: The amendments will be effective on October 5, 1992, unless comments are received that would result in a contrary determination.

ADDRESSES: Send comments to General Counsel, Defense Nuclear Agency, 6801 Telegraph Road, Alexandria, VA 22310–3398.

FOR FURTHER INFORMATION CONTACT: Ms. Sandy Barker at (703) 325–7681.

SUPPLEMENTARY INFORMATION: The Defense Nuclear Agency record system 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:

50 FR 22596, May 29, 1985 (DOD compilation, changes follow)
52 FR 23333, June 19, 1987
55 FR 15265, April 23, 1990

The amendments are not within the purview of subsection (r) of the Privacy Act of 1974 (5 U.S.C. 552a), as amended, which requires the submission of altered systems reports. The specific changes to the systems of records are set forth below followed by the systems of records notices published in their entirety, as amended.

Dated: August 31, 1992.

L. M. Bynum,
Alternate OSD Federal Register Liaison Officer, Department of Defense.

HDNA 001

SYSTEM NAME:

Employee Assistance Program, (50 FR 22597, May 29, 1985).

CHANGES:

* * * * *

SYSTEM LOCATION:

Delete first sentence and replace with "Occupational Health Unit, Headquarters, Defense Nuclear Agency, 6801 Telegraph Road, Alexandria, VA 22310–3398."

* * * * *

CATEGORIES OF RECORDS IN THE SYSTEM:

Delete entry and replace with "Case records on employees which are maintained by counselors, supervisors, and civilian personnel offices, that consist of information on condition, current status, and progress of employees or dependents who have alcohol, drug, or emotional problems (referral only)."

* * * * *

RETRIEVABILITY:

Delete entry and replace with "Retrieved by the individuals Social Security Number."

* * * * *

SAFEGUARDS:

Delete entry and replace with "Buildings are protected by security guards and an intrusion alarm system. Records are maintained in locked security containers accessible only to personnel who are properly screened, cleared and trained."

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with "For Headquarters, Defense Nuclear Agency contact the Occupational Health Nurse, Occupational Health Unit, Headquarters, Defense Nuclear Agency, 6801 Telegraph Road, Alexandria, VA 22310–3398.

For the Armed Forces Radiobiology Research Institute contact the Chief, Civilian Personnel, Armed Forces Radiobiology Research Institute, Bethesda, MD 20889–5145.

For Field Commands, DNA contact the Civilian Personnel Officer, Kirtland AFB, NM 87115–5000."

* * * * *

NOTIFICATION PROCEDURE:

Delete entry and replace with "Individuals seeking to determine whether information about themselves is contained in this system of records should address written inquiries to the appropriate system manager.

The letter should contain the full name, SSN, and signature of the requester and the approximate period of time, by date, during which the case record was developed."

* * * * *

HDNA 001

SYSTEM NAME:

Employee Assistance Program.

SYSTEM LOCATION:

The Occupational Health Unit, Headquarters, Defense Nuclear Agency, 6801 Telegraph Road, Alexandria, VA 22310–3398; the Civilian Personnel Office, Building 20203A, Kirtland AFB, NM 87115–5000; and the Civilian Personnel Office, Armed Forces Radiobiology Research Institute Bethesda, MD 20889–5145.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All civilian employees in appropriated and non-appropriated fund activities who are referred by management for, or voluntarily request, counseling assistance.

CATEGORIES OF RECORDS IN THE SYSTEM:

Case records on employees which are maintained by counselors, supervisors, and civilian personnel offices, that consist of information on condition, current status, and progress of employees or dependents who have alcohol, drug, or emotional problems (referrals only).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Drug Abuse Office and Treatment Act of 1972, as amended by Pub. L. 93–282 (21 U.S.C. 1175); Subchapter A of Chapter I, Title 42, Code of Federal Regulations; Chapter 43 of Title 5, United States Code; and Executive Order 9397.

PURPOSE(S):

For use by the Drug and Alcohol Abuse Coordinator in referring individuals for counseling and by management officials for follow-up actions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In order to comply with provisions of 42 U.S.C. 290dd-3 and 290ee-3, the DNA "Blanket Routine Uses" do not apply to this system of records.

Records in this system may not be disclosed without the prior written consent of such patient, unless the disclosure would be:

To medical personnel to the extent necessary to meet a bona fide medical emergency.

To qualified personnel for the purpose of conducting scientific research, management audits, financial audits, or program evaluation, but such personnel may not identify, directly or indirectly, any individual patient in any report of such research, audit, or evaluation, or otherwise disclose patient identities in any manner; and

If authorized by an appropriate order of a court of competent jurisdiction granted after application showing good cause therefor.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Case records are stored in paper file folders.

RETRIEVABILITY:

Retrieved by the individuals Social Security Number.

SAFEGUARDS:

Buildings are protected by security guards and an intrusion alarm system. Records are maintained in locked security containers accessible only to personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Records are purged of identifying information within five years after termination of counseling or destroyed when they are no longer useful.

SYSTEM MANAGER(S) AND ADDRESS:

For Headquarters, Defense Nuclear Agency contact the Occupational Health Nurse, Occupational Health Unit, Headquarters, Defense Nuclear Agency, 6801 Telegraph Road, Alexandria, VA 22310–3398.

For the Armed Forces Radiobiology Research Institute contact the Chief, Civilian Personnel, Armed Forces Radiobiology Research Institute, Bethesda, MD 20889–5145.

For Field Commands, DNA contact the Civilian Personnel Officer, Kirtland AFB, NM 87115–5000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system of records should address written inquiries to the appropriate system manager.

The letter should contain the full name, SSN, and signature of the requester and the approximate period of time, by date, during which the case record was developed.

RECORD ACCESS PROCEDURE:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the appropriate system manager.

The letter should contain the full name, SSN, and signature of the requester and the approximate period of time, by date, during which the case record was developed.

CONTESTING RECORD PROCEDURES:

The DNA rules for accessing records and for contesting contents and appealing initial agency determinations by the individual concerned are published in DNA Instruction 5400.11A, DNA Privacy Program; 32 CFR part 318; or may be obtained from the system manager or the General Counsel, Headquarters, Defense Nuclear Agency, 6801 Telegraph Road, Alexandria, VA 22310-3398.

RECORD SOURCE CATEGORIES:

Counselors, other officials, individuals or practitioners, and other agencies both in and outside of Government.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

HNDA 002

SYSTEM NAME:

Employee Relations, (50 FR 22598, May 29, 1985).

CHANGES:

* * * * *

SYSTEM LOCATION:

Delete entry and replace with "Civilian Personnel Management Division, Manpower Management and Personnel, Command Services Directorate, Headquarters, Defense Nuclear Agency, 6801 Telegraph Road, Alexandria, VA 22310–3398; the Civilian Personnel Office, Building 20203A, Kirtland AFB, NM 87115–5000; and the Civilian Personnel Office, Armed Forces Radiobiology Research Institute, Building 42, Bethesda, MD 20889–5145.

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with "For Headquarters, Defense Nuclear Agency contact the Occupational Health Nurse, Occupational Health Unit, Headquarters, Defense Nuclear Agency, 6801 Telegraph Road, Alexandria, VA 22310–3398.

For the Armed Forces Radiobiology Research Institute contact the Chief, Civilian Personnel, Armed Forces Radiobiology Research Institute, Bethesda, MD 20889–5145.

For Field Commands, DNA contact the Civilian Personnel Officer, Kirtland AFB, NM 87115–5000."

* * * * *

NOTIFICATION PROCEDURE:

Delete entry and replace with "Individuals seeking to determine whether information about themselves is contained in this system of records should address written inquiries to the appropriate system manager."

* * * * *

HDNA 002

SYSTEM NAME:

Employee Relations.

SYSTEM LOCATION:

Civilian Personnel Management Division, Manpower Management and Personnel, Command Services Directorate, Headquarters, Defense Nuclear Agency, 6801 Telegraph Road, Alexandria, VA 22310–3398; the Civilian Personnel Office, Building 20203A, Kirtland AFB, NM 87115–5000; and the Civilian Personnel Office, Armed Forces Radiobiology Research Institute, Building 42, Bethesda, MD 20889–5145.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian employees and former employees paid from appropriated funds serving under career, career-conditional, temporary and excepted service appointments on whom suitability, discipline, grievance, and appeal records exist.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documents and information pertaining to discipline, grievances, and appeals.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 1302, 3301, 3302, 7301; Executive Order 11222; Executive Order 11557; Executive Order 11491.

PURPOSE(S):

For use by agency officials and employees in the performance of their official duties related to management of civilian employees and the processing, administration and adjudication of discipline, grievances, suitability and appeals.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Appeals examiners of the Merit Systems Protection Board to adjudicate appeals.

The Comptroller General or his authorized representatives and the Attorney General of the United States or his authorized representatives in connection with grievances, disciplinary actions, suitability, and appeals, Federal Labor Relations officials in the performance of official duties.

The "Blanket Routine Uses" published at the beginning of DNA's compilation of system of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in paper folders.

RETRIEVABILITY:

Retrieved alphabetically by last name of individual.

SAFEGUARDS:

Buildings are protected by security guards and an intrusion alarm system. Records are maintained in locked security containers in a locked room accessible only to personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Records are destroyed upon separation of the employee from the agency or in accordance with appropriate records disposal schedules.

SYSTEM MANAGER(S) AND ADDRESSES:

For Headquarters, Defense Nuclear Agency contact the Occupational Health Nurse, Occupational Health Unit, Headquarters, Defense Nuclear Agency, 6801 Telegraph Road, Alexandria, VA 22310–3398.

For the Armed Forces Radiobiology Research Institute contact the Chief, Civilian Personnel, Armed Forces Radiobiology Research Institute, Bethesda, MD 20889–5145.

For Field Commands, DNA contact the Civilian Personnel Officer, Kirtland AFB, NM 87115–5000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system of records should address written inquiries to the appropriate system manager.

The letter should contain the full name and signature of the requester and the approximate period of time, by date, during which the case record was developed.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system of records should address written inquiries to the appropriate system manager.

CONTESTING RECORD PROCEDURES:

The DNA rules for accessing records and for contesting contents and appealing initial agency determinations by the individual concerned are published in DNA Instruction 5400.11A, DNA Privacy Program; 32 CFR part 318; or may be obtained from the system manager or the General Counsel, Headquarters, Defense Nuclear Agency, 6801 Telegraph Road, Alexandria, VA 22310-3398.

RECORD SOURCE CATEGORIES:

Supervisors or other appointed officials designated for this purpose.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

HDNA 004

SYSTEM NAME:

Nuclear Weapons Accident Exercise Personnel Radiation Exposure Records, (50 FR 22599, May 29, 1985).

CHANGES:

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ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In the third line, insert "current or potential employers " after "contractors".

* * * * *

STORAGE:

Delete entry and replace with "Records are stored on computer printouts and in paper files folders."

* * * * *

SAFEGUARDS:

Delete first sentence and change second sentence to read "Records and computer printouts are available only to authorized persons with an official need to know."

* * * * *

CONTESTING RECORD PROCEDURE:

Delete entry and replace with "The DNA rules for contesting contents and appealing initial agency determinations are published in DNA Instruction 5400.11A, DNA Privacy Program; 32 CFR part 318; or may be obtained from the system manager or from the General Counsel, Headquarters, Defense Nuclear Agency, 6801 Telegraph Road, Alexandria, VA 22310–3398."

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HDNA 004

SYSTEM NAME:

Nuclear Weapons Accident Exercise Personnel Radiation Exposure Records.

SYSTEM LOCATION:

Field Command, Defense Nuclear Agency, Kirtland AFB, NM 87115–5000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military and civilian employees of the Department of Defense and other federal, state, and local government agencies, contractor personnel, and visitors from foreign countries, who participate in planned exercises.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name; Social Security Number (SSN); date of birth; service; grade/rank; specialty code; job series or profession; experience with radioactive materials such as classification as "radiation worker;" use of film badge or other dosimetric device; respiratory protection equipment; training and actual work in anti-contamination clothing and respirators; awareness of radiation risks associated with exercises; previous radiation exposure; role in exercise; employer/organization mailing address and telephone; unit responsible for individuals radiation exposure records; time in exercise radiological control area; and external and internal radiation monitoring and/or dosimetry results.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 2013 and 2201 (Atomic Energy Act of 1954) and 10 CFR parts 10 and 20; 5 U.S.C. 7902 and 84 Stat. 1599 (Occupational Safety and Health Act of 1970) and 29 CFR subparts 1910.20 and 1910.96; Executive Order 12196, February 26, 1980, (Occupational Safety and Health Programs for Federal Employees); and Executive Order 9397.

PURPOSE(S):

For use by agency officials and employees in determining and evaluating individual and exercise collective radiation doses and in reporting dosimetry results to individuals.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Officials and employees of other government agencies, authorized government contractors, current or potential employers, national, state and local government organizations and foreign governments in the performance of official duties related to evaluating, reporting and documenting radiation dosimetry data.

Officials of government investigatory agencies in the performance of official duties relating to enforcement of Federal rules and regulations.

The "Blanket Routine Uses" published at beginning of DNA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ASSESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored on computer printouts and in paper files folders.

RETRIEVABILITY:

Records are retrieved by individuals last name or SSN; by service; organization/employee; dose results or other input data.

SAFEGUARDS:

Records and computer printouts are available only to authorized persons with an official need to know. Buildings are protected by security guards and an intrusion alarm system.

RETENTION AND DISPOSAL:

All records are retained permanently.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Field Command, Defense Nuclear Agency, ATTN: Radiological Safety Officer, Kirtland AFB, NM 87115–5000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system of records should address written inquiries to the Commander, Field Command, Defense Nuclear Agency, ATTN: Radiological Safety Officer, Kirtland AFB, NM 87115–5000.

RECORD ACCESS PROCEDURE:

Individuals seeking access to information about themselves contained in this system of records should address inquiries to the Commander, Field Command, Defense Nuclear Agency, ATTN: Radiological Safety Officer, Kirtland AFB, NM 87115–5000.

Inquiry should contain full name and SSN of the individual and applicable dates of participation, if available. Visits can be arranged with the system manager.

Requests from current or potential employers must include a signed authorization from the individual.

CONTESTING RECORD PROCEDURES:

The DNA rules for contesting contents and appealing initial agency determinations are published in DNA Instruction 5400.11A, DNA Privacy Program; 32 CFR part 318; or may be obtained from the system manager or the General Counsel, Headquarters, Defense Nuclear Agency, 6801 Telegraph Road, Alexandria, VA 22310–3398.

RECORD SOURCE CATEGORIES:

Information in this system of records is supplied directly by the individual; or derived from information supplied by the individual; or supplied by a contractor or government dosimetry service; or developed by radiation measurements at the exercise site.

EXEMPTIONS CLAIMED FOR THE SYSTEM.

None

HDNA 005

SYSTEM NAME:

Manpower/Personnel Management System, (50 FR 22600, May 29, 1985).

CHANGES:

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SYSTEM LOCATION:

Delete entry and replace with "Primary location is at the Manpower Management and Personnel, Command Services Directorate, Headquarters, Defense Nuclear Agency, 6801 Telegraph Road, Alexandria, VA 22310–3398.

Secondary locations exist at the following DNA subordinate commands: Field Command, Defense Nuclear Agency, Building 20364, Kirtland AFB, NM 87115–5000; Civilian Personnel Office, Building 42, Armed Forces Radiobiology Research Institute, Bethesda, MD 20889–5145; Military Personnel Office, Armed Forces Radiobiology Research Institute, Bethesda, MD 20889–5145; and the Defense Nuclear Agency, Las Vegas, NV 89193–8539.

* * * * *

CATEGORIES OF RECORDS IN THE SYSTEM:

In line 29, add "Joint Specialty Officer; service position number; career status; officer evaluation report date (Army only); highest professional military education; rank; grade; status certification; promotion sequence number;" after "Uniformed Service".

* * * * *

PURPOSE(S):

Delete entry and replace with "For use by officials and employees of the Defense Nuclear Agency in the performance of their official duties related to the management of civilian and military employee programs and for preparation and publication of personnel rosters to facilitate communications/contact for official, or emergency purposes.

To compile and consolidate reports relating to manpower authorization/assigned strengths and record personnel data and use that data to compile information as required by management officials with the agency."

* * * * *

SAFEGUARDS:

Delete entry and replace with "The computer facility and data base are located in a restricted area accessible only to authorized personnel that are properly screened, cleared, and trained. Terminal users are within a restricted area. Use of these terminals are by authorized personnel who have a need to acquire data from the data base. Terminal users are cleared, provided proper training and are assigned a password/code to retrieve data. Manual records and computer printouts are available only to authorized personnel having a need to know. Building employs security guards and is protected by an intrusion alarm system."

* * * * *

RETENTION AND DISPOSAL:

Delete the second sentence and replace with "Manpower's manual records are maintained indefinitely and all personnel manual records are kept until the employee departs."

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SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with "Assistant Director, Manpower - Management and Personnel, Command Service Directorate, Headquarters, Defense Nuclear Agency, 6801 Telegraph Road, Alexandria, VA 22310–3398."

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HDNA 005

SYSTEM NAME:

Manpower/Personnel Management System.

SYSTEM LOCATION:

Primary location is at the Manpower Management and Personnel, Command Services Directorate, Headquarters, Defense Nuclear Agency, 6801 Telegraph Road, Alexandria, VA 22310–3398.

Secondary locations exist at the following DNA subordinate commands: Field Command, Defense Nuclear Agency, Building 20364, Kirtland AFB, NM 87115–5000; Civilian Personnel Office, Building 42, Armed Forces Radiobiology Research Institute, Bethesda, MD 20889–5145; Military Personnel Office, Armed Forces Radiobiology Research Institute, Bethesda, MD 20889–5145; and the Defense Nuclear Agency, Las Vegas, NV 89193–8539.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual, military or civilian, employed by DNA.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains following information on all personnel assigned to DNA: Social Security Number (SSN); agency; employee name; birth date; veteran's preference; tenure group; service computation date; federal employees

group life insurance; retirement code; nature of action code; effective date of action; position number; pay plan; occupation code; functional classification code; grade; step; pay basis; salary; supervisory position; location code/duty station; position occupied; work schedule; pay rate determinant; sex; citizen status; date entered present grade; date entered present step; separation date; reason for separation (quit code); cost center; academic discipline; career conditional appointment date (conversion to career); education level; degree date; purpose of training; type of training; source of training; special interest; direct cost; indirect cost; date of completion; on-duty hours; off-duty hours; JTD paragraph number; JTD line number; competitive level; military service retirement date; uniformed service; joint specialty officer; service position number; career status; officer evaluation report date (Army only); highest professional military education; rank; grade; status of incumbent in Personnel Reliability Program (PRP); date of latest PRP certification;' promotion sequence number; service commissioned (military); service pay grande (rank); Agency sub-element code; submitting office number; retired military code; bureau; unit identification code; program element code; civil function code; guard/reserve technician; appropriation code; active/inactive strength designation; work center code; projected vacancy date; targeted grade; position title; date of last equivalent increase; fair labor standards act designator; health benefits enrollment code; type and date of incentive award; civil service or other legal authority; date probationary period begins; performance rating; due date for future action; position tenure; leave category; personnel authorized; projected personnel requirement; special experience identifies; additional duties; manpower track: facility; branch of service; date of rank; primary/Alternate specialty; control specialty; last OER/EER; total commissioned service date; total active service date; date of arrival; projected rotation date; security clearance; marital status; spouse's name; dependents; address (Number and street, city, state, Zip Code); phones (home and duty); handicap code; minority group designator; aggregate program element code; position indicator; academic degree requirements; directorate/department, division, branch, and section office titles; service authorization position number; physical profile; nature of action code No. 2; annuitant indicator; Vietnam veteran; entered present position; future action type; agency submitting element; submitting office code; merit pay designator; bargaining unit designator; old SSN; course title host; tuition; Transportation Per Diem; hourly rate; training grade level; administrative cost; type of career training program.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 302, 4103; Pub. L. 89–554. September 6, 1966; and Executive Order 9397.

PURPOSE(S):

For use by officials and employees of the Defense Nuclear Agency in the performance of their official duties related to the management of civilian and military employee programs and for preparation and publication of personnel rosters to facilitate communications/contact for official, or emergency purposes.

To compile and consolidate reports relating to manpower authorization/assigned strengths and to record personnel data and use that data to compile information as required by management officials within the agency.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Representatives of the Merit Systems Protection Board on matters relating to the inspection, survey, audit or evaluation of the civilian programs or such other matters under the jurisdiction of that organization.

The Comptroller General or any of his authorized representatives in the course of performance of duties of the General Accounting Office relating to civilian programs.

Duly appointed Hearing Examiners or Arbitrators for the purpose of conducting hearings in connection with an employee grievance.

The "Blanket Routine Uses" published at beginning of DNA's compilation of systems of records notices 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 tapes, discs, computer printouts, and on punched cards. Manual records are stored in paper file folders and card file boxes.

RETRIEVABILITY:

Automated records are retrieved by employee name, SSN or Position Service Number (PSN). Manual records are retrieved by employee's last name and PSN.

SAFEGUARDS:

The computer facility and data base are located in a restricted area accessible only to authorized personnel that are properly screened, cleared, and trained. Terminal users are within a restricted area. Use of these terminals are by authorized personnel who have a need to acquire data from the database. Terminal users are cleared, provided proper training and are assigned a password/code to retrieve data. Manual records and computer printouts are available only to authorized personnel having a need to know. Buildings are protected by security guards and is protected by an intrusion alarm system.

RETENTION AND DISPOSAL:

Computer magnetic tapes are permanent. Manpower's manual records are maintained indefinitely and all personnel manual records are kept until the employee departs. Monthly reports are destroyed at the end of each fiscal year; annual reports are retained in 5–year blocks, transferred to the Washington National Records Center, and offered to National Archives and Records Administration 20 years after cutoff.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Director, Manpower Management and Personnel, Command Services Directorate, Headquarters, Defense Nuclear Agency, 6801 Telegraph Road, Alexandria, VA 22310–3398.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system of records should address written inquiries to the Assistant Director, Manpower Management and Personnel, Command Services Directorate, Headquarters, Defense Nuclear Agency, 6801 Telegraph Road, Alexandria, VA 22310–3398.

The letter should contain the full name and signature of the requester and the approximate period of time, by date, during which the record was developed.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system of records should address written inquiries to the Assistant Director, Manpower Management and Personnel, Command Services Directorate, Headquarters, Defense Nuclear Agency, 6801 Telegraph Road, Alexandria, VA 22310–3398.

Written requests for information should contain the full name of individual. For personal visits, the individual should provide military or civilian identification card.

CONTESTING RECORD PROCEDURES:

The DNA rules for contesting contents and appealing initial agency determinations are published in DNA Instruction 5400.11A, DNA Privacy Program; 32 CFR part 318; or may be obtained from the system manager or the General Counsel, Headquarters, Defense Nuclear Agency, 6801 Telegraph Road, Alexandria, VA 22310–3398.

RECORD SOURCE CATEGORIES:

Information is extracted from military and civilian personnel records, Joint Manpower Program documents and voluntarily submitted by individual.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

HDNA 006

SYSTEM NAME:

Employees Occupational Health Programs, (50 FR 22601, May 29, 1985).

CHANGES:

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SYSTEM LOCATION:

Delete entry and replace with "Occupational Health Unit, Headquarters, Defense Nuclear Agency, 6801 Telegraph Road, Alexandria, VA 22310–3398."

* * * * *

STORAGE:

Delete entry and replace with "Records are stored in paper file folders in a locked file cabinet."

* * * * *

RETREIVABILITY:

Delete entry and replace with "Records are manually retrieved by the terminal digit filing system (Social Security Number)."

* * * * *

RETENTION AND DISPOSAL:

Delete entry and replace with "Records are retained until the individual leaves the Agency. Records are combined with the Official Personnel Folder which is forwarded to the Federal Personnel Records Center or to the new employing agency, as appropriate."

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with "Occupational Health Nurse, Occupational Health Unit, Headquarters, Defense Nuclear Agency, 6801 Telegraph Road, Alexandria, VA 22310–3398."

* * * * *

CONTESTING RECORD PROCEDURES:

Delete entry and replace with "The DNA rules for contesting contents and appealing initial agency determinations are published in DNA Instruction 5400.11A, DNA Privacy Program; 32 CFR part 318; or may be obtained from the system manager or the General Counsel, Headquarters, Defense Nuclear Agency, 6801 Telegraph Road, Alexandria, VA 22310–3398."

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HDNA 006

SYSTEM NAME:

Employees Occupational Health Programs.

SYSTEM LOCATION:

Occupational Health Unit, Headquarters, Defense Nuclear Agency, 6801 Telegraph Road, Alexandria, VA 22310–3398.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual, military or civilian, employed by the Defense Nuclear Agency (DNA) and the General Services Agency employees assigned to the building.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains a variety of records relating to an employee's participation in the DNA Occupational Health Program. Information which may be included in this system are the employee's name, SSN, date of birth, weight, height, blood pressure, medical history, blood type, nature of injury or complaint, type of treatment/medication received, immunizations, examination findings and laboratory findings, exposure to occupational hazards.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 7901 et seq., Pub. L. 79–658; and Executive Order 9397.

PURPOSE(S):

For use by authorized medical personnel in providing any medical treatment or referral; to provide information to agency management officials pertaining to job-related injuries or potential hazardous conditions' and to provide information relative to claims or litigation.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Office of Personnel Management, and the Federal Labor Relations Authority (including the General Counsel) in the Performance of official duties.

The Department of Labor in connection with claims for compensation.

The Department of Justice in connection with litigation relating to claims.

The Occupational Safety and Health Agency in connection with job-related injuries, illnesses, or hazardous condition.

The "Blanket Routine Uses" published at beginning of DNA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, AND RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in paper file folders in a locked file cabinet.

RETRIEVABILITY:

Records are manually retrieved by using the terminal digit filing system (Social Security Number).

SAFEGUARDS:

During the employment of the individual, medical records are maintained in files located in a secured room with access limited to those whose official duties require access. Buildings are protected by security guards and an intrusion alarm system.

RETENTION AND DISPOSAL:

Records are retained until the individual leaves the DNA. Records are combined with the Official Personnel Folder which is forwarded to the Federal Personnel Records Center or to the new employing agency, as appropriate.

SYSTEM MANAGER(S) AND ADDRESS:

Occupational Health Nurse, Occupational Health Unit, Headquarters, Defense Nuclear Agency, 6801 Telegraph Road, Alexandria, VA 22310–3398.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system of records should address written inquiries to the Occupational Health Nurse, Occupational Health Unit, Headquarters, Defense Nuclear Agency,

6801 Telegraph Road, Alexandria, VA 22310–3398.

The letter should contain the full name and signature of the requester and the approximate period of time, by date, during which the case record was developed.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system of records should address written inquires to the Occupational Health Nurse, Occupational Health Unit, Headquarters, Defense Nuclear Agency, 6801 Telegraph Road, Alexandria, VA 22310–3398.

Written requests for information should contain the full name of the requester. For personal visits the individual should provide a military or civilian identification card.

CONTESTING RECORD PROCEDURES:

The DNA rules for contesting contents and appealing initial agency determinations are published in DNA Instruction 5400.11A, DNA Privacy Program; 32 CFR part 318; or may be obtained from the system manager or the General Counsel, Headquarters, Defense Nuclear Agency, 6801 Telegraph Road, Alexandria, VA 22310–3398.

RECORD SOURCE CATEGORIES:

Information is supplied directly by the individual, or derived from information supplied by the individual, or supplied by the medical officer or nurse providing treatment or medication, or supplied by the individual's private physician.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

HDNA 007

SYSTEM NAME:

Security Operations, (50 FR 22601, May 29, 1985).

CHANGES:

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SYSTEM LOCATION:

Replace the first sentence with "Security Operations Division, Intelligence and Security, Command Services Directorate, Headquarters, Defense Nuclear Agency, 6801 Telegraph Road, Alexandria, VA 22310–3398."

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CATEGORIES OF RECORDS IN THE SYSTEM:

Add "Vehicle ID and Sticker Number" after "Badge Number;" in line 13.

Delete "Contracting Officer's Representative, Contracting Officer's Organization" in lines 14 and 15.

Replace "picture and identification cards" in lines 25 and 26 with "picture identification".

* * * * *

STORAGE:

Replace "punched cards" with "hard drive" in the first sentence.

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Delete the first sentence and replace with "For Headquarters DNA and AFRRI contact the Assistant Director, Intelligence and Security, Command Services Directorate, Headquarters, Defense Nuclear Agency, 6801 Telegraph Road, Alexandria, VA 22310–3398."

* * * * *

NOTIFICATION PROCEDURE:

Delete entry and replace with "Individuals seeking to determine whether information about themselves is contained in this system of records should address written inquiries to the appropriate system manager.

* * * * *

CONTESTING RECORD PROCEDURES:

Delete entry and replace with "The DNA rules for contesting contents and appealing initial agency determinations are published in DNA Instruction 5400.11A, DNA Privacy Program; 32 CFR part 318; or may be obtained from the system manager or the General Counsel, Headquarters, Defense Nuclear Agency, 6801 Telegraph Road, Alexandria, VA 22310–3398."

* * * * *

HDNA 007

SYSTEM NAME:

Security Operations.

SYSTEM LOCATION:

Security Operations Division, Intelligence and Security, Command Services Directorate, Headquarters, Defense Nuclear Agency, 6801 Telegraph Road, Alexandria, VA 22310–3398.

System also exists at the following subordinate commands: Security Division, Field Command, Defense Nuclear Agency, Kirtland AFB, Albuquerque, NM 87115–5000; and Armed Forces Radiobiology Research Institute, Bethesda, MD 20889–5145.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All military and civilian personnel assigned to, or employed by Headquarters, Defense Nuclear Agency (DNA); the Field Command, Defense Nuclear Agency (FCDNA); and the Armed Forces Radiobiology Research Institute (AFRRI). Other U.S. Government personnel, U.S. Government contractors, foreign government representatives, and visitors from foreign countries.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name; Social Security Number (SSN); date and place of birth; height; weight; hair/eye color; citizenship; grade/rank; service; organization; security clearance; date of clearance; basis special accesses; courier authorization; continuous access roster expiration date; badge number; vehicle ID and sticker Number; special intelligence access; expiration date; agency; billet number; list of badges/passes issued; list of keys issued; conference title; conference duties; location; Department of Defense Form 398 "Statement of Personal History;" Reports of Investigation; security incident files; visit requests; conference rosters; clearance and special access rosters; picture identification ; and correspondence concerning adjudication/passing of clearances.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 10450, "Security Requirements for Government Employment," April 27,1953, as amended by Executive Orders 10491, 10531, 10548, 10558, 11605, and 11785; Executive Order 12065, "National Security Information," June 28,1978; Section 21 of the Internal Security Act of 1950 (Pub. L. 831); Section 145 of the Atomic Energy Act of 1954, as amended by Pub. L. 83–703, 42 U.S.C. 2185; and Executive Order 9397.

PURPOSE:

For use by officials and employees of the Defense Nuclear Agency and other DoD Components in the performance of their official duties related to determining the eligibility of individuals for access to classified information, access to buildings and facilities, or to conferences over which DNA has security responsibility.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Officials and employees of Government contractors and other Government agencies in the performance of their official duties related to the screening and selection of individuals for security clearances and/or special authorizations, access to facilities or attendance at conferences.

The "Blanket Routine Uses" published at the beginning of DNA's compilation of

systems of records notices 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 tapes, discs, computer printouts, and/or hard drives. Manual records are stored in paper file folders, card files and paper rosters.

RETRIEVABILITY:

Automated records are retrieved by individual's last name, conference title, and by type of badge issued. Manual records are retrieved by individuals last name, organization or subject file.

SAFEGUARDS:

The computer facility and terminals are located in restricted areas accessible only to authorized personnel. Manual records and computer printouts are available only to authorized persons with an official need to know. Buildings are protected by security guards and an intrusion alarm system.

RETENTION AND DISPOSAL:

Computer records on individuals are erased upon termination of an individual's affiliation with DNA, FCDNA, or AFRRI; personnel security files are destroyed within thirty days from the date of termination of an individual's employment, assignment or affiliation with DNA, FCDNA or AFRRI. Manual records or conference attendees, visitors, and visit certifications to other agencies are maintained for two years and destroyed. Security incident files are retained for two years unless they concern compromise of classified information, in which case they may be retained permanently.

SYSTEM MANAGER(S) AND ADDRESS:

For Headquarters DNA and AFRRI contact the Assistant Director, Intelligence and Security, Command Services Directorate, Headquarters, Defense Nuclear Agency, 6801 Telegraph Road, Alexandria, VA 22310–3398.

For Field Commands, DNA contact the Chief, Security Division, Field Command, Defense Nuclear Agency, Kirtland AFB, NM 87115–5000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system of records should address written inquiries to the appropriate system manager.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system of records should address written inquiries to the appropriate system manager.

Written requests for information should contain the full name, home address, SSN, date and place of birth. For personal visits, the individual must be able to provide identification showing full name, date and place of birth, and their SSN.

CONTESTING RECORD PROCEDURES:

The DNA rules for contesting contents and appealing initial agency determinations are published in DNA Instruction 5400.11A, DNA Privacy Program; 32 CFR part 318; or may be obtained from the system manager or the General Counsel, Headquarters, Defense Nuclear Agency, 6801 Telegraph Road, Alexandria, VA 22310–3398.

RECORD SOURCE CATEGORIES:

Information is extracted from military and civilian personnel records, investigative files, and voluntarily submitted by individual.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Part of this system may be exempt under the provisions of 5 U.S.C. 552a(k)(5), as applicable.

An exemption rule for this system has been promulgated in accordance with the requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) and published in 32 CFR part 318. For additional information contact the system manager.

HDNA 008

SYSTEM NAME:

Biographies, (50 FR 22602, May 29, 1985).

CHANGES:

* * * * *

SYSTEM LOCATION:

Delete entry and replace with "Public Affairs Office, Headquarters, Defense Nuclear Agency, 6801 Telegraph Road, Alexandria, VA 22310–3398."

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with "Public Affairs Officer, Headquarters, Defense Nuclear Agency, 6801 Telegraph Road, Alexandria, VA 22310–3398."

* * * * *

RECORD ACCESS PROCEDURES:

Delete entry and replace with "Individuals seeking access to information about themselves contained in this system should address written inquiries to the Headquarters, Defense Nuclear Agency, ATTN: Public Affairs Office, 6801 Telegraph Road, Alexandria, VA 22310–3398.

Inquiry should contain the full name of the requester. Visits can be arranged by the Public Affairs Officer."

* * * * *

CONTESTING RECORD PROCEDURES:

Delete entry and replace with "The DNA rules for accessing records and for contesting contents and appealing initial agency determinations by the individual concerned are published in DNA Instruction 5400.11A, DNA Privacy Program; 32 CFR part 318; or may be obtained from the system manager or from the General Counsel, Headquarters, Defense Nuclear Agency, 6801 Telegraph Road, Alexandria, VA 22310–3398."

* * * * *

HDNA 008

SYSTEM NAME:

Biographies.

SYSTEM LOCATION:

Public Affairs Office, Headquarters, Defense Nuclear Agency, 6801 Telegraph Road, Alexandria, VA 22310–3398.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Senior military officers of the Army, Air Force, Navy and Marines; senior DoD civilians, and contractor personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Brief biographical data (sometimes including photographs).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and 302.

PURPOSE(S):

To maintain biographical data for use by agency officials and employees.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information on key Defense Nuclear Agency personnel may be released to the media, individuals, businesses, or any other public or private requester for use in compiling background information.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Alphabetically by last name.

SAFEGUARDS:

Files are secured in a file cabinet in an area accessible only to authorized personnel. The building is protected by security guards and an intrusion alarm system.

RETENTION AND DISPOSAL:

Files are retained in an active file until retirement, transfer, separation, death of the individual concerned or in accordance with current records management regulations.

SYSTEM MANAGER(S) AND ADDRESS:

Public Affairs Officer, Headquarters, Defense Nuclear Agency, 6801 Telegraph Road, Alexandria, VA 22310–3398.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Public Affairs Officer, Headquarters, Defense Nuclear Agency, 6801 Telegraph Road, Alexandria, VA 22310–3398.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Headquarters, Defense Nuclear Agency, ATTN: Public Affairs Office, 6801 Telegraph Road, Alexandria, VA 22310–3398.

Inquiry should contain the full name of the requester. Visits can be arranged by the Public Affairs Officer.

CONTESTING RECORD PROCEDURES:

The DNA rules for accessing records and for contesting contents and appealing initial agency determinations by the individual concerned are published in DNA Instruction 5400.11A, DNA Privacy Program; 32 CFR part 318; or may be obtained from the system manager or from the General Counsel, Headquarters, Defense Nuclear Agency, 6801 Telegraph Road, Alexandria, VA 22310–3398.

RECORD SOURCE CATEGORIES:

Information is voluntarily submitted by individual.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

HDNA 009

SYSTEM NAME:

Personnel Radiation Exposure Records, (52 FR 23333, Jun 19, 1987).

CHANGES:

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CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Delete entry and replace with "Employees, contractors, or visitors who enter the Armed Forces Radiobiology Research Institute (AFRRI) building; other Defense Nuclear Agency or Field Command, Defense Nuclear Agency, (DNA/FCDNA) employees who work in positions which might result in exposure to radiation."

* * * * *

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete entry and replace with "Atomic Energy Act of 1954, 42 U.S.C. 2013; and Executive Order 9397."

* * * * *

RETRIEVABILITY:

Delete entry and replace with "Records are retrieved by name, Social Security Number, or participant number. Automated records may be retrieved on all fields within the record."

* * * * *

RETENTION AND DISPOSAL:

Delete the last sentence.

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with "The Department Head, Safety and Health Department, Armed Forces Radiobiology Research Institute, Defense Nuclear Agency, Bethesda, MD 20889–5145; the Health Physicist, Logistics Directorate, Field Command, Defense Nuclear Agency, ATTN: (FCLS), Kirtland AFB, NM 87115–5000."

* * * * *

CONTESTING RECORD PROCEDURES:

Delete entry and replace with "The DNA rules for accessing records and for contesting contents and appealing initial agency determinations by the individual concerned are published in DNA Instruction 5400.11A, Privacy Program; 32 CFR part 318; or may be obtained from the system manager or from the General Counsel, Headquarters, Defense Nuclear Agency, 6801 Telegraph Road, Alexandria, VA 22310–3398."

* * * * *

HDNA 009

SYSTEM NAME:

Personnel Radiation Exposure Records.

SYSTEM LOCATION:

Armed Forces Radiobiology Research Institute, Defense Nuclear Agency, Bethesda, MD 20889–5145, on the grounds of the National Naval Medical Center, and Field Command, Defense Nuclear Agency, Kirtland AFB, NM 87115–5000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees, contractors, or visitors who enter the Armed Forces Radiobiology Research Institute (AFRRI) building; other Defense Nuclear Agency or Field Command, Defense Nuclear Agency (DNA/FCDNA) employees who work in positions which might result in exposure to radiation.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, Social Security Number, sex, date of birth, current and previous radiation exposure history, dates and places of employment, dates of exposures, citizenship, information on pregnancy, areas visited or worked, dates of arrival and departure, organization, assigned department, bioassay information, grade/rank, work phone and location.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Atomic Energy Act of 1954, 42 U.S.C. 2013; and Executive Order 9397.

PURPOSE(S):

For use by agency officials, employees, and authorized contractors, to provide documentation of any exposure to radiation which might be experienced by an individual in the course of work related activities or while present in agency facilities.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information may be released to support legal or medical claims for or against the government.

To regulatory agencies for use in measuring quality of radiation protection programs, or for licensing procedures.

To contractors for use in processing uniquely identifiable dosimetry devices and for maintaining required dosimetry histories.

The "Blanket Routine Uses" published at the beginning of DNA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Card files, paper records in file folders, microfiche/film and automated

records on magnetic tapes, disks and computer printouts.

RETRIEVABILITY:

Records are retrieved by name, SSN, or participant number. Automated records may be retrieved on all fields within the record.

SAFEGUARDS:

Computer equipment and records are in controlled access areas protected by either guards, intrusion alarms, or coded locks. Manual or hard copy records are further secured in locked cabinets or vaults. Automated programs are protected by user identification codes and passwords which limit access to the system.

RETENTION AND DISPOSAL:

For employees, records are kept for 75 years. For visitors, records are retired after two years to record holding area for 75 year retention.

SYSTEM MANAGER(S) AND ADDRESS:

Department Head, Safety and Health Department, Armed Forces Radiobiology Research Institute, Defense Nuclear Agency, Bethesda, MD 20889–5145; and the Health Physicist, Logistics Directorate, Field Command, Defense Nuclear Agency, ATTN: (FCLS), Kirtland AFB, NM 87115–5000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system of records should address inquiries to the Department Head, Safety and Health Department, Armed Forces Radiobiology Research Institute, Defense Nuclear Agency, Bethesda, MD 20889–5145; or the Health Physicist, Logistics Directorate, Field Command, Defense Nuclear Agency, ATTN: (FCLS), Kirtland AFB, NM 87115–5000.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system of records should address written inquiries to the Department Head, Safety and Health Department, Armed Forces Radiobiology Research Institute, Defense Nuclear Agency, Bethesda, MD 20889–5145; or the Health Physicist, Logistics Directorate, Field Command, Defense Nuclear Agency, ATTN: (FCLS), Kirtland AFB, NM 87115–5000.

CONTESTING RECORD PROCEDURES:

The DNA rules for contesting contents and appealing initial agency determinations are published in DNA Instruction 5400.11A, DNA Privacy Program; 32 CFR part 318; or may be obtained from the system manager or the General Counsel, Headquarters, Defense Nuclear Agency, 6801 Telegraph Road, Alexandria, VA 22310–3398.

RECORD SOURCE CATEGORIES:

Information is voluntarily submitted by individuals or derived from exposure data.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

HDNA 010

SYSTEM NAME:

Nuclear Test Participants, (50 FR 22603, May 29, 1985).

CHANGES:

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SYSTEM LOCATION:

Delete entry and replace with "Radiation Policy Division, Radiation Sciences Directorate, Headquarters, Defense Nuclear Agency, 6801 Telegraph Road, Alexandria, VA 22310–3398."

* * * * *

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete entry and replace with "Atomic Energy Act of 1954, 42 U.S.C. 2013, Tasking Memorandum from Office of the Secretary of Defense to the Director, Defense Nuclear Agency dated 28 Jan 1978, Subject: DoD Personnel Participation in Atmospheric Nuclear Weapons Testing, Military Construction Appropriations Act of 1977 (Pub. L. 94–367), DNA OPLAN 600–77, Cleanup of Enewetak Atoll, Radiation Exposure Compensation Act (Pub. L. 100–426 as amended by Pub. L. 100–510)."

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ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Delete entry and replace with "National Research Council and the Center for Disease Control, for the purpose of conducting epidemiological studies on the effects of ionizing radiation on participants of nuclear test programs.

Department of Labor and the Department of Justice for the purpose of processing claims by individuals who allege job-related disabilities as a result of participation in nuclear test programs and for litigation actions.

Department of Energy (DOE) for the purpose of identifying DOE civilians and DOE contractor personnel who were, or may be in the future, involved in nuclear test programs; and for use in processing claims or litigation actions.

Department of Veterans Affairs, for the purpose of processing claims by individuals who allege service-connected disabilities as a result of participation in nuclear test programs and for litigation actions' and to conduct epidemiological studies on the effect of radiation on nuclear test participants.

Information may be released to individuals or their authorized representatives.

The "Blanket Routine Uses" published at the beginning of DNA's compilation of system of records notices apply to this system."

* * * * *

STORAGE:

Delete entry and replace with "Paper records in file folders, microfilm/fiche, computer magnetic tape disks, and printouts in secure computer facilities."

* * * * *

SAFEGUARDS:

Delete first sentence and replace with "Paper records are filed in folders, microfilm/fiche and computer printouts stored in areas accessible only by authorized personnel."

* * * * *

RETENTION AND DISPOSAL:

Delete the first sentence and replace with "Records are retained for 75 years after termination of case."

* * * * *

SYSTEM MANAGERS(S) AND ADDRESS:

Delete entry and replace with "Nuclear Test Personnel Review (NTPR) Program Manager, Radiation Sciences Directorate, Headquarters, Defense Nuclear Agency, 6801 Telegraph Road, Alexandria, VA 22310–3398."

* * * * *

CONTESTING RECORD PROCEDURES:

Delete entry and replace with "The DNA rules and procedures for contesting record contents or appealing initial agency determinations are published in DNA Instruction 5400.11A, DNA Privacy Program; 32 CFR part 318; or may be obtained from the General Counsel, Headquarters, Defense Nuclear Agency, 6801 Telegraph Road, Alexandria, VA 22310–3398."

* * * * *

RECORD SOURCE CATEGORIES:

Delete entry and replace with "Retired Military Personnel records from the National Personnel Records Center, US DNA Form 10 from individuals voluntarily contacting DNA or other

elements or DoD, or other Government Agencies by phone or mail. DoD historical records, dosimetry records, and records from the Department of Energy, Department of Veterans Affairs, the Social Security Administration, the Internal Revenue Service, and the Department of Health and Human Services."

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HDNA 010

SYSTEM NAME:

Nuclear Test Participants.

SYSTEM LOCATION:

Radiation Policy Division, Radiation Sciences Directorate, Headquarters, Defense Nuclear Agency, 6801 Telegraph Road, Alexandria, VA 22310–3398.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military and DoD civilian participants of the U.S. nuclear testing programs, military occupation forces assigned to Hiroshima or Nagasaki from August 6, 1945 to July 1, 1946, and individuals who participated in the cleanup of Enewetak Atoll.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, rank, grade, service number, Social Security Number (SSN), last known or current address, dates and extent of test participation, exposure data, unit of assignment, medical data, and documentation relative to administrative claims or civil litigation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Atomic Energy Act of 1954, 42 U.S.C. 2013, Tasking Memorandum from Office of the Secretary of Defense to the Director, Defense Nuclear Agency dated 28 Jan 78, Subject: DoD Personnel Participation in Atmospheric Nuclear Weapons Testing and Military Construction Appropriations Act of 1977 (Pub. L. 94–367), DNA OPLAN 600–77, Cleanup of Enewetak Atoll, and the Radiation Exposure Compensation Act (Pub. L. 100–426, as amended by Pub. L. 100–510); and Executive Order 9397.

PURPOSE(S):

For use by agency officials and employees, or authorized contractors, and other DoD components in the preparation of the histories of nuclear test programs; to conduct scientific studies or medical follow-up programs and to provide data or documentation relevant to the processing of administrative claims or litigation.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

National Research Council and the Center for Disease Control, for the purpose of conducting epidemiological studies on the effects of ionizing radiation on participants of nuclear test programs.

Department of Labor and the Department of Justice for the purpose of processing claims by individuals who allege job-related disabilities as a result of participation in nuclear test programs and for litigation actions.

Department of Energy (DOE) for the purpose of identifying DOE and DOE contractor personnel who were, or may be in the future, involved in nuclear test programs; and for use in processing claims or litigation actions.

Department of Veterans Affairs for the purpose of processing claims by individuals who allege service-connected disabilities as a result of participation in nuclear test programs and for litigation actions' and to conduct epidemiological studies on the effect of radiation on nuclear test participants.

Information may be released to individuals or their authorized representatives.

The "Blanket Routine Uses" published at the beginning of DNA's compilation of system of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in files folders, microfilm/fiche, computer magnetic tape disks, and printouts in secure computer facilities.

RETRIEVABILITY:

Records are retrieved by name, military service number and SSN.

SAFEGUARDS:

Paper records are filed in folders, microfilm/fiche and computer printouts stored in area accessible only by authorized personnel. Buildings are protected by security guards and intrusion alarm systems. Magnetic tapes are stored in a vault in a controlled area within limited access facilities. Access to computer programs is controlled through software applications which require validation prior to use.

RETENTION AND DISPOSAL:

Records are retained for 75 years after termination of case.

SYSTEM MANAGER(S) AND ADDRESS:

NTPR Program Manager, Radiation Sciences Directorate, Headquarters, Defense Nuclear Agency, 6801 Telegraph Road, Alexandria, VA 22310–3398.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system of records should address written inquiries to the NTPR Program Manager, Radiation Sciences Directorate, Headquarters, Defense Nuclear Agency, 6801 Telegraph Road, Alexandria, VA 22310–3398.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system of records should address written inquiries to the NTPR Program Manager, Radiation Sciences Directorate, Headquarters, Defense Nuclear Agency, 6801 Telegraph Road, Alexandria, VA 22310–3398.

CONTESTING RECORD PROCEDURES:

The DNA rules and procedures for contesting record contents or appealing initial agency determinations are published in DNA Instruction 5400.11A, DNA Privacy Program; 32 CFR part 318; or may be obtained from the General Counsel, Headquarters, Defense Nuclear Agency, 6801 Telegraph Road, Alexandria, VA 22310–3398."

RECORD SOURCE CATEGORIES:

Retired Military Personnel records form the National Personnel Records Center, US DNA Form 10 from individuals voluntarily contacting DNA or other elements of DoD or other Government Agencies by phone or mail. DoD historical records, dosimetry records and records from the Department of Energy, Department of Veterans Affairs, the Social Security Administration, the Internal Revenue Service, and the Department of Health and Human Service.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 92–21292 Filed 09–03–92; 8:45 am]
BILLING CODE 3810–01–F

DEPARTMENT OF EDUCATION

National Education Commission on Time and Learning; Meeting

AGENCY: National Education Commission on Time and Learning, Education.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a

forthcoming meeting of the National Education Commission on Time and Learning. This notice also describes the functions of the Commission. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act.

DATE AND TIME: September 24, 1992 from 9 a.m. to 4 p.m.

ADDRESSES: The Washington Marriott Hotel, Salon H, 2nd Floor, 1221 22nd Street, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Julia Anna Anderson, Special Assistant, 1255 22nd Street, NW., suite 502, Washington, DC 20037. Telephone: (202) 653–5063.

SUPPLEMENTARY INFORMATION: The National Education Commission on Time and Learning is established under section 102 of the Education Council Act of 1991 (20 U.S.C. 1221–1). The Commission is established to examine the quality and adequacy of the study and learning time of elementary and secondary students in the United States, including issues regarding the length of the school day and year, how time is being used for academic subjects, the use of incentives, how time is used outside of school, the extent and role of homework, year-round professional opportunities for teachers, the use of school facilities for extended learning programs, if appropriate a model for adopting a longer day or year, suggested changes for state laws and regulations, and an analysis and estimate of the additional costs.

The meeting of the Commission is open to the public. The proposed agenda includes: Discussion of the synthesis paper on the June hearing, reports of the Commissioners' site visits, administrative report and discussion of the Commission's scope of work. Presentations will also be given from invited guests.

Records are kept of all Commission proceedings, and are available for public inspection at the Office of the Commission at 1255 22nd Street, NW., suite 502, Washington, DC 20037, from the hours of 9 a.m. to 5:30 p.m.

Dated: August 31, 1992.

John Hodge Jones,

Chairman, National Education Commission on Time and Learning.

[FR Doc. 9–21327 Filed 9–3–92; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Agency Information Collection Extensions

AGENCY: Department of Energy.

ACTION: Notice.

SUMMARY: The Department of Energy (DOE) has submitted the following 10 public information collection packages to the Office of Management and Budget (OMB) for renewal under the Paperwork Reduction Act of 1980, Public Law No. 96–511. The packages cover management and procurement collections of information principally from management and operating contractors and the public. The information is used by Departmental management to exercise management oversight as to the implementation of applicable statutory and contractual requirements and obligations. The listing for each package contains the following information: (1) Title of the information collection package; (2) current OMB control number; (3) type of respondents; (4) estimated number of responses; (5) estimated total burden hours, including recordkeeping hours, required to provide the information; (6) purpose; and (7) number of collections.

DATE AND ADDRESSES: Comments regarding the information collection packages should be submitted to the OMB Desk Officer at the following address no later than (October 5, 1992). Mr. Ronald Minsk, DOE Desk Officer, Office of Management and Budget (OIRA), room 3001, NEOB, Washington, DC 20503, (202) 395–3084.

FOR FURTHER INFORMATION AND COPIES OF RELEVANT MATERIALS CONTACT: Clarence L. Henley, Director, Records Management Division (AD–244), U.S. Department of Energy, Washington, DC 20585, (301) 903–3307.

SUPPLEMENTARY INFORMATION:

Package Title

Automatic Data Processing (ADP) Management.

Current OMB No.: 1910–0100.
Type of Respondents: DOE management and operating contractors.
Estimated Number of Responses: 21,997.
Estimated Total Burden Hours: 163,200.
Purpose: This information is required by the Department to assure that ADP Management resources and requirements are managed efficiently and effectively, and to exercise management oversight of DOE contractors and grantees. The package contains 18 information and/or recordkeeping requirements.

Package Title

Industrial Relations.

Current OMB No.: 1910–0600.
Type of Respondents: DOE management and operating contractors.
Estimated Number of Responses: 1,452.
Estimated Total Burden Hours: 30,149.
Purpose: This information is required by the Department to assure that Industrial Relations resources and requirements are managed efficiently and effectively, and to exercise management oversight of DOE contractors and grantees. The package contains 27 information and/or recordkeeing requirements.

Package Title

In-house Energy Management.

Current OMB No.: 1910–0700.
Type of Respondents: DOE management and operating contractors.
Estimated Number of Responses: 285.
Estimated Total Burden Hours: 11,402.
Purpose: This information is required by the Department to assure that In-house Energy resources are managed efficiently and effectively, and to exercise management oversight of DOE contractors and grantees. The package contains three information and/or recordkeeping requirements.

Package Title

Legal.

Current OMB No.: 1910–0800.
Type of Respondents: DOE management and operating contractors and potential or previous DOE employees.
Estimated Number of Responses: 3,109.
Estimated Total Burden Hours: 23,469.
Purpose: This information is required by the Department to assure that Legal resources and requirements are managed efficiently and effectively, and to exercise oversight of DOE contractors and grantees in the area of inventions, and employees and former employees in the area of conflicts of interest. The package contains eight information and/or recordkeeping requirement.

Package Title

Printing Management.

Current OMB No.: 1910–1300.
Type of Respondents: DOE management and operating contractors.
Estimated Number of Responses: 280.
Estimated Total Burden Hours: 4,044.
Purpose: This information is required by the Department to assure that Printing Management resources and requirements are managed efficiently and effectively, and to exercise management oversight of DOE contractors and grantees. The package contains 11 information and/or recordkeeping requirements.

Package Title

Public Affairs.

Current OMB No.: 1910–1500.

Type of Respondents: DOE management and operating contractors.
Estimated Number of Responses: 241.
Estimated Total Burden Hours: 3,694.
Purpose: This information is required by the Department to assure that Audiovisual-Publications resources and requirements are managed efficiently and effectively, and to exercise management oversight of DOE contractors and grantees. The package contains eight information and/or recordkeeping requirements.

Package Title

Records and Administration.

Current OMB No.: 1910–0700.
Type of Respondents: DOE management and operating contractors.
Estimated Number of Responses: 3,112.
Estimated Total Burden Hours: 8,783.
Purpose: This information is required by the Department to assure that Records resources and requirements are managed efficiently and effectively, and to exercise management oversight of DOE contractors and grantees. The package contains five information and/or recordkeeping requirements.

Package Title

Telecommunications.

Current OMB No.: 1910–1900.
Type of Respondents: DOE management and operating contractors.
Estimated Number of Responses: 153.
Estimated Total Burden Hours: 7,371.
Purpose: This information is required by the Department to assure that Telecommunications resources and requirements are managed efficiently and effectively, and to exercise management oversight of DOE contractors and grantees. The package contains four information and/or recordkeeping requirements.

Package Title

Traffic Management.

Current OMB No.: 1910–2000.
Type of Respondents: DOE management and operating contractors, offsite contractors.
Estimated Number of Responses: 97.
Estimated Total Burden Hours: 23,272.
Purpose: This information is required by the Department to assure that Traffic Management resources and requirements are managed efficiently and effectively, and to exercise management oversight of DOE contractors and grantees. The package contains three information and/or recordkeeping requirements.

Package Title

Procurement (formerly Department of Energy Acquisition Regulations—DEAR 970).

Current OMB No.: 1910–4100.
Type of Respondents: DOE management and operating contractors, offsite contractors.
Estimated Number of Responses: 6,177.
Estimated Total Burden Hours: 1,291,041.
Purpose: This information is required by the Department to assure that Procurement resources and requirements are managed efficiently and effectively, and to exercise management oversight of DOE contractors and grantees. The package contains 33 information and/or recordkeeping requirements.

Issued in Washington, DC, on September 1, 1992.

Dolores L. Rozzi,

Director of Administration and Human Resource Management.

[FR Doc. 92–21422 Filed 9–3–92; 8:45 am]

BILLING CODE 6450–01–M

Financial Assistance Award; Intent To Award a Grant to the National Academy of Sciences/National Research Council

AGENCY: U.S. Department of Energy.

ACTION: Notice of Noncompetitive Financial Assistance Award.

SUMMARY: The Department of Energy (DOE) announces that pursuant to 10 CFR 600.6(a)(5), it intends to award, on a noncompetitive basis, Grant Number DE–FG01–92AN00002 to the National Academy of Sciences/National Research Council (NAS/NRC) to support the International Atomic Energy Fellowship Program.

SUPPLEMENTARY INFORMATION: The proposed grant will provide funding in the amount of $1,250,000 to the NRC. The grant will be used to provide technical advice and administrative assistance and will be responsible for the day-to-day implementation of U.S. commitments to the International Atomic Energy Agency (IAEA) to provide scientists from developing countries with opportunities for training and study in the United States in the field of nuclear science and its application for peaceful uses. These scientists are selected by the IAEA. The IAEA fellowship program was initiated in April 1958.

This proposed grant serves the interest of the Government because the National Academy of Sciences has a mandate from Congress to advise the Federal Government on scientific and technical matters and the National Research Council regularly convenes committees of outstanding scientists and engineers who volunteer their time, who represent a broader scope of knowledge than Legal authority for this grant exists under Pubic Law (Pub. L.) 102–145; FY 1992 Congressional appropriations under the Foreign Assistance Act, which includes funds from the U.S. Voluntary Contributions to the International Atomic Energy (IAEA) and Public Law 85–177; U.S./IAEA Participation Act, ratifying the 1957 Statute of the Agency.

The Fellowship Program is undertaken pursuant to fundamental policy objectives of (IAEA), it is part of larger efforts for promotion of the peaceful uses of atomic energy, therefore, it has been determined that this project has extremely high technical merit.

The anticipated term of the proposed grant is 60 months from the date of the award.

FOR FURTHER INFORMATION CONTACT: U.S. Department of Energy, Office of Placement and Administration, ATTN: Juanita Ellis, PR–322.4, 1000 Independence Avenue, SW., Washington, DC 20585.

Thomas S. Keefe,

Director, Operations Division "B", Office of Procurement, Assistance and Program Management.

[FR Doc. 92–21425 Filed 9–3–92; 8:45 am]

BILLING CODE 6450–01–M

Geothermal Technologies, Promotion; Research, Development and Demonstration Program

AGENCY: Department of Energy, Idaho Field Office.

ACTION: Amendment No. 1 to Solicitation for Financial Assistance: New Technology for the Direct Use of Geothermal Energy.

SUMMARY: The U.S. Department of Energy, Idaho Field Office, published a complete solicitation in the Federal Register [Vol. 57, No. 129, Page Numbers 29716 through 29719] on Monday, July 6, 1992. The solicitation requested applications on the basis of open competition for cost sharing of new technology for the direct use of geothermal energy. The purpose of Amendment No. 1 is to change the application due date and the milestone dates for selection and award. The solicitation is amended as follows:

a. Page 29716 is revised to state that the deadline for receipt of applications is October 9, 1992 rather than September 4, 1992.

b. Page 29719 is amended to state that selection is expected to be made on or about December 10, 1992 rather than November 10, 1992 and that the earliest

award date is expected to be March 12, 1993 rather than February 12, 1993.

ADDRESSES: Applications shall be submitted to: [NUMBER DE–PS07–92ID13203]. J.O. Lee, Contracting Officer, Contracts Management Division, Financial Assistance Branch, 785 DOE Place, MS 1221, Idaho Falls, Idaho 83401–1562. Contact Point: Dallas L. Hoffer, (208) 526–0014. Solicitation: DE–PS07–92ID13203. Procurement Request Number: 07–92ID13203. Procurement Request Number: 07–92ID13203.

Dated: August 26, 1992.

Dolores J. Ferri,

Director, Contracts Management Division.

[FR Doc. 92–21419 Filed 9–3–92; 8:45 am]

BILLING CODE 6450–01–M

Pittsburgh Energy Technology Center; Krakow Clean Fossil Fuels and Energy Efficiency Program

AGENCY: Pittsburgh Energy Technology Center, Department of Energy.

ACTION: Notice of financial assistance program solicitation.

SUMMARY: The Department of Energy (DOE), Pittsburgh Energy Technology Center (PETC) announces that pursuant to 10 CFR 600.9, it intends to issue a program opportunity notice entitled "Krakow Clean Fossil Fuels and Energy Efficiency Program".

EFFECTIVE DATE: On or About September 21, 1992.

CLOSING DATE: Four months after issuance of solicitation.

ADDRESSES: Copies of the solicitation may be obtained by writing to the Department of Energy, Pittsburgh Energy Technology Center, Attention William R. Mundorf, P.O. Box 10940, MS 921–118, Pittsburgh, PA 15236.

FOR FURTHER INFORMATION CONTACT: William R. Mundorf (Contract Specialist), 412/892–4483 or Richard D. Rogus (Contracting Officer) 412/892–6221.

SUPPLEMENTARY INFORMATION: *Program Opportunity Notice No.* DE–PN22–92PC92178.

Title of Solicitation: Krakow Clean Fossil Fuels and Energy Efficiency Program.

Term of Assistance Effort: Up to four years.

Scope

Krakow Clean Fossil Fuels and Energy Efficiency Program. Applications are being solicited for cost-shared Cooperative Agreements to provide support for the establishment of business ventures to supply equipment and/or services to reduce air pollution from coal- or coke-fired small-scale boilers and coal-fired home heating stoves in Krakow, Poland. Proposed projects should apply commercial or commercially ready technologies with any proposed manufacturing capabilities to be located in Poland. Proposers are encouraged to include Polish firms in the business venture.

The program calls for applications in the following five areas: (1) District Heating—extension of the central station district heating system to eliminate local boiler houses; methods to increase the efficiency of heat distribution; methods to incorporate conservation measures in the district heating system or in Krakow residences and buildings. (2) Replacement with Natural Gas Heating—replacement of coal- or coke-fired boilers with natural gas-fired boilers; utilization, extension, maintenance, or management of the natural gas distribution system to substitute natural gas for coal or coke in heating applications. (3) Replacement with Electric Heating—retrofit of home stoves with electric inserts or replacement of home stoves with electric thermal storage heaters; installation, maintenance, and management of the electrical supply infrastructure required to utilize electric energy for space heating. (4) Boiler Houses—methods of reducing pollution from coal- and coke-fired boilers; examples may include: Boiler replacement, supply of an alternative solid fuel, installation of retrofit technologies, or operator training. (5) Home Stoves—methods of increasing the efficiency of home stoves of reducing the pollution emitted by them; examples include: Stove replacement, modification of the traditional stove design, or the supply of an alternative solid fuel such as briquettes or graded coal.

Each proposed project must be cost-shared, with Federal funding not exceeding 50% of the total cost of the project. Applications must utilize a U.S. Technology or a technology in the public domain. This solicitation will be available as stated in the effective date caption of this announcement. The closing date for submission of applications is four months after the release of the solicitation. Multiple awards may result from the solicitation. Copies of this solicitation may be obtained by writing to the address listed in this announcement.

Dated: August 21, 1992.

Carroll A. Lambton,

Contracting Officer.

[FR Doc. 92–21420 Filed 9–3–92; 8:45 am]

BILLING CODE 6450–01–M

Industrial Associates Program Announcement

By this notice the U.S. Department of Energy (DOE) is advising industry of an Industrial Associates Program at the DOE Savannah River Site, sponsored by DOE and its management and operating contractor, Westinghouse Savannah River Company. This program is part of DOE's Technology Transfer initiative and is intended to increase industry awareness of the availability for licensing technologies developed by DOE contractors. DOE requests that potential participants write to us stating their particular area of interest, the preferred dates from your schedule, and a vita of the individual who would like to participate. Participants may spend five days at the site. Time will be divided between the Technology Transfer Office to review available technologies, and the area of technical interest. There is no cost to be an industrial associate. Only U.S. citizens may participate.

The above information can be submitted at any time through September 30, 1993, to the following address: Caroline Teelon, Westinghouse Savannah River Company, Building 770–A, P.O. Box 616, Aiken, South Carolina 29802, Telephone: (803) 725–5540.

FOR FURTHER INFORMATION CONTACT: Elizabeth T. Martin, DOE, Savannah River Field Office, Contracts Division, P.O. Box A, Aiken, SC 29802, Telephone: (803) 725–2191.

Robert E. Lynch,

DOE Savannah River Field Office, Head of Contracting Activity Designee.

[FR Doc. 92–21424 Filed 9–3–92; 8:45 am]

BILLING CODE 6450–07–M

Kansas City Support Office; Noncompetitive Financial Assistance Award to Kansas State University, Engineering Extension Service

AGENCY: U.S. Department of Energy.

ACTION: Notice of noncompetitive financial assistance award.

SUMMARY: The U.S. Department of Energy (DOE), Kansas City Support Office announces that, pursuant to the DOE Financial Assistance Rules 10 CFR 600.7(b)(2), DOE intends to make a noncompetitive financial assistance award to Kansas State University, Engineering Extension Service (KSU/EES), which focus on the energy efficiency of high rise buildings operated by Public Housing Authorities (PAA's).

SUPPLEMENTARY INFORMATION: KSU/EES provided technical, computer, and

software support for the DOE/HUD Initiative in FY91. That effort will be continued in the FY92 project effort. KSU/EES will: (1) Develop an Energy Assessment and Management Program, (2) evaluate certain utility accounting programs, and (3) develop model RFP and contract documents for building re-commissioning. Due to their prior involvement, and associated experience, their staff is uniquely qualified to continue the efforts associated with their assigned tasks. KSU/EES has expended much time and effort in helping analyze the extensive engineering and facility management relationships and complexities that are associated with the program.

It would not be cost effective to sever that *base of knowledge* in either time or funds because competition for support would have a significant adverse effect on continuity and completion of the project in the time frame approved by DOE Washington.

The project period for the grant award is 12 months, beginning on October 1, 1992, to be completed on/or before September 30, 1993. Total funding for the FY92 portion of the project is expected to be approximately $40,000.

FOR FURTHER INFORMATION CONTACT: Kirk M. Bond, Project Engineer, U.S. Department of Energy, Kansas City Support Office, 911 Walnut Street, suite 1411, Kansas City, MO 64106–2024, Phone: (816) 426–5182, FAX: (816) 426–6860.

Issued in Chicago, Illinois, on August 20, 1992.

Johnnie D. Greenwood,

Director, Contracts Division.

[FR Doc. 92–21414 Filed 9–3–92; 8:45 am]

BILLING CODE 6450–01–M

Morgantown Energy Technology Center; Financial Assistance Award (Award of Cooperative Agreement)

AGENCY: U.S. Department of Energy (DOE), Morgantown Energy Technology Center.

ACTION: Notice of Noncompetitive Financial Assistance Award.

SUMMARY: Based upon a determination made pursuant to 10 CFR 600.7(b)(2)(i)(B) the DOE, Morgantown Energy Technology Center (METC), gives notice of its plans to award a cooperative agreement to the University of Oklahoma, Norman, Oklahoma, in the amount of $16.5M, of which $5.9M will be funded by the DOE. DOE intends to provide funding in the amount of $1.8M for the first budget period. The total project period is expected to be 5 years.

FOR FURTHER INFORMATION CONTACT: D. Denise Riggi, I–07, U.S. Department of Energy, Morgantown Energy Technology Center, P.O. Box 880, Morgantown, West Virginia 26507–0880. Telephone: (304) 291–4241. Procurement Request No. 21–92MC29077.000.

SUPPLEMENTARY INFORMATION: The purpose of the cooperative agreement is to provide financial assistance to the University in support of its program entitled "Fracturing Fluid Characterization Facility." The research is designed to characterize hydraulic fracture performance in various simulated geologic media, and is expected to develop new technologies as well as to improve efficiency of existing fracturing practices. One of DOE/METC's missions is to conduct research and development on the efficient exploitation of natural gas resources. Hydraulic fracturing is one of the main technical and cost components of developing most gas wells. Therefore, the proposed research program fits well into the DOE/METC mission. By providing financial support, METC expects to accelerate the dissemination of information to the general public, and have full access to the facility. Issued in Washington, DC, August 27, 1992.

Louie L. Calaway,

Director, Acquisition and Assistance Division, Morgantown Energy Technology Center.

[FR Doc. 92–21418 Filed 9–3–92; 8:45 am]

BILLING CODE 6450–01–M

San Francisco Field Office; Grant Award for Environmental Restoration Program for Technical Review and Services for Lawrence Livermore National Laboratory—Site 300; Noncompetitive Award

AGENCY: U.S. Department of Energy (DOE).

ACTION: Notice of Noncompetitive Financial Assistance Award.

SUMMARY: Pursuant to the DOE Financial Assistance Rules, 10 CFR 600.7(b) the U.S. Department of Energy, San Francisco Field Office announces that it plans to make a noncompetitive grant award for the technical review and services for the Environmental Restoration Program—Lawrence Livermore National Laboratory—Site 300. The term of the award will cover the period 30 September 1992 and end on 29 August 1994. The total grant award is $504,000.00.

ADDRESSES: U.S. Department of Energy, San Francisco Field Office, 1333 Broadway, Oakland, CA 94612.

FOR FURTHER INFORMATION CONTACT: Terrie Brown of the DOE San Francisco Field Office, Contracts Management Division, telephone (510) 273–4134.

SUPPLEMENTARY INFORMATION: The proposed grant award primarily supports the management and operation of the environmental restoration program at Lawrence Livermore National Laboratory—Site 300. The overall objectives and goals of the work is to perform timely technical reviews and substantive comments on reports and studies, identification and explanation of unique State requirements; field investigations and cleanup activities and support and assist DOE in conducting public participation activities.

Eligibility for this grant award is being limited to the State of California, Central Valley Regional Water Quality Control Board because LLNL—Site 300 is located in the State of California and the state has sole authority within its borders.

Issued in Oakland, CA, August 20, 1992.

Joan Macrusky,

Chief, ER/DP/EM Branch, Contracts Management Division.

[FR Doc. 92–21423 Filed 9–3–92; 8:45 am]

BILLING CODE 6450–01–M

Secretary of Energy Advisory Board; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92–463, 86 Stat. 770), notice is hereby given of the following advisory committee meeting:

Name: Secretary of Energy Advisory Board Task Force on Department of Energy's Role in Education.

Date and Time: Thursday, September 17, 1992, 8 a.m.–4 p.m.

Place: The Teachers Academy for Mathematics and Science, 10 West 35th Street, Chicago, Illinois 60616, 312–808–0100.

Contact: Dr. Michele Donovan, Designated Federal Officer, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–7092.

Purpose: The Task Force was established to assist Secretary of Energy in planning the Department's future in math/science education. This Task Force will apply its expertise and experience to an independent assessment of the Department's education activities.

Tentative Agenda

Thursday, September 17, 1992, 8 a.m.–4 p.m.

8 a.m.–8:20 a.m. Opening Remarks

8:20 a.m.–10 a.m. Overview of Federal Activities in Math/Science Education: Presentations and Discussion
10 a.m.–10:15 a.m. Break
10:15 a.m.–11:15 a.m. Overview of Current & Proposed DOE Activities
11:15 a.m.–11:45 p.m. Data and Trends in Minority Math/Science Education
11:45 p.m.–12:45 p.m. Working Lunch
Noon–12:30 p.m. Frontiers in Education Technologies
12:45 p.m.–2 p.m. National-level, non-Federal Activities in Math/Science Education: Presentations and Discussion
2 p.m.–3 p.m. Local Initiatives in Math/Science Education: Presentations and Discussion
3 p.m.–4 p.m. Discussion of Task Force Terms of Reference & Charge
4 p.m. Public Comment and Adjourn (10 minute rule)

Public Participation: The meeting is open to the public. The Chairman of the Task Force is empowered to conduct the meeting in a fashion that will, in the Chairman's judgment, facilitate the orderly conduct of business.

Any member of the public who wishes to make an oral statement pertaining to agenda items should contact the Designated Federal Officer at the address or telephone number listed above. Requests must be received before 3 p.m. (E.D.T.) Tuesday, September 8, 1992, and reasonable provision will be made to include the presentation during the public comment period. It is requested that oral presenters provide 20 copies of their statements at the time of their presentations.

Written testimony pertaining to agenda items may be submitted prior to the meeting. Written testimony must be received by the Designated Federal Office at the address shown above before 5 p.m. (E.D.T.) Tuesday, September 8, 1992, to assure that it is considered by Board members during the meeting.

Minutes: A transcript of the meeting will be available for public review and copying approximately 30 days following the meeting at the Public Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC, between 9 a.m. and 4 p.m., Monday through Friday except Federal holidays.

Issued: Washington, DC, on September 1, 1992.

Howard H. Raiken,

Advisory Committee Management Officer.

[FR Doc. 92–21415 Filed 9–3–92; 8:45 am]

BILLING CODE 6450–01–M

Office of the Deputy Secretary

U.S. Alternative Fuels Council; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770), notice is hereby given of the following meeting:

Name: United States Alternative Fuels Council.

Date and Time: Wednesday, September 9, 1992, 8 a.m.–4 p.m.

Location: National Renewable Energy Laboratory, Building 17/1, 1617 Cole Boulevard, Golden, Colorado.

Contact: Mark Bower, Office of Energy Demand Policy, U.S. Department of Energy, Mail Stop EP–50, Washington, DC 20585, Phone: (202) 586–3891.

Purpose of the Council: To provide advice to the Interagency Committee on Alternative Motor Fuels to help:

1. "* * * coordinate Federal agency efforts to develop and implement a national alternative motor fuels policy."
2. "* * * ensure the development of a long-term plan for the commercialization of alcohols, natural gas, and other potential alternative motor fuels."
3. "* * * ensure communication among representatives of all Federal agencies that are involved in alternative motor fuels projects or that have an interest in such projects."
4. "* * * provide for the exchange of information among persons working with, or interested in working with, the commercialization of alternative motor fuels."

Agenda

8 a.m.–10 a.m.

Open discussion on CRS draft report. Objective:

- Discuss draft document.
- List recommendations on how to process.
- Examine draft recommendations.
- Identify recommendations/issues on which consensus can be reached.
- Mr. David Gushee (CRS) will be available to answer questions and comment.

Chair: Robert W. Hahn.

10:15 a.m.–12 p.m.

Open discussion of individual member recommendations with member being available to answer questions and comment. Chair: Charles R. Imbrecht.

12 p.m.–1 p.m.

Lunch.

1 p.m.–3:45 p.m.

Full Council work on morning session to make decisions on the recommendations and report. Facilitator: Herbert J. Lapp.

3:45 p.m.–4 p.m.

Final comments, farewells, and public comment period (10 minute rule).

4 p.m.

Adjourn.

Public Participation: The meeting is open to the public. Written statements may be filed with the Council either before or after the meeting. Members of the public who wish to make oral statements pertaining to the agenda items should contact Mark Bower at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provisions will be made to include the presentation on the agenda. The Chairpersons of the Council are empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Minutes: Available for public review and copying approximately 30 days following the meeting at the Public Reading Room, room 1E190, Forrestal Building, 1000 Independence Ave., SW., Washington, DC between 9 a.m. and 4 p.m., Monday through Friday, except Federal Holidays.

Issued at Washington, DC, on September 1, 1992.

Howard H. Raiken,

Advisory Committee, Management Officer.

[FR Doc. 92–21417 Filed 9–3–92; 8:45 am]

BILLING CODE 6450–01–M

Office of Conservation and Renewable Energy

Financial Assistance Award; Intent To Award Grant to Northeast Sustainable Energy Association

AGENCY: Department of Energy.

ACTION: Notice of award.

SUMMARY: The Department of Energy announces that pursuant to 10 CFR 600.7, it is making a noncompetitive financial assistance award based in an application submitted to the U.S. Department of Energy, Boston Support Office, from the Northeast Sustainable Energy Association (NESEA).

The grant will provide funding in the amount of $4,500 in support of the 1992 Solar/Electric Vehicle (S/EV) Symposium which will be held by the NESEA in the October of 1992. The objective of the conference is to provide a forum for the public, policy makers and fleet owners which will help them focus on removing the technical obstacles in the S/EV market, and to discuss legislative issues affecting S/EV market development. It also provides an educational program which encourages students to enter challenging technical careers in the S/EV and other alternative vehicle fuels. Participants will continue to gain a better understanding of factors that contribute to the success of efforts to improve energy efficiency.

DOE knows of no other entity in the Northeast that is conducting or planning to conduct such a symposium. This effort is suitable for noncompetitive financial assistance and would not be eligible for financial assistance under a recent, current, or planned solicitation.

DATES: The term of this grant shall be six (6) months from the effective date of award.

FOR FURTHER INFORMATION CONTACT: Hugh Saussy, Jr., CE-Support Office, Boston, U.S. Department of Energy, One Congress Street, Boston, Massachusetts 02114–2021, (617) 565–9700.

Issued in Chicago, Illinois, on August 24, 1992.

Johnnie D. Greenwood,

Director, Contracts Division.

[FR Doc. 92-21421 Filed 9-3-92; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket Nos. RS92-1-001, RP89-161-022, RP89-172-003, CP90-2275-003 and CP91-687-002]

ANR Pipeline Co.; Filing

August 31, 1992.

On August 28, 1992, ANR Pipeline Company (ANR) submitted for filing pertinent provisions of its FERC Gas Tariff incorporating modifications required by the Commission's Order Approving Settlement on an Interim Basis as Modified and Denying Rehearing issued August 5, 1992, in the above-docketed proceeding. Notice is hereby given that anyone interested in filing comments on ANR's August 28, 1992, filing should submit those comments on or before September 8, 1992.

Lois D. Cashell,

Secretary.

[FR Doc. 92-21370 Filed 9-3-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. EL92-36-000; ER92-341-000 and EL92-35-000]

Arkansas Power & Light Co. and System Energy Resources, Inc., et al.; Intervention Date

August 31, 1992.

On August 24, 1992, the Commission issued an Order Establishing Hearing Procedures, Establishing Refund Effective Date and Consolidating Dockets. The order, *inter alia*, set the formula rates as identified in the attachment for investigation as well as any other such rates to be identified by the Energy Companies.

Take notice that interventions in this proceeding shall be due on or before September 15, 1992. Anyone previously granted intervention in Docket Nos. ER92-341-000 and EL92-35-000 need not file again.

Lois D. Cashell,

Secretary.

Attachment

Rate Schedules Containing Formula Rates Incorporating a Return on Equity Greater than 11.6 Percent

System Energy Resources, Inc.
(1) Rate Schedule FERC No. 2

New Orleans Public Service, Inc.
(1) Rate Schedule FERC No. 8

Louisiana Power & Light Company
(1) Rate Schedule FERC No. 69

Mississippi Power & Light Company
(1) Rate Schedule FERC No. 262

Arkansas Power & Light Company
(1) Rate Schedule FERC No. 94
(2) Rate Schedule FERC No. 96
(3) Rate Schedule FERC No. 127

[FR Doc. 92-21318 Filed 9-3-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RS92-19-000]

KN Energy, Inc.; Prefiling Conference

August 31, 1992.

Take notice that on Thursday, September 17, 1992, at 9 a.m., a conference will be convened in the above-captioned docket to discuss KN Energy's summary of its proposed plan for implementation of Order No. 636.

The conference will be held at the National Guard Memorial, 1 Massachusetts Ave., NW., Washington, DC (corner of Massachusetts Ave. and North Capitol St.). Parking is available under the National Guard Memorial and may be accessed from North Capitol Street. Be advised that telephone facilities are limited.

All parties are invited to attend. Attendance at the conference, however, will not confer party status. For additional information, interested parties may call Arnold H. Meltz at (202) 208-2161 or Thomas E. Gooding at (202) 208-0831.

Lois D. Cashell,

Secretary.

[FR Doc. 92-21317 Filed 9-3-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. G-8811-000, et al.]

Union Oil Company of California (Successor-in-interest of Unocal Exploration Corporation; Application

August 31, 1992.

Take notice that on August 17, 1992, Union Oil Company of California (Union), at 1201 West Fifth Street, Los Angeles, California 90017, filed an application pursuant to section 7 of the Natural Gas Act and the Federal Energy Regulatory Commission's (Commission) regulations thereunder as successor-in-interest to Unocal Exploration Corporation (Unocal).

By Certificate of Merger effective May 2, 1992, Unocal merged into Union. Union seeks authorization to continue the service previously authorized by the Commission under the certificates listed in the appendix and requests that the related rate schedules listed in the appendix be redesignated as those of Union, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

To be heard or to protest the application a person must file a motion to intervene or a protest on or before September 16, 1992. A person filing a protest or motion to intervene must follow the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214). All protests or motions to intervene must be filed with the Federal Energy Regulatory Commission, Washington, DC 20426.

The Commission will consider all fixed protests in deciding the appropriate action to take but filing a protest does not make a protestant a party to a proceeding. A person wanting to be a party to a proceeding or the participate as a party in a hearing must file a motion to intervene.

Under the procedure provided for here, unless otherwise advised, Union will not have to appear or be represented at any hearing.

Lois D. Cashell,

Secretary.

Unocal Exploration Corporation FERC Gas Rate Schedule No.	Certificate Docket No.	Purchaser
13	G-8811	Texas Gas Transmission Corporation.
35	G-17010	Texas Gas Transmission Corporation.
38	G-17457	Texas Gas Transmission Corporation.
59	CI61-165	Texas Gas Transmission Corporation.
60	CI61-166	Texas Gas Transmission Corporation.
99	G-7193	Texas Gas Transmission Corporation.
104	G-7193	Mobil Oil Corporation.
133	CI61-245	Texas Gas Transmission Corporation.
134	CI61-265	Texas Gas Transmission Corporation.
136	CI61-1070	Arkansas-Louisiana Gas Company.
142	CI62-634	Natural Gas Pipeline Company of America.
166	CI66-1016	Texas Gas Transmission Corporation.

Unocal Exploration Corporation FERC Gas Rate Schedule No.	Certificate Docket No.	Purchaser
167	CI65–1351	Texas Gas Transmission Corporation.
208	CI72–180	Texas Gas Transmission Corporation.
219	CI75–469	Texas Eastern Transmission Corporation.
220	CI75–474	Texas Eastern Transmission Corporation.
221	CI75–477	Texas Eastern Transmission Corporation.
223	CI76–736	Natural Gas Pipeline Company of America.
235	CI77–492	Texas Eastern Transmission Corporation.
237	CI77–828	Texas Gas Transmission Corporation.
245	CI78–859	Texas Gas Transmission Corporation.
250	CI79–66	Texas Gas Transmission Corporation.
252	CI77–828	Texas Eastern Transmission Corporation.
262	CI81–12–000	United Gas Pipe Line Company.
263	CI81–16–000	United Gas Pipe Line Company.
264	CI81–25–000	ANR Pipeline Company.
265	CI81–93–000	Texas Eastern Transmission Corporation.
273	CI82–355–000	United Gas Pipe Line Company.
277	CI85–224–000	Texas Gas Transmission Corporation.
278	CI85–182–000	ANR Pipeline Company.
853	CI79–540–001	Texas Gas Transmission Corporation.
854	CI80–203–001	Southern Natural Gas Company.
855	CI83–19–000	Texas Gas Transmission Corporation.
859	CI83–294–000	Texas Gas Transmission Corporation.
903	CI68–611–001	Texas Eastern Transmission Corporation.
904	CI69–446–001	Texas Eastern Transmission Corporation.
905	CI69–795–001	Texas Gas Transmission Corporation.
906	CI88–734–000	ANR Pipeline Company.
908	CI88–163–000	Texas Gas Transmission Corporation.
910	CI89–100–000	Natural Gas Pipeline Company of America.

[FR Doc. 92–21319 Filed 9–3–92; 8:45 am]
BILLING CODE 6717–01–M

Office of Fossil Energy

[FE Docket No. 91–42–NG]

Lockport Energy Associates, L.P.; Authorization To Import Natural Gas From Canada

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of order.

SUMMARY: The Office of Fossil Energy of the Department of Energy gives notice that it has issued an order granting Lockport Energy Associates L.P. (Lockport) authorization to import at Niagara Falls, New York, up to 12,000 Mcf of natural gas per day from Canada over a period of 15 years beginning on the date of the initial delivery. The gas would be purchased from ProGas, Inc. to fuel Lockport's new cogeneration facility in Lockport, New York.

A copy of this order is available for inspection and copying in the Office of Fuels Programs Docket Room, room 3F–056 at the above address. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, on August 31, 1992.

Charles F. Vacek,

Deputy Assistant Secretary for Fuels Programs, Office of Fossil Energy.

[FR Doc. 92–21426 Filed 9–3–92; 8:45 am]
BILLING CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–4202–1]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared August 17, 1992 Through August 21, 1992 pursuant to the Environmental Review Process (ERP), under section 309 of the Clean Air Act and section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 260–5076.

An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated April 10, 1992 (57 FR 12499).

Draft EISs

ERP No. D–BLM–J02024–UT Rating EC2, Castlegate Coalbed Methane Gas Production Project, Construction, Operation, Maintenance and Abandonment, Approval, Drilling Control, Temporary Use, Federal Antiquities, COE Section 404 and DOT Federal Pipeline Safety and Operations Permits and Right-of-Way Grants, Carbon County, UT.

Summary: EPA had environmental concerns based on the potentially adverse effects to surface and groundwater of the identified preferred alternative. In addition, there are no mitigation measures proposed to reduce or eliminate the impacts.

ERP No. D–BOP–E81033–MS Rating EC2, Yazoo City, Mississippi Federal Correctional Complex, Construction and Operation, Possibly Consisting of a High Security U.S. Penitentiary, Medium Security Federal Correctional Institution and Minimum Security Federal Prison, Site Selection and Possible COE Section 404 Permit, Yazoo City, Yazoo County, MS.

Summary: EPA's comments expressed the need for a better description of the alternatives development and evaluation processes, and noise impacts.

ERP No. D–FHW–F40224–WI Rating E02, Wisconsin STH–64 Improvements, Houlton to New Richmond, Funding and COE Section 404 Permit, St. Croix County, WI.

Summary: EPA expressed environmental objections due to impacts to wetlands and water quality. EPA recommended that the final EIS include additional information concerning wetland mitigation in terms of replacement ratio, and consideration and discussion of mitigation for upland ecosystem impacts.

ERP No. D–FHW–L40180–WA Rating EC2, WA–522 Transportation Improvements, WA–9 near Woodinville to WA–2 in Monroe, Funding, U.S. CGD Permit and Section 10 and 404 Permits, Snohosmish River Bridge, Snohosmish County, WA.

Summary: EPA expressed concerns about mitigation effectiveness, and groundwater, surface water quality, noise, and wildlife effects. EPA believed that additional information is needed on indirect effects to wetlands, the sole

source aquifer, water quality and wildlife.

ERP No. D–FHW–L50009–WA Rating EC2, Elliott Bridge No. 3166 Replacement, from WA–169 (Renton-Maple Valley Highway) across the bridge to the intersection of 154th Place SE., Funding, U.S. CGD Bridge Permit and Section 404 Permit, Cedar River, City of Renton, King County, WA.

Summary: EPA expressed concerns regarding wetland impacts, fisheries and traffic noise increases. EPA believed that additional information is needed on mitigation.

ERP No. D–SFW–J28018–ND Rating LO, Lake Ilo Dam and Reservoir Modification Project, Elimination of Existing Dam Safety Deficiencies and Section 404 Permit Issuance, Lake Ilo National Wildlife Refuge, Spring Creek, Dunn County, ND.

Summary: EPA had no objections to the proposed project.

ERP No. D2–AFS–J65134–WY Rating, EC2, Thunder Basin National Grasslands Oil and Gas Exploration and Development, Land Availability, Authorization for Leasing and Lease Offerings, Medicine Bow National Forests, Campbell, Crook, Weston, Converse and Niobrara Counties, WY.

Summary: EPA had environmental concerns with the proposed project based on the inadequate data provided. EPA recommended that the final EIS include sufficient information that analyzes water quality, wetlands, ground and surface water and other resources.

Final EISs

ERP No. F–AFS–J65183–UT, East Fork Black Forks Multiple Use Management Project, Implementation, Wasatch-Cache National Forest, Evanston Ranger District, Summit County, UT.

Summary: EPA had environmental concerns regarding the lack of baseline data necessary to assess potential environmental impacts. In addition EPA requested that the Forest Service explain methodologies for establishing existing stream quality and habitat conditions, discuss monitoring criteria to be used and clarify the no surface occupancy stipulation applies to wetlands and riparian areas.

ERP No. F–BLM–J03011–00, TransColorado Gas Pipeline Transmission Project, Construction, Operation and Maintenance, Section 404 and 10 Permits, Right-of-Way Grants and Special Use Permit, La Plata, Delta, Dolores, Garfield, Mesa, Montezuma, Montrose, Rio Blanco, San Miguel Counties, CO and San Juan County, NM.

Summary: EPA had no objection to the proposed project.

ERP No. F–FHW–F40317–IL, FAP–322/US 51 Improvement, from US 51 south of Pana to FAP 322 near Elwin, Funding, Section 404 Permit and Possible NPDES Permit, Christian, Shelby, and Macon Counties, IL.

Summary: EPA believed that the final EIS adequately responded to the previously expressed concerns regarding secondary impacts and avoidance/minimization of wetlands impacts. However, EPA remains concerned that effective mitigation for ambient noise level impacts will not be provided for some of the area's sensitive receptors.

ERP No. F–FHW–J40124–UT, Utah Forest Highway 5 and Wolf Creek Road, UT–35 Improvement, North Fork Provo River Bridge to Stockmore, Funding and Section 404 Permit, Duchesne, Wasatch and Summit Counties, UT.

Summary: EPA continued to have concerns about impacts to water quality and wetlands due to the movement of the salt and sanding material inherent to winter maintenance of the roadway.

ERP No. F–GSA–D80020–MD, Baltimore Health Care Financing Administration Consolidation (HCFA), Site Selection and Funding, Woodlawn Area, Baltimore County, MD.

Summary: EPA believed that the document adequately covered the environmental impacts of the project.

ERP No. F–GSA–D81020–MD, Internal Revenue Service National Office Consolidation and Construction, Site Selection, First Capital Realty Site, Meridian Site, Riverside Site or Metroview Site, Prince George's County, MD.

Summary: EPA had no objectives to the project.

Dated: September 1, 1992.

Richard E. Sanderson,

Director, Office of Federal Activities.

[FR Doc. 92–21409 Filed 9–3–92; 8:45 am]

BILLING CODE 6560–50–M

[ER–FRL–4201–9]

Environmental Impact Statements; Availability

Responsible Agency: Office of Federal Activities, General Information (202) 260–5076 OR (202) 260–5075. Availability of Environmental Impact Statements Filed August 24, 1992 Through August 28, 1992 Pursuant to 40 CFR 1506.9.

EIS No. 920352, Final Supplement, AFS, SD, WY, Norbeck Wildlife Preserve Land Management Plan, Implementation, Additional Information, Black Hills National Forest Land and Resource Management Plan, Custer and Pennington County, SD, Due: October 5, 1992, Contact: Mary Sue Waxler (605) 673–2251.

EIS No. 920353, Draft EIS, AFS, CA, Southbranch Resource Management Project, Harvest Timber, Road Closures and Developing Water Storage Facilities, Peavine Compartment, Tahoe National Forest, Foresthill Ranger District, Placer County, CA, Due: October 19, 1992, Contact: Slim Trout (916) 367–2224.

EIS No. 920354, Draft EIS, BLM, CA, Klamath Falls Resource Management Plan, Implementation, Lakeview District, Klamath County, CA, Due: December 21, 1992, Contact: Judy Nelson (503) 947–2177.

Amended Notices

EIS No. 910034, Draft EIS, COE, IN, Tillery Hill State Recreation Area Development, Construction, Operation and Maintenance of Recreation Facilities, Patoka Lake, Orange County, IN, Due: March 15, 1993, Contact: Keith Hoss (502) 582–6015. Published FR: 2–8–91—Review period extended.

EIS No. 920258, Draft EIS, NPS, WA, Hanford Reach of the Columbia River Comprehensive River Conservation Study, Designation or Nondesignation, National Wildlife Refuge with Wild and Scenic River Overlay, Benton, Grant and Franklin Counties, WA, Due: October 9, 1992, Contact: Bob Karotko (206) 553–4720. Published FR: 07–10–92—Review period extended.

EIS No. 920342, Final Supplement, USA, MA, NJ, AZ, Fort Huachuca Base Realignment and Cancellation of Transfer of Missions and Functions, Cochise County, AZ, Due: October 5, 1992, Contact: Alex Watt (213) 894–5088. Published FR: 08–28–92—Review Period Reregulationed.

Dated: September 1, 1992.

Richard E. Sanderson,

Director, Office of Federal Activities.

[FR Doc. 92–21408 Filed 9–3–92; 8:45 am]

BILLING CODE 6560–50–M

[OPPTS–59949; FRL 4162–9]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN)

to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in the final rule published in the **Federal Register** of May 13, 1983 (48 FR 21722). In the **Federal Register** of November 11, 1984, (49 FR 46066) (40 CFR 723.250), EPA published a rule which granted a limited exemption from certain PMN requirements for certain types of polymers. Notices for such polymers are reviewed by EPA within 21 days of receipt. This notice announces receipt of 8 such PMN(s) and provides a summary of each.

DATES: Close of review periods:

Y 92–184, 92–185, 92–186, August 25, 1992.

Y 92–187, August 27, 1992.

Y 92–188, 92–189, 92–190, August 30, 1992.

Y 92–191, September 7, 1992.

FOR FURTHER INFORMATION CONTACT: Susan B. Hazen, Director, Environmental Assistance Division (TS–799), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. E–545, 401 M St., SW., Washington, DC, 20460, (202) 554–1404, TDD (202) 554–0551.

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the nonconfidential version of the submission provided by the manufacturer on the PMNs received by EPA. The complete nonconfidential document is available in the TSCA Public Docket Office, NE–G004 at the above address between 8 a.m. and noon and 1 p.m. and 4 p.m., Monday through Friday, excluding legal holidays.

Y 92–184

Manufacturer. Confidential.

Chemical. (G) Modified acrylic resin.

Use/Production. (G) Textile processing agent. Prod. range: Confidential.

Y 92–185

Manufacturer. Confidential.

Chemical. (G) Modified acrylic resin.

Use/Production. (G) Textile processing agent. Prod. range: Confidential.

Y 92–186

Manufacturer. Confidential.

Chemical. (G) Modified acrylic resin.

Use/Production. (G) Textile processing agent. Prod. range: Confidential.

Y 92–187

Manufacturer. Reichhold Chemicals, Inc.

Chemical. (G) Polyester resin.

Use/Production. (S) Powder coatings. Prod. range: Confidential.

Y 92–188

Manufacturer. Reichhold Chemicals, Inc.

Chemical. (G) Polyester resin.

Use/Production. (S) Powder coatings. Prod. range: Confidential.

Y 92–189

Manufacturer. Reichhold Chemicals, Inc.

Chemical. (G) Polyester resin.

Use/Production. (S) Powder coatings. Prod. range: Confidential.

Y 92–190

Manufacturer. Henkel Corporation.

Chemical. (S) Adipic acid and phthalic anhydride, polymer with propylene glycol-, coco fatty acid ester.

Use/Production. (S) Plasticizer for polyvinyl chloride. Prod. range: 200,000–500,000 kg/yr.

Y 92–191

Importer. Confidential.

Chemical. (G) Polyester resin.

Use/Import. (S) Component for powder coatings. Import range: Confidential.

Dated: August 28, 1992.

Steven Newburg-Rinn,

Acting Director, Information Management Division, Office of Pollution Prevention and Toxics.

[FR Doc. 92–21368 Filed 9–3–92; 8:45 am]

BILLING CODE 6560–50–F

[OPPTS–59312; FRL 4163–1]

Certain Chemical; Test Market Exemption Application

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA may upon application exempt any person from the premanufacturing notification requirements of section 5(a) or (b) of the Toxic Substance Control Act (TSCA) to permit the person to manufacture or process a chemical for test marketing purposes under section 5(h)(1) of TSCA. Requirements for test marketing exemption (TME) applications, which must either be approved or denied within 45 days of receipt are discussed in EPA's final rule published in the **Federal Register** of May 13, 1983 (48 FR 21722). This notice, issued under section 5(h)(6) of TSCA, announces receipt of one application for exemption, provides a summary, and requests comments on the appropriateness of granting these exemptions.

DATES:

Written comments by:

T 92–17, September 23, 1992.

ADDRESSES: Written comments, identified by the document control number "(OPPTS–59312)" and the specific TME number should be sent to: Document Processing Center (TS–790), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., SW, Rm. 201ET, Washington, DC 20460, (202) 260–1532.

FOR FURTHER INFORMATION CONTACT: Susan B. Hazen, Director, Environmental Assistance Division (TS–799), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. E–545, 401 M St., SW, Washington, DC 20460, (202) 554–1404, TDD (202) 554–0551.

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the nonconfidential version of the submission provided by the manufacturer of the TME received by EPA. The complete nonconfidential document is available in the TSCA Public Docket Office NE–G004 at the above address between 8 a.m. and noon and 1 p.m. and 4 p.m., Monday through Friday, excluding legal holidays.

T 92–17

Close of Review Period. October 7, 1992.

Importer. Confidential.

Chemical. (S) Polypropylene resin.

Use/Import. (G) Open, nondispersive. Import range: Confidential.

Dated: August 28, 1992.

Steve Newburg-Rinn,

Acting Director, Information Management Division, Office of Pollution Prevention and Toxics.

[FR Doc. 92–21369 Filed 9–3–92 8:45 am]

BILLING CODE 6560–50–F

FEDERAL COMMUNICATIONS COMMISSION

[ET Docket No. 92–100, FCC 92–333]

Establishment of New Personal Communications Services

AGENCY: Federal Communications Commission.

ACTION: Notice; tentative decision with request for comments.

SUMMARY: This Tentative Decision seeks comprehensive comment on the Commission's proposal to award Mobile Telecommunication Technologies Corporation (Mtel) a pioneer's preference in the licensing process for its efforts in developing 900 MHz

narrowband personal communications services (PCS) technology and services. This action responds to thirteen requests for a pioneer's preference in licensing PCS in the 900 MHz bands. The Commission deferred reaching tentative decisions on pioneer's preference requests in associated GEN Docket No. 90–314.

DATES: Comments are due by November 9, 1992, and reply comments are due by December 9, 1992.

ADDRESSES: Federal Communications Commission, 1919 M St. NW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Tom Morring, Office of Engineering and Technology, Frequency Allocation Branch, (202) 653–8114.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Tentative Decision in ET Docket No. 92–100, which was adopted on July 16, 1992, and released on August 14, 1992.

The complete text of this Tentative Decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this Tentative Decision also may be purchased from the Commission's duplication contractor, Downtown Copy Center, at (202) 452–1422, 1114 21st Street, NW., Washington, DC 20036.

Summary of Notice of Tentative Decision

1. The Commission awarded Mtel a tentative pioneer's preference for unpaired spectrum in the 930–931 MHz range for its development of significantly improved bit transmission rates, submission of an innovative proposal based upon these improved rates that will result in new service functionalities being available to consumers, and development of the technology necessary to implement its proposal. The Commission tentatively denied 12 other pioneer's preference requests in Docket 92–100.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 92–21167 Filed 9–3–92; 8:45 am]

BILLING CODE 6712–01–M

[Report No. 1906]

Petitions for Reconsideration and Clarification of Actions in Rule Making Proceedings

August 28, 1992.

Petitions for reconsideration and clarification have been filed in the Commission rule making proceedings listed in this Public Notice and published pursuant to 47 CFR 1.429(e). The full text of these documents are available for viewing and copying in room 239, 1919 M Street, N.W., Washington, DC, or may be purchased from the Commission's copy contractor Downtown Copy Center (202) 452–1422. Oppositions to these petitions must be filed by September 21, 1992.

See § 1.4(b)(1) of the Commission's rules (47 CFR 1.4(b)(1)). Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: Policies and Rules Concerning Local Exchange Carrier Validation and Billing Information for Joint Use Calling Cards. (CC Docket No. 91–115) Number of Petitions Filed: 4.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 92–21283 Filed 9–3–92; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL MARITIME COMMISSION

Security for the Protection of the Public Indemnification of Passengers for Nonperformance of Transportation; Issuance of Certificate (Performance)

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of section 3, Public Law 89–777 (46 U.S.C. 817(e)) and the Federal Maritime Commission's implementing regulations at 46 CFR part 540, as amended:

Nur Touristic GmbH (d/b/a Neckermann Und Reisen), Zimmersmuhlenweg 55, 6370 Obersul 1, Germany.

Vessel: Fedor Dostoyevskiy.

Dated: August 31, 1992.

Joseph C. Polking,

Secretary.

[FR Doc. 92–21355 Filed 9–3–92; 8:45 am]

BILLING CODE 6730–01–M

Security for the Protection of the Public Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages; Issuance of Certificate (Casualty)

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages pursuant to the provisions of section 2, Public Law 89–777 (46 U.S.C. 817(d)) and the Federal Maritime Commission's implementing regulations at 46 CFR part 540, as amended:

Nur Touristic GmbH (d/b/a Neckermann Und Reisen), Unicom Management Services (Cyprus) Limited and Fedor Dostoyevskiy Shipping Company Limited, Zimmersmuhlenweg 55, 6370 Obersul 1, Germany.

Vessel: *Fedor Dostoyevskiy.*

Dated: August 31, 1992.

Joseph C. Polking,

Secretary.

[FR Doc. 92–21356 Filed 9–3–92; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Crossroads Bancshares, 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 28, 1992.

A. Federal Reserve Bank of Atlanta (Zane R. Kelley, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. Crossroads Bancshares, Inc., Perry, Georgia; to become a bank holding company by acquiring 100 percent of the

voting shares of Crossroads Bank of Georgia, Perry, Georgia.

B. Federal Reserve Bank of Chicago (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. Firstar Corporation, Milwaukee, Wisconsin, and Firstar Corporation of Illinois, Milwaukee, Wisconsin; to merge with DSB Corporation, Deerfield, Illinois, and thereby indirectly acquire Deerfield State Bank, Deerfield, Illinois.

C. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. First Dakota Financial Corporation, Yankton, South Dakota; to merge with McCook Bancshares, Inc., Salem, South Dakota, and thereby indirectly acquire McCook County National Bank, Salem, North Dakota.

D. Federal Reserve Bank of Kansas City (John E. Yorke, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. Merchants Bancshares, Inc., Kansas City, Missouri; to become a bank holding company by acquiring at least 80 percent of the voting shares of Metro Bancshares, Inc., Kansas City, Missouri, and thereby indirectly acquire Metro North State Bank, Kansas City, Missouri; MBI Bancshares, Inc., Kansas City, Missouri, and thereby indirectly acquire The Merchants Bank, Kansas City, Missouri; and International Bancshares, Inc., Gladstone, Missouri, and thereby indirectly acquire First Bank of Gladstone, Gladstone, Missouri; Bank of St. Joseph, St. Joseph, Missouri; and Citizens Bank and Trust Co., Smithville, Missouri.

2. One Security of Kansas, Inc., Kansas City, Kansas; to become a bank holding company by acquiring at least 80 percent of the voting shares of One Security, Inc., Kansas City, Kansas, and thereby indirectly acquire Security Bank of Kansas City, Kansas City, Kansas; Mission Bancshares, Inc., Mission, Kansas, and thereby indirectly acquire The Mission Bank, Mission, Kansas; Valley View Bancshares, Inc., Overland Park, Kansas, and thereby indirectly acquire Valley View State Bank, Overland Park, Kansas; and Industrial Bancshares, Inc., Kansas City, Kansas, and thereby indirectly acquire Industrial State Bank, Kansas City, Kansas.

Board of Governors of the Federal Reserve System, August 31, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92-21337 Filed 9-3-92; 8:45 am]

BILLING CODE 6210-01-F

Lisco State Company; 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 18, 1992.

A. Federal Reserve Bank of Kansas City (John E. Yorke, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. Lisco State Company, Lisco, Nebraska; to acquire 20.73 percent of the voting shares of First Nebraska Bancs, Inc., Sidney, Nebraska, and thereby indirectly acquire First National Bank, Sidney, Nebraska. In connection with this application, First Nebraska Bancs, Inc. has applied to merge with Torrington National Company, Torrington, Wyoming, and thereby indirectly acquire First National Bank, Torrington, Wyoming.

Lisco State Company also proposes to engage in the sale of general insurance in the community of Dalton, Nebraska, and the immediately surrounding area pursuant to § 225.25(b)(8)(iii)(A) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, August 31, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92-21338 Filed 9-3-92; 8:45 am]

BILLING CODE 6210-01-F

Mahaska Investment Company, et al.; 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 28, 1992.

A. Federal Reserve Bank of Chicago (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. Mahaska Investment Company, and Mahaska Investment Company ESOP, Oskaloosa, Iowa; to engage *de novo* through their subsidiary, MIC Development Corporation, Oskaloosa, Iowa, in forming a *de novo* community development corporation pursuant to § 225.25(b)(6) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, August 31, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92–21339 Filed 9–3–92; 8:45 am]

BILLING CODE 6210–01–F

Joseph J. Schuessler, 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 24, 1992.

A. Federal Reserve Bank of Kansas City (John E. Yorke, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. Joseph J. Schuessler, Kansas, Illinois, to acquire 23.18 percent; John M. Schuessler, River Forest, Illinois, to acquire 20.64 percent; Charles L. Kirchner, Kansas, Illinois, to acquire 20.64 percent; Thomas R. Furey, Perrysburg, Ohio, to acquire 20.64 percent; and Kansas State Banc Corporation, Kansas, Illinois, to acquire 4.71 percent of the voting shares of Paonia Financial Services, Inc., Paonia, Colorado, and thereby indirectly acquire Paonia State Bank, Paonia, Colorado.

Board of Governors of the Federal Reserve System, August 31, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92–21340 Filed 9–3–92; 8:45 am]

BILLING CODE 6210–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Federal Council on the Aging; Meeting

Agency Holding the Meeting: Federal Council on the Aging.

Time and Date: Meeting begins at 9 a.m. and ends at 4:30 p.m. on Wednesday, September 23, 1992, and begins at 9 a.m. and ends at 4:30 p.m., on Thursday, September 24, 1992.

Place: On Wednesday, September 23, from 9 a.m. to 12 noon, and from 1:30 p.m. to 4:30 p.m., in the SSA Conference Room 648–H, Hubert Humphrey Building, 200 Independence Avenue, SW., Washington, DC, from 9 a.m. to 4:30 p.m., and Thursday, September 24, in the SSA Conference Room 648–H Hubert Humphrey Building, 200 Independence Avenue, SW., Washington, DC, from 9 a.m. to 4:30 p.m.

Status: Meeting is open to the public. (Due to building security, names of attendees should be called into FCoA office (619–2451) prior to meeting dates).

Contact Person: Kevin W. Parks, rm. 4280, Wilbur J. Cohen Building, 330 Independence Ave., SW., Washington, DC 20201 (202) 619–2451.

The Federal Council on the Aging was established by the 1973 Amendments to the Older Americans Act of 1965 (Pub. L. 93–29, 42 U.S.C. 3015) for the purpose of advising the President, the Secretary of Health and Human Services, the Commissioner on Aging and the Congress on matters relating to the special needs of older Americans.

Notice is hereby given pursuant to the Federal Advisory Committee Act (Pub. L. 92–453, 5 U.S.C. App. 1, Sec. 10, 1976) that the Council will hold its fourth quarterly meeting of FY 92 on September 23 and 24, 1992, from 9 a.m. to 4:30 p.m. respectively. On September 23 and 24, the meeting will be held in the SSA Conference Room 648–H, Hubert Humphrey Building, 200 Independence Avenue, SW., Washington, DC 20201–0001.

The agenda will include: On Wednesday, September 23, the morning session will be devoted to the Council's regular business session. The afternoon session will be devoted to work sessions of the Council's Committees on Older Persons Living Alone, Outreach and Barriers to Access to Services, and Older Persons and the Media.

On Thursday, September 24, the morning session will be devoted to reports of the three committees and discussion of future activities. The afternoon session will begin at 1:30 p.m. and end at 4:30 p.m. and will focus on preliminary development of meeting topics and agenda for calendar year 1993.

The rest of the two-day meeting will be devoted to discussion of FCoA subcommittee meetings and reports, discussion of presentations and formulation of recommendations, and other matters as they relate to the aging population.

Dated: August 28, 1992.

Max L. Friedersdorf,

Chairman, Federal Council on the Aging.

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Centers for Disease Control

[Announcement Number 300]

Cooperative Agreements for Human Immunodeficiency Virus (HIV); Prevention Projects Program Announcement and Availability of Funds for Fiscal Year 1993

Introduction

The Centers for Disease Control (CDC), the Nation's prevention agency, announces the availability of fiscal year (FY) 1993 funds for a cooperative agreement program for human immunodeficiency virus (HIV) prevention projects.

The Public Health Service (PHS) is committed to achieving the health promotion and disease prevention objectives of Healthy People 2000, a PHS-led national activity to reduce morbidity and mortality and to improve the quality of life. This announcement is related to the priority areas of HIV infection, sexually transmitted diseases, and immunization and infectious diseases. (The HIV infection objectives are included in the application kit; for ordering a copy of Healthy People 2000, see the section Where to Obtain Additional Information.)

Authority: This program is authorized by the Public Health Service Act sections 301(a) and 317 (42 U.S.C. 241(a) and 247b), as amended.

Eligibility

Eligible applicants for this program are official state and local health

agencies that currently receive HIV/AIDS prevention cooperative agreements. This includes the District of Columbia, American Samoa, the Commonwealth of Puerto Rico, the Virgin Islands, the Federated States of Micronesia, Guam, the Northern Mariana Islands, the Republic of the Marshall Islands, and the Republic of Palau.

Availability of Funds

On the basis of the President's FY 1993 budget request, approximately $145,000,000 is expected to be available to fund 65 competing continuation cooperative agreements for a 12-month budget period within a 4- to 5-year project period. The average award is expected to be $2.2 million, ranging from $50,000 to $17,000,000. Specifically, these funds are expected to be available as follows:

1. Counseling, Testing, Referral, and Partner Notification (CTRPN)—$80,000,000.
2. Health Education and Risk Reduction (HE/RR)—$17,000,000.
3. Minority Initiatives (MI)—$14,000,000.
4. HIV Prevention in Drug Users (PHPDU)—$24,000,000.
5. Public Information (PI)—$10,000,000.

Funding estimates already outlined may differ and are subject to change. At the request of the applicant, Federal personnel, equipment, or supplies may be provided in lieu of a portion of the financial assistance.

Continuation awards within the project period will be based on the availability of funds and the extent to which the recipient has successfully met its objectives during the preceding budget period.

Purpose

The purpose of the HIV Prevention Cooperative Agreement Program is to assist state and local public health departments, in collaboration with other agencies and organizations working at the local, state, regional, and national levels, to:

- Prevent the transmission of HIV and
- Reduce associated morbidity and mortality of HIV-infected persons by increasing access to early medical intervention to delay the onset of symptoms and to prevent and treat complications of HIV infection.

CDC Strategic Goals for HIV Prevention

A. Strengthen current systems and develop new systems to accurately monitor the HIV epidemic, as a basis for assessing and directing HIV prevention programs.

B. Increase public understanding of, involvement in, and support for HIV prevention.

C. Implement comprehensive school health education programs to prevent risk behaviors that lead to HIV infection and related health problems.

D. Prevent or reduce behaviors or practices that place persons at risk for HIV infection, or if already infected, place others at risk.

E. Increase individual knowledge of HIV serostatus and improve referral systems to appropriate prevention and treatment services.

This announcement is intended to provide support for programs, activities, and services relevant to goals B, D, and E.

Additional important national goals are to strengthen sexually transmitted disease (STD) services and to improve referral to substance abuse treatment programs to reduce the prevalence of diseases that promote HIV transmission.

Program Requirements

In conducting activities to achieve the purpose of this program, the recipient shall be responsible for conducting the activities under "A" and "B," below, and CDC shall be responsible for conducting the activities under "C," below:

A. Recipient Requirements and Guidance

1. *Objectives:* All states must develop realistic, specific, and measurable process and outcome objectives for required HIV prevention activities and services.

2. *Resource/Needs Assessment:* States should use data from AIDS case surveillance, Behavioral Risk Factor Surveillance (BRFS), HIV infection reporting (if required by state law), STD surveillance, HIV seroprevalence studies, and other relevant indicators (e.g., teen birth rates, number of drug arrests) to determine geographic and population priorities for allocating resources and to target primary and secondary HIV prevention services. States are encouraged to contact other state agencies (e.g., agencies that focus on substance abuse) and community organizations to obtain additional data to help identify the needs of target populations.

Working with the appropriate community groups and organizations, states should examine and document current and projected resource requirements and unmet needs for HIV primary and secondary prevention services. This information can be used to plan program activities and services, redirect efforts and resources to meet current needs, use resources more efficiently, and identify unmet service needs. In conducting this assessment, states are encouraged to determine the availability and the location of preventive, medical, laboratory, therapeutic, psychological, and other support services for persons at increased risk for HIV infection and for persons who are HIV-infected so that current and projected program and service needs can be identified and referrals can be made.

Recipients are encouraged to place particular emphasis on assessing the availability and the accessibility of primary and secondary HIV prevention services for underserved populations heavily affected by the HIV epidemic. These underserved groups might include racial and ethnic minority populations, persons of low income, and other groups at risk who are not currently receiving primary and secondary HIV prevention services. Recipients are encouraged to identify and describe barriers to the use of services by populations at risk.

3. *Advisory Group:* States are encouraged to establish or work with a current advisory group (e.g., those established for programs supported by the Health Resources and Services Administration (HRSA) under Part B of Title XXVI) that broadly represents the populations to be served and that actively participates with the health department in the ongoing review and strengthening of comprehensive primary and secondary HIV prevention programs. The advisory group can help facilitate planning and minimize the duplication of services. States are strongly encouraged to include HIV-infected persons as members of the advisory group. In addition, minority populations should be represented in the membership. Such broad representation will involve community organizations and indigenous groups who have trust and credibility with the populations to be served and who understand the relevant cultural issues. Their participation can improve planning and increase acceptance of needed services by populations at risk. States are encouraged to coordinate planning with other relevant state agencies (e.g., agencies that focus on substance abuse) and with other HIV-related planning groups, councils, consortia, or organizations, especially the planning councils and consortia established for HRSA-supported programs under Parts A and B of Title XXVI.

4. *Collaboration:* States must collaborate with other agencies and organizations which provide primary and secondary HIV prevention and

other related services such as substance abuse treatment (especially those receiving Federal funds for such purposes), when planning, implementing, and evaluating their program activities and services. Examples of other agencies and organizations to collaborate with include other state and local health departments, state and local drug abuse treatment agencies, state and local educational agencies, state offices of minority health, other appropriate state and local agencies, community-based organizations (CBOs), health care providers, correctional institutions and criminal justice systems, other Federal agencies, and national and regional organizations and their affiliates. If relevant and appropriate, applicants are encouraged to submit evidence of collaboration such as joint plans for providing services or brief descriptions of collaborative activities.

B. Required Activities and Services and Related Guidance

1. Counseling, Testing, Referral, and Partner Notification (CTRPN)

The major functions of CTRPN programs are to provide individuals a convenient opportunity to learn their current HIV serostatus, to receive counseling to help initiate behavior change to avoid infection or, if already infected, to prevent transmission to others, to obtain referral to additional prevention, medical care, and other needed services, and to provide prevention services and referral to sex and needle-sharing partners of infected persons. States must undertake the following activities and provide the specified services.

a. *Counseling and Testing:* Routinely offer, on a voluntary basis with informed consent, HIV prevention counseling (pretest, posttest, and additional prevention counseling) and HIV laboratory testing services (including HIV antibody and, when feasible and appropriate, CD4+ cell determination or other testing to determine immune system functioning). Recipients are encouraged to offer services, as resources permit, to the clients of designated counseling and testing sites, STD clinics, drug treatment centers, tuberculosis clinics, criminal justice and correctional systems, women's health and family planning clinics, and other sites serving persons at risk. Recipients are strongly encouraged, whenever possible, to integrate HIV counseling and testing into the ongoing operations of health-care providers, especially STD and substance abuse treatment clinics, to reduce unnecessary costs and use resources as efficiently as possible. If a state opts to charge for services, they are encouraged to do so on a sliding scale, and no one should be denied services because of an inability to pay. Funds generated from charging clients must be used to support HIV preventation program activities and services.

States are encouraged to give priority to providing services through sites serving the residents of areas that have high rates of HIV seroprevalence and AIDS case incidence and sites with clientele known to have high rates of HIV seropositivity (e.g., STD clinics, drug treatment centers, hospitals with AIDS-diagnosis rates of 1.0 or more per 1000 discharges and their outpatient clinics) or risk behavior, especially men who have sex with men, (including gay identified and non-gay identified) individuals infected with other STDs, injecting drug users (IDUs), women at risk, and youth in high-risk situations.

Some clients may be at very high risk of becoming HIV-infected or, if already infected, of transmitting the virus to others. States are encouraged to provide, either onsite or through referral, additional prevention counseling (individual, couple, group, or peer), as appropriate to the needs of these clients. Funds awarded through this component of the cooperative agreement can be used to support such ongoing counseling and prevention case management.

In deciding which sites will provide, or continue to provide, HIV-antibody counseling and testing services, priority should be given to the programs that can reach large numbers of persons at high risk of HIV, can obtain test results promptly, and can yield a high return rate of clients for posttest counseling. States are required to implement a written policy for contacting clients who are infected with HIV and who have not returned for posttest counseling.

If CTRPN services are offered on site, or planned to be, a limited amount of funds awarded through this cooperative agreement (approximately $5,000–$12,000 per site) may be used in analyzing and improving systems and procedures (e.g., patient flow analysis) for serving clients and for other minor improvements in the general operations of STD and other clinics serving large numbers of clients at high risk for HIV infection. Such requests should include details of how the proposed improvements may increase access to counseling and testing services and increase return rates for posttest counseling.

A focused and tailored risk assessment should be the foundation of HIV pretest counseling. Pretest counseling should not be a passive appraisal by the counselor of the client's behavior but an interactive process between the counselor and the client, conducted in an empathic manner with special attention on the ongoing behaviors and circumstances (e.g., sexual history, STD history, drug use) that may continue to place the client at risk for HIV infection or transmission. Information from the individualized risk assessment should be the basis for assisting the client in developing a plan to reduce HIV risk. Counselors should also address the client's information and skill needs identified through risk assessment.

Some clients may choose not to disclose risk behavior, and others may not be aware of their actual risks. Therefore, the lack of self-reported risk should not be used as the sole reason to discourage a client from HIV-antibody testing.

Persons who are tested should be confidentially notified of their test results and provided appropriate posttest counseling. During pretest counseling, clients should be informed of the benefits of knowing their serostatus and encouraged to return for test results and posttest counseling.

Highest priority must be given to increasing return rates of seropositive clients.

States may wish to provide pretest or posttest counseling through video or other more cost-efficient means to persons with low or no risk, as indicated by the risk assessment, but who wish to receive HIV-antibody testing. States are encouraged to offer services at times and places that are convenient and accessible to target populations. Counseling should be culturally competent (i.e., program and services provided in a style and format respectful of cultural norms, values, and traditions that are endorsed by cultural leaders and accepted by the target population), sensitive to issues of sexual identity, developmentally appropriate (i.e., information and services provided at a level of comprehension that is consistent with the age and the learning skills of the persons being served), and linguistically specific (i.e., information is presented in dialect and terminology consistent with the target population's native language and style of communications).

Unless it is prohibited by state law or regulation, clients should be offered reasonable opportunities to receive HIV-antibody counseling and testing services

anonymously. The availability of anonymous services may encourage some persons at risk to seek services who should otherwise be reluctant to do so. Seropositive clients, especially those initially tested anonymously, should be counseled about the benefits of receiving follow-up services under a confidential system.

b. *Referral:* Clients who are at increased risk for HIV infection and clients who are infected with HIV are often in need of many services such as STD screening and treatment, substance abuse counseling and treatment, tuberculosis testing and treatment, family planning, further HIV prevention counseling, evaluation of immune system function, and HIV early medical intervention. These services should be provided at the testing site. If they are unavailable at the testing site, individuals must be referred to another service provider. States should have a system in place to link counseling and testing sites with other health, medical, and psychosocial service providers through referral.

All clients who are found to be HIV-infected at any CTRPN service site should be provided TB PPD skin testing (Mantoux technique) and a CD4+ cell test to determine their stage of illness and to assess their medical eligibility for treatment. If these services are unavailable at the testing site, individuals must be referred to another service provider. HIV-infected persons should be counseled about the benefits of early medical treatment and be provided opportunities, either on-site or through referral, to receive appropriate medical therapies.

Information about services available through referral should be regularly updated so that counselors can refer clients for services currently available in the local area. Clients who need services should be counseled, or referred for counseling, about their eligibility for publicly supported, third party payment or reimbursement programs.

Funds provided through this cooperative agreement cannot routinely be used to provide ongoing clinical and therapeutic care of HIV-infected persons. Support for such services should be obtained from other sources of funding, or the services should be obtained through referral to local providers. With prior approval from CDC and under special circumstances, a limited amount of funds can be used to provide outpatient clinical and therapeutic services to HIV-infected persons who would not otherwise have access to such services. This will be negotiated on a project-by-project basis and must be done in such a manner that primary prevention activities of the project area will be strengthened.

Funds may be used, however, to provide CD4+ cell and TB PPD skin (Mantoux technique) testing, to establish and maintain formal linkages between the counseling and testing sites and the providers of secondary HIV prevention services including TB testing and treatment, and to improve the success rate of referrals through prevention case management systems.

c. *Partner Notification:* States must establish standards and implement procedures for confidential voluntary notification of sex and needle-sharing partners of HIV-infected persons. Partner notification is a primary prevention service with the following objectives of:

(1) Providing prevention information to persons, if not already infected, who may be at very high risk of becoming HIV-infected but who are unaware of or who misunderstand their risks; and

(2) Assisting them in obtaining other services such as HIV counseling, testing, referral, and additional HIV prevention counseling.

If the partner is already HIV-infected, partner notification can play a very important role in providing access to secondary HIV prevention services.

States should provide partner notification services in both anonymous and confidential testing sites. States should also provide partner notification services for physicians or hospitals who provide HIV counseling and testing, or the necessary training to conduct these services.

These services may include counseling the infected person alone, or with his or her partners, about HIV prevention measures and about the need for and the availability of other services, including HIV secondary prevention. Staff who provide partner notification services should receive specialized training so that they can provide these services sensitively and effectively. Partner notification programs should include:

(1) Patient referral, which includes encouraging seropositive persons to notify their partners, including spouses, and counseling them on techniques, (e.g., role play during the counseling session), for successfully undertaking such notifications, and

(2) Provider referral, which includes, in situations where the HIV-infected person is unable or unwilling to notify partners, the offer of health department assistance to notify partners, including spouses, and confidentially offer them services.

d. *CTRPN Training and Quality Assurance:* States must routinely assess the performance and training needs of counselors and other staff providing client services such as HIV prevention counseling and partner notification. Staff training should be provided as needed. Comprehensive quality assurance procedures and standards for staff performance should be developed [examples of quality assurance quidelines can be obtained from CDC through project officers and should include: procedures for client medical record reviews and monitoring; direct observation by supervisory staff; and the performance of staff (including pretest and posttest counseling audits)]. Procedures for feedback should also be included so that the staff may improve their skills and the quality of their services.

As part of a comprehensive quality assurance program, states must monitor: (1) Blinded seroprevalence rates to assess the extent of client access and acceptance of CTRPN services and (2) the rates at which clients return to receive HIV-antibody test results and posttest counseling. When less than 50 % of high-risk clients are receiving counseling and testing or when low return rates (e.g., less than 80% return for seropositives and less than 60% return for seronegatives) are identified, documented action steps must be taken to determine the reasons for such low rates and to resolve significant barriers to clients accessing services and learning their test results and obtaining counseling and referral services.

States are encouraged to ensure that testing laboratories provide tests of adequate quality, report findings promptly, and participate in a laboratory performance evaluation program for HIV–1 antibody testing and T-lymphocyte immunophenotyping (TLI). States are encouraged to include participation of their state public health laboratory in efforts to assure laboratory quality, so as to minimize any inaccuracies that may occur during specimen collection, testing, or the reporting of laboratory test results.

2. Health Education/Risk Reduction (HE/RR)

HERR programs and services are efforts to reach persons at increased risk of becoming HIV-infected or, if already infected, of transmitting the virus to others. The goal of HE/RR programs is to reduce the risk of these events occurring. These programs should be directed to persons whose behaviors or personal circumstances place them at high risk including, but not limited to:

• men who have or have had sex with men (including gay identified and non-gay identified)

• substance users including IDUs (especially those who share needles and other paraphernalia)

• persons, both male and female, who exchange sex for drugs, money, housing, or food

• persons with a newly diagnosed STD and persons who have a history of repeated STDs

• persons who are, or were, sex or needle-sharing partners of those already listed

• youth in high-risk situations (e.g., youth who are engaging or who are likely to engage in high-risk behavior, including runaways, youth who have had STDs, gay and bisexual youth, juvenile offenders, youth using drugs, youth who barter or sell sex)

• women in high-risk situations (including partners of infected persons and partners of persons who engage in high-risk behavior)

• persons in the correctional and criminal justice systems (e.g., parole, probation and transition programs)

• homeless persons in high-risk situations.

HE/RR programs and services should be culturally competent, sensitive to issues of sexual identity, developmentally appropriate, and linguistically specific. Funding for HE/RR programs is not intended to support efforts to educate the general public or low-risk populations (see guidance on public information programs). The HE/RR programs and services can be undertaken directly by health departments or can be contracted to other governmental or community-based organizations that have access to and credibility with persons at risk. Decisions about the allocation of HE/RR resources, both in terms of priority activities undertaken and populations to be served, must be based on the results of ongoing needs assessment date and other information that documents the availability and accessibility to primary prevention services for all populations at risk for HIV infection. Health departments are encouraged to discuss their interpretation of needs assessment data with community-based service providers to learn more about HIV prevention needs at the state and local level.

Street and community outreach, risk reduction, community-level intervention, and HIV prevention case management are the HE/RR programs that have priority for support with funds awarded through this component of the cooperative agreement. The following are brief descriptions of each of these programs:

a. Street and community outreach programs reach persons at high risk on the street or in community settings and provide prevention messages, information materials, and other services and assist them in obtaining other primary and secondary HIV-prevention services such as HIV-antibody counseling and testing, HIV risk-reduction counseling, STD prevention and treatment, substance abuse prevention and treatment, family planning services, tuberculin testing, and HIV medical intervention.

b. Risk-reduction programs provide counseling interventions (i.e., led by peers or professionals, to individual, groups, families, or couples) to persons at high risk for infection that promote and reinforce safe behavior. Risk reduction programs should include interpersonal skills training for clients in negotiating and sustaining appropriate behavior changes (e.g., delaying the initiation of sexual activity, avoiding unsafe sex, negotiating safer sex, needle cleaning).

c. Community intervention programs are directed at the community, rather than the individual, to influence community norms in support of the behaviors known to reduce the risk for HIV infection and transmission. The primary goals of these programs are to improve health status, to promote health behaviors, and to change factors that affect the health of community residents. Community intervention programs should target racial, ethnic, gender, sexual identity, and specific populations. Activities conducted under this component include:

(1) Identifying and describing structural, environmental, behavioral, and psychosocial facilitators and barriers to risk reduction such as

(a) source and patterns of communication and social influence surrounding the initiation and the maintenance of specific risk-reduction behavior

(b) individual and community beliefs and attitudes about STD prevention and treatment and their role in HIV prevention

(c) the significance of condom and contraceptive use within sexual, social, and family relationships

(d) cultural, sexual identity, linguistic, and religious influences

(e) incentive and disincentives to risk reduction

(f) alcohol and drug use

(2) Developing and implementing culturally competent, developmentally appropriate, linguistically specific, and sexual identity sensitive interventions to influence specific structural, environmental, behavioral, and psychosocial factors thought to promote risk reduction by:

(a) Changing community norms about condom and contraceptive use, needle sharing, diagnosis and treatment of STDs, and other HIV risk-reduction strategies through persuasive communications and role play

(b) identifying and enlisting family, peer, and community networks (e.g., family networks, parents of youths in high-risk situations, women's networks) to promote and reinforce HIV risk reduction

(c) creating and mobilizing new networks of communication in support of HIV risk reduction

(d) providing opportunities to acquire skills in HIV risk reduction and in reinforcement of behavior change

(e) involving community members as role models in locally developed small media (e.g., local newspapers, radio stations) to present information and persuasive messages about HIV risk reduction

(3) Persuading community members who are at risk of acquiring or transmitting HIV infection to accept and use HIV prevention measures, (e.g., condoms, bleach to disinfect drug paraphernalia, and services such as HIV prevention counseling, HIV-antibody testing and follow-up, STD treatment, HIV medical intervention, and psychosocial support).

d. HIV Prevention Case-Management is a one-on-one client service specifically designed to assist both uninfected and infected persons. HIV prevention case-management services are directed at persons who need

• highly individualized support to remain seronegative or

• substantial psychosocial and other support to reduce the risk of HIV transmission to others

(1) HIV prevention case-management services may be needed by persons who are having or who are likely to have difficulty initiating or sustaining safe behavior. Examples of such persons include

• persons awaiting placement or admission to drug treatment

• persons who repeatedly become infected with STDs

• sex partners of recently diagnosed HIV-infected persons

• persons who engage in sex for economic reasons

• youth in high-risk situations

• recently released residents of criminal justice facilities

• persons who may be in the "window period" (period between

exposure to HIV and the development of detectable levels of antibodies against the virus, usually 6 to 12 weeks)

• HIV-infected persons who are unable to obtain supportive services

• persons who have recently learned they are infected with HIV and who are experiencing acute mental health stress

(2) HIV prevention case-management services are not intended as substitutes for medical case management or extended social services. They should complement current HIV prevention services such as HIV-antibody counseling, testing, referral, and partner notification and early medical intervention programs undertaken in community-based settings (e.g., street and community outreach and risk reduction). Services provided under this component should concentrate on the identification, the coordination, and the delivery of appropriate prevention services to persons. These services should be provided as part of, or in coordination with, early medical intervention services for HIV-infected persons. HIV prevention case-management services should also assist persons at risk in obtaining STD diagnosis and treatment, women's health services, TB diagnosis and treatment, and other primary health care services related to HIV prevention.

e. HE/RR Training and Quality Assurance: Recipients must routinely assess the performance and training needs of staff who provide HE/RR services. States should provide ongoing technical assistance in CBOs in assessing current and projected needs for HIV prevention and early medical intervention services in their communities and in planning, implementing, and evaluating prevention programs, activities, and services. Technical assistance should include the active monitoring of services and programs provided by CBOs. Some states may elect to fund nongovernmental organizations to assist in providing technical assistance to CBOs.

3. State/Local Initiative for HIV Prevention in Racial and Ethnic Minority Populations (MI)

Funds awarded in this component of the cooperative agreement are to assist health departments in supporting systematic efforts in racial and ethnic minority populations to engage individuals and organizations in HIV prevention activities. Minority Initiative activities and services should be focused on preventing or reducing high-risk behavior through street and community outreach, risk reduction, community intervention, and prevention case-management programs and services as described in the previous section. These programs should be culturally competent, sensitive to issues of sexual identity, developmentally appropriate, and linguistically specific and be directed to minority persons whose behaviors or personal circumstances place them at high risk including:

• men who have or have had sex with men (including gay identified and non-gay identified)

• substance users including IDUs (especially those who share needles and other paraphernalia)

• persons, both male and female, who exchange sex for drugs, money, housing, or food

• persons with a newly diagnosed STD and persons who have a history of repeated STDs

• persons who are, or were, sex or needle-sharing partners of those already listed

• youth in high-risk situations (e.g., youth who are engaging or who are likely to engage in high-risk behavior, including runaways, youth who have had STDs, gay and bisexual youth, juvenile offenders, youth using drugs, youth who barter or sell sex)

• women in high-risk situations (including partners of infected persons and partners of persons who engage in high-risk behavior)

• persons in the correctional and criminal justice systems (e.g., parole, probation, and transition programs)

• homeless persons in high-risk situations

All requirements specified in the HE/RR section apply to these programs. Additional activities that must be undertaken by the state include the following:

a. Consult regularly with the leadership or representatives of minority community-based groups to discuss local HIV/AIDS-related needs, issues, and problems and to collaboratively develop, implement, and evaluate prevention strategies and program plans.

b. Provide direct financial assistance, through a competitive application process, to minority CBOs, particularly those representing and serving racial and ethnic minority populations at high risk of HIV and whose governing body is composed of more than 50% racial or ethnic minority group members (Asian/Pacific Islanders, African-Americans, Latinos/Hispanics, American Indians/Alaskan Natives, and Caribbean Americans). The process for identifying CBOs who need assistance should ensure wide dissemination of Requests for Proposals (RFPs), which provide details on application procedures and explain how eligible applicants can obtain technical assistance. A plan to provide financial assistance must be developed that includes provisions for ensuring that funds are awarded to CBOs on a timely basis. RFPs must be disseminated within 90 days of the notice of award. Multiyear assistance is allowable, provided the initial award was made competitively.

c. Provide technical assistance to CBOs in assessing current and projected needs for HIV prevention and early medical intervention services in their communities and in planning, implementing, and evaluating prevention programs, activities, and services. Program management, strategies for meeting the HIV prevention needs of populations at high risk, and strategies for overcoming barriers to prevention should be priority areas for technical assistance programs. Technical assistance should include the active monitoring of services and programs provided by CBOs. Some states may elect to fund appropriate non-governmental organizations to assist in providing technical assistance to CBOs.

4. HIV Prevention in Drug Users (HPDU)

These programs should target IDUs and other high-risk substance users and their partners. Activities and services include counseling, testing, referral, partner notification in drug treatment and other settings, street and community outreach, risk reduction, community-level intervention, and HIV prevention case management. These efforts should be concentrated in areas with high prevalence of drug use as identified in the needs assessment (e.g., drug arrests, drug overdose cases, AIDS cases associated with injection drug use and other indicators of drug use). Demonstration of coordination with the state/territorial drug agency is particularly important for HIV prevention activities for drug users. All requirements included under the CTRPN and HE/RR sections apply to these programs. In determining the allocation of these resources, states should give priority to sites (e.g., drug treatment centers, correctional facilities, street outreach programs) that provide services to substantial numbers of IDUs and other high-risk substance users. Specific plans are required for these activities and must be submitted to CDC.

5. Public Information Programs (PI)

The purposes of public information programs and activities funded through

this cooperative agreement are to build general support for safe behavior and to support efforts for personal risk reduction. In addition to informing general audiences, state and local public information programs should assist in informing persons at risk of infection of how to obtain specific prevention and treatment services, such as CTRPN and STD screening and treatment. Public information programs and messages should be planned, based on an assessment of needs in each state and local area. Priority messages to communicate through public information programs include how HIV is and is not transmitted; how to avoid becoming infected; what the impact of other STDs is on risk of HIV transmission; what to do if you think you might be infected; and the benefits of knowing one's serostatus, including early diagnosis and treatment for HIV disease.

Where appropriate, state and local public information activities should be coordinated with the National AIDS Information and Education Program (NAIEP). The NAIEP is the CDC component responsible for the National "America Responds to AIDS" (ARTA) campaign and other public information efforts. Funds awarded under this cooperative agreement may be used to reproduce, localize, disseminate, and market, through appropriate channels and distribution systems, these public information materials.

Before developing new materials, states should determine whether informational materials that address the identified need already exist. The CDC National AIDS Clearinghouse and other sources should be contacted. If no materials exist that can be adapted to meet the identified need, funds may be used to develop, produce, disseminate, and market materials that meet unique and documented state or local needs and sensitivities.

Priority should be given to materials directed to hard-to-reach audiences and populations heavily affected by the HIV epidemic. Any newly developed public information resources and materials should be submitted to the National AIDS Information Clearinghouse so that they can be incorporated into the current database for access by other organizations and agencies.

Quality assurance measures should be developed and maintained to ensure the consistency, accuracy, and relevance of information provided to the public through local hotlines including information about referral services.

6. Evaluation

States must develop and implement a plan for evaluation of all major program activities and services supported with CDC HIV prevention funds. The following are recommendations for the plan, the minimum data that should be collected, and the systems for collecting the data. Evaluation activities undertaken under the plan should be capable of the following:

a. Providing a detailed description of

(1) each program activity and the documented need for that activity

(2) progress toward achieving each stated objective in the cooperative agreement.

b. Providing detailed information for

(1) the specific service or intervention that was provided with cooperative agreement funds and how it differed from the planned services;

(2) the description and the number of persons who received the service, including demographics such as age, race and ethnicity, gender, and if appropriate and available, sexual orientation and risk exposure, and how the persons actually served differed from those the program intended to serve;

(3) when and how often the service or intervention was provided and how this differed from program plans; and,

(4) where the service or intervention was provided (e.g., CTRPN site, STD clinic, street corner, housing project) and a comparison of these data to the expected locations of service delivery.

c. Documenting and describing program successes, unmet needs, barriers and problems encountered in planning, implementing, or providing services (e.g., establishing or maintaining effective collaborative relationships) or in coordinating services with other organizations and agencies serving target populations.

d. Documenting and describing the success of referral systems, including the numbers of persons referred and the number actually receiving services, by site, and how well the system functions in identifying sources of services and in assisting persons in obtaining and receiving them.

e. Documenting and describing problems that affect planning or implementing program activities (e.g., recruiting, hiring, or retaining staff; training or ensuring quality staff performance; establishing or maintaining contracts with CBOs or ensuring the quality of their performance).

f. Evaluating the behavioral and health outcomes of persons receiving HIV prevention activities and services is strongly encouraged, as resources permit. States should use counseling and testing service utilization data, AIDS case surveillance data, STD surveillance data, BRFS system, and HIV seroprevalence (especially blinded seroprevalence survey) data to evaluate the impact of services, whenever feasible.

g. Client satisfaction with HIV prevention services should be assessed periodically via quantitative or qualitative methods (e.g., periodic focus groups with current or former clients might be utilized).

h. Detailed consideration should be given to the cost per service unit delivered. This might be done via a detailed breakdown of budget categories with a mapping of costs expended to service units delivered. Or, this may be done via a careful tracking of the costs for service units delivered over a short time period. Other methods of cost analysis may be utilized as local circumstances dictate.

Whenever possible, states should use standardized data collection systems, procedures, and reporting forms. States are strongly encouraged to use a computerized client record system for documenting and reporting HIV counseling and testing services that is compatible with the scannable system available from CDC.

Based on needs expressed at two external consultant meetings, additional technical assistance documents on evaluation will be forthcoming from CDC.

C. Centers for Disease Control Activities

1. Provide consultation and scientific and technical assistance in planning, operating, analyzing, and evaluating HIV prevention activities.

2. In consultation with states, assess training needs, determine how best to meet those training needs, and support implementation through direct training or technical assistance for state trainers.

3. Provide up-to-date scientific information on risk factors for HIV infection, preventive measures, and program strategies.

4. Develop, refine, and disseminate HIV prevention program information that describes model programs and effective methods to carry out program activities and to monitor progress.

5. Assist in assessing program operations and in evaluating the overall effectiveness of programs, including the impact on behavior of specific behavior change interventions.

6. Provide

a. On a routine basis, data on the number of HIV tests performed, including post-test counseling return rates, by site type within a project area.

b. National performance evaluation program for laboratories performing the following tests: EIA, Western Blot, and IFA tests for HIV–1 antibody, and CD4+ cell tests to monitor immune status; and

c. Laboratory training that includes current scientific, technical, and quality assurance information about the tests used in diagnosing and monitoring HIV–1 infection.

Review and Evaluation Criteria

Each application will be reviewed and evaluated individually according to the following criteria (maximum 100 points):

A. The need for support as documented in the background and need section, including (1) the degree to which trends in reported AIDS cases and HIV seroprevalence show the need for increased HIV prevention activities and services, and (2) the extent of unmet prevention needs as identified through the needs assessment and discussions with leaders representing racial and ethnic minority and other affected communities. (30 points)

B. The extent to which collaboration has taken place with other agencies and organizations and with groups disproportionately affected by HIV, and the extent to which they will be involved in planning, implementing, and evaluating program activities and services. (10 points)

C. The extent to which the short-term and long-term objectives are realistic, measurable, time-phased, and related to the CDC Strategic Goals and the Health People 2000 HIV objectives. (10 points)

D. The quality of the applicant's plan for conducting program activities, the potential effectiveness of the proposed methods in meeting the stated objectives, and previous success in implementing activities and services. This includes the degree to which the proposed program activities and methods, if different than those required or recommended in the Program Announcement, are science-based (i.e., theory-predicted or based on findings of scientific research) and the likelihood that the applicant can effectively implement the proposed activities and services. (30 points)

E. The quality of the proposed evaluation plan. (20 points)

In addition, consideration will be given to the extent to which the budget request is clearly explained, is adequately justified, and is consistent with the intended use of Federal funds.

Executive Order 12372 Review

Applications are subject to review as governed by Executive Order 12372, Intergovernmental Review of Federal Programs. E.O. 12372 sets up a system for state and local government review of proposed Federal assistance applications. Applicants should contact their state Single Point of Contacts (SPOCs) as early as possible to alert them to the prospective applications and receive any necessary instructions on the state process. For proposed projects serving more than one state, the applicant is advised to contact the SPOC for each affected state. A current list of SPOCs is included in the application kit. If SPOCs have any state process recommendations on applications submitted to CDC, they should forward them, no later than November 18, 1992, to Elizabeth M. Taylor, Grants Management Officer, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control, 255 East Paces Ferry Road, NE., room 300, Atlanta, GA 30305. The CDC does not guarantee to accommodate or explain state process recommendations it receives after November 18, 1992.

Catalog of Federal Domestic Assistance

The Catalog of Federal Domestic Assistance Number is 93.118, acquired immunodeficiency syndrome (AIDS) activities.

Other Requirements

Confidentiality

All personally identifying information obtained in connection with the delivery of services provided to any individual under any program which is being carried out with a cooperative agreement made under this announcement shall not be disclosed unless required by a law of a state or political subdivision or unless such an individual provides written, voluntary informed consent.

HIV/AIDS Requirements

Recipients must comply with the document entitled "Content of AIDS-Related Written Materials, Pictorials, Audiovisuals, Questionnaires, Survey Instruments, and Educational Sessions" (June 1992), a copy of which is included in the application kit. At least one member of the program review panel must be an employee (or a designated representative) of the health department consistent with the Content guidelines. The names of the review panel members must be listed on the Assurance of Compliance Form CDC 0.113, which is also included in the application kit. The recipient must submit, as an attachment to the quarterly report, the program review panel's report that indicates all material have been reviewed and approved.

Paperwork Reduction Act

Projects that involve the collection of information from 10 or more individuals and funded by this cooperative agreement will be subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act.

Application and Submission Deadline

The original and two copies of the application (Form PHS–5161–1) must be submitted to Elizabeth M. Taylor, Grants Management Officer, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control, 255 East Paces Ferry Road, NE., room 300, Mailstop E–14, Atlanta, GA 30305, on or before September 18, 1992.

A. *Deadline:* Applications shall be considered as meeting the deadline if they are either:

1. Received on or before the deadline date, or

2. Sent on or before the deadline date and received in time for submission to the independent review committee. (Applicants must request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or the U.S. Postal Service. Private metered postmarks will be acceptable as proof of timely mailing.)

B. *Late Applications*: Applications that do not meet the criteria in A.1. or A.2. above are considered late applications. Late applications will not be considered in the current competition and will be returned to the applicant.

Where To Obtain Additional Information

Information on application procedures and business management technical assistance may be obtained from Lynn Mercer (Regions I–V) or Marsha Driggans (Regions VI–X), Grants Management Specialists, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control, 255 East Paces Ferry Road, NW., room 300, Mailstop E–16, Atlanta, GA 30305, (404) 842–6814 (Regions I–V), or (404) 842–6523 (Regions VI–X).

Programmatic technical assistance may be obtained from Paul Poppe, Division of Sexually Transmitted Diseases/Human Immunodeficiency Virus Prevention (DSTD/HIVP), National Center for Prevention Services, Centers for Disease Control, Atlanta, GA 30333, (404) 639–1205. Programmatic technical assistance is also available from your project officer.

Potential applicants may obtain a copy of Healthy People 2000 (Full Report, Stock No. 017–001–00474–0) or Healthy People 2000 (Summary Report, Stock No. 017–001–00473–1) through the Superintendent of Documents, Government Printing Office, Washington, DC 20402–9325, (Telephone (202) 783–3238). The HIV infection objectives are included in the application kit.

Dated: August 31, 1992.

Robert L. Foster,

Acting Associate Director for Management and Operations, Centers for Disease Control.

[FR Doc. 92–21353 Filed 9–3–92; 8:45 am]

BILLING CODE 4160–18–M

Health Resources and Services Administration

Program Announcement and Proposed Funding Priorities and Special Consideration for Nurse Practitioner and Nurse Midwifery Programs

The Health Resources and Services Administration (HRSA) announces that applications will be accepted for fiscal year (FY) 1993, Grants for Nurse Practitioner and Nurse Midwifery Programs, under the authority of section 822(a), title VIII of the Public Health Service (PHS) Act, as amended by Public Law 100–607. This program announcement is subject to reauthorization of this legislative authority and to the appropriation of funds. Comments are invited on the proposed funding priorities and special consideration.

The Administration's budget request for FY 1993 does not include funding for this program. Applicants are advised that this program announcement is a contingency action being taken to assure that should funds become available for this purpose, they can be awarded in a timely fashion consistent with the needs of the program as well as to provide for even distribution of funds throughout the fiscal year. This notice regarding applications does not reflect any change in this policy.

Previous Funding Experience

Previous funding experience is provided to assist potential applicants to make better informed decisions regarding submission of an application for this program. Data are not yet available for FY 1992. In the first cycle of FY 1991, HRSA reviewed 29 applications for Nurse Practitioner and Nurse Midwifery Grants. Of those applications, 79 percent were approved and 21 percent were disapproved. Twelve projects, or 52 percent of the applications approved, were funded. In the second cycle of FY 1991, HRSA reviewed 24 applications for Nurse Practitioner and Nurse Midwifery Grants. Of those applications, 71 percent were approved and 29 percent were disapproved. Sixteen projects, or 94 percent of the applications approved, were funded.

Section 822(a) of the Public Health Service Act, as implemented by 42 CFR part 57, subpart Y, presently authorizes assistance to meet the costs of projects to:

(1) Plan, develop and operate;
(2) Expand; or
(3) Maintain programs for the training of nurse practitioners and/or nurse midwives.

The period of Federal support should not exceed 3 years.

Eligibility

Eligible applicants are public or nonprofit private schools of nursing and public health, public or nonprofit private hospitals, and other public or nonprofit private entities. Also eligible are public or nonprofit private schools of medicine which received grants or contracts under section 822(a) prior to October 1, 1985. Eligible applicants must be located in a State.

National Health Objectives for the Year 2000

The Public Health Service (PHS) urges applicants to submit work plans that address specific objectives of Healthy People 2000. Potential applicants may obtain a copy of Healthy People 2000 (Full Report; Stock No. 017–001–00474–0) or Healthy People 2000 (Summary Report; Stock No. 017–001–00473–1) through the Superintendent of Documents, Government Printing Office, Washington, DC 20402–9325 (telephone (202) 783–3238).

Education and Service Linkage

As part of its long range planning, HRSA will be targeting its efforts to strengthening linkages between U.S. Public Health Service supported education programs and programs which provide comprehensive primary care services to the underserved.

Review Criteria

The review of applications will take into consideration the following criteria:

1. The degree to which the project plan adequately provides for meeting the requirements set forth in § 57.2405 of the program regulations and the appendix;

2. The potential effectiveness of the proposed project in carrying out the education purposes of section 822 the Act and 42 CFR part 57, subpart Y;

3. The capability of the applicant to carry out the proposed project;

4. The extent to which the project has joint program direction by qualified nurse and physician educators;

5. The soundness of the fiscal plan for assuring effective utilization of grant funds; and

6. The potential of the project to continue on a self-sustaining basis after the project period.

Other Considerations

In addition, the following funding factors may be applied in determining funding of approved applications.

A funding priority is defined as the favorable adjustment of aggregate review scores of individual approved applications when applications meet specified criteria.

Special consideration is defined as the enhancement of priority scores by merit reviewers based on the extent to which applications address special areas of concern.

It is not required that applicants request consideration for a funding factor. Applications which do not request consideration for funding factors will be reviewed and given full consideration for funding.

Statutory Special Considerations

In accordance with the statute, section 822, the Secretary will give special consideration to applications for grants for programs for the education of nurse practitioners and nurse midwives who will practice in health professional shortage areas (designated under section 332 of the PHS Act) and for programs for the education of nurse practitioners which emphasize education with respect to the special problems of geriatric patients (particularly problems in the delivery of preventive care, acute care and long-term care—including home health care and institutional care to such patients) and education to meet the particular needs of nursing home patients and patients confined to their homes.

Proposed Funding Priorities

In addition, for FY 1993, it is proposed that a funding priority be given to applicant institutions which demonstrate either substantial progress over the last three years or a significant experience of ten or more years in enrolling and graduating trainees from those minority or low-income populations identified as at risk of poor health outcomes. This priority is consistent with a HRSA strategy to

increase the number of health professionals from minority and other at risk populations, to assure equal access to health professions education for all population groups, and ultimately, to provide a greater volume of health care in underserved areas.

It is also proposed that a funding priority be given to applicant institutions offering substantial training experiences in underserved areas. This priority is consistent with HRSA's long-range plan to strengthen linkages between Public Health Service supported education programs and programs which provide comprehensive primary care services to the underserved.

Proposed Special Consideration

Special consideration will be given to the extent to which applicants enroll and graduate trainees from underserved areas. This special consideration is intended to recognize applicants that enroll and graduate trainees from underserved areas because health professionals who come from underserved areas are more likely to return there upon completion of training to provide needed health services.

Additional Information

Interested persons are invited to comment on the proposed funding priorities and special consideration. The comment period is 30 days. All comments received on or before October 5, 1992, will be considered before the final funding priorities and special consideration are established. No funds will be allocated or final selections made until a final notice is published stating when the final funding priorities and special consideration will be applied. Written comments should be addressed to: Director, Division of Nursing, Bureau of Health Professions, Health Resources and Services Administration, Parklawn Building, room 9–35, 5600 Fishers Lane, Rockville, Maryland 20857.

All comments received will be available for public inspection and copying at the Division of Nursing, Bureau of Health Professions, at the above address, weekdays (Federal holidays excepted) between the hours of 8:30 a.m. and 5 p.m.

Application Requests

Requests for application materials, and questions regarding grants policy and business management issues should be directed to: Ms. Donna Nash, Grants Management Specialist (D–24), Bureau of Health Professions, Health Resources and Services Administration, Parklawn Building, room 8C–26, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone: (301) 443–6960.

Completed applications should be returned to the Grants Management Branch at the above address.

If additional programmatic information is needed, please contact: Chief, Advanced Nursing Education Branch, Division of Nursing, Bureau of Health Professions, Health Resources and Services Administration, Parklawn Building, room 9–36, 5600 Fishers Lane, Rockville, Maryland 20857, Rockville, Maryland 20857, Telephone: (301) 443–6333.

The standard application form PHS 6025–1, HRSA Competing Training Grant Application, General Instructions and supplement for this program have been approved by the Office of Management and Budget under the Paperwork Reduction Act. The OMB clearance number is 0915–0060.

The deadline date for receipt of applications is December 1, 1992. Applications shall be considered as meeting the deadline if they are either:

1. received on or before the established deadline date, or

2. sent on or before the established deadline date and received in time for orderly processing. (Applicants should request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or U.S. Postal Service. Private metered postmarks shall not be acceptable as proof of timely mailing.)

Late applications not accepted for processing will be returned to the applicant.

This program, Nurse Practitioner and Nurse Midwifery Programs, is listed at 93.298 in the Catalog of Federal Domestic Assistance. It is not subject to the provisions of Executive Order 12372, Intergovernmental Review of Federal Programs, (as implemented through 45 CFR part 100).

Dated: July 28, 1992.

Robert G. Harmon,

Administrator.

[FR Doc. 92–20813 Filed 9–3–92; 8:45 am]

BILLING CODE 4160–15–M

Food and Drug Administration

[Docket No. 92N-0344]

Drug Export; Coumadin® (Crystalline Warfarin Sodium) 4 mg Tablets

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that The Du Pont Merck Pharmaceutical Co. has filed an application requesting approval for the export of the human drug Coumadin® (crystalline warfarin sodium) 4 mg Tablets to Canada.

ADDRESSES: Relevant information on this application may be directed to the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857, and to the contact person identified below. Any future inquiries concerning the export of human drugs under the Drug Export Amendments Act of 1986 should also be directed to the contact person.

FOR FURTHER INFORMATION CONTACT: James E. Hamilton, Division of Drug Labeling Compliance (HFD–313), Center for Drug Evaluation and Research, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–295–8073.

SUPPLEMENTARY INFORMATION: The drug export provisions in section 802 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 382) provide that FDA may approve applications for the export of drugs that are not currently approved in the United States. Section 802(b)(3)(B) of the act sets forth the requirements that must be met in an application for approval. Section 802(b)(3)(C) of the act requires that the agency review the application within 30 days of its filing to determine whether the requirements of section 802(b)(3)(B) have been satisfied. Section 802(b)(3)(A) of the act requires that the agency publish a notice in the **Federal Register** within 10 days of the filing of an application for export to facilitate public participation in its review of the application. To meet this requirement, the agency is providing notice that The Du Pont Merck Pharmaceutical Co., P.O. Box 80027, Barley Mill Plaza, 4301 Lancaster Pike, Wilmington, DE 19880–0027, has filed an application requesting approval for the export of the human drug Coumadin® (crystalline warfarin sodium) 4 mg Tablets to Canada. This drug is indicated for use in the prophylaxis and/or treatment of venous thrombosis and its extension, pulmonary embolism, atrial fibrillation with embolization, and as an adjunct in the prophylaxis of systemic embolism after myocardial infarction. The application was received and filed in the Center for Drug Evaluation and Research on June 25, 1992, which shall be considered the filing date for purposes of the act.

Interested persons may submit relevant information on the application to the Dockets Management Branch (address above) in two copies (except

that individuals may submit single copies) and identified with the docket number found in brackets in the heading of this document. These submissions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

The agency encourages any person who submits relevant information on the application to do so by September 14, 1992, and to provide an additional copy of the submission directly to the contact person identified above, to facilitate consideration of the information during the 30-day review period.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (sec. 802 (21 U.S.C. 382)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Center for Drug Evaluation and Research (21 CFR 5.44).

Dated: August 26, 1992.

Daniel L. Michels,

Director, Office of Compliance, Center for Drug Evaluation and Research.

[FR Doc. 92–21286 Filed 9–3–92; 8:45 am]

BILLING CODE 4160–01–F

National Institutes of Health

Consensus Development Conference on Gallstones and Laparoscopic Cholecystectomy

Notice is hereby given of the NIH Consensus Development Conference on "Gallstones and Laparoscopic Cholecystectomy," which will be held on September 14–16, 1992 in the Masur Auditorium of the National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20892. This conference is sponsored by the National Institute of Diabetes and Digestive and Kidney Diseases and the NIH Office of Medical Applications of Research. The conference begins at 8:30 a.m. each day.

Approximately 20 million people in the United States have gallstones. There are about 1 million new cases per year, with about one-half million having surgery for gallbladder removal per year. As a cause of hospitalization, gallstones are the most common digestive disease, accounting for about 600,000 hospital discharges per year and for an average length of stay of 6 days. Most gallstones remain asymptomatic for many years and may, in fact, never cause symptoms. However, the complications of gallstones can be severe, ranging from intense pain of a few hours (biliary colic) to life-threatening conditions such as acute cholecystitis and pancreatitis.

Up until two years ago, major abdominal surgery to remove the gallbladder was the prevailing treatment for symptomatic gallstone disease. The usual course of recovery was a 5-day hospital stay and a 3- to 5-week recovery period. Although the mortality of the operation was quite low (about 0.05 percent except in older or high risk individuals), nonsurgical approaches were pursued and used in special situations. These medical approaches included oral dissolution therapy, contact dissolution through a catheter placed into the gallbladder, and shock-wave fragmentation combined with dissolution. All of these alternate approaches left the gallbladder intact, and therefore stone recurrence in about one-half of the cases was a major drawback.

A new surgical technique, laparoscopic cholecystectomy, was introduced in France and the United States in 1989. In this relatively short time, some 25,000 surgeons have received some training in the techniques, and the demand for the operation has escalated to the point where probably 80 percent of the cholecystectomies are being performed in this manner. Attempts are being made to evaluate the safety and efficacy of this operation, but it is doubtful that a randomized trial can ever be done in the future to compare it with open cholecystectomy. Laparoscopic cholecystectomy does not require the abdomen to be opened, resulting in quicker healing and fewer complications such as infection. Recovery usually consists of only an overnight hospitalization and 3 to 5 days recuperation.

The purpose of this conference is to bring together all the data that are available on laparoscopic cholecystectomy to compare it with data on older surgical and medical treatments for gallstone disease. The specific problem patients who must be evaluated in dealing with the disease will be addressed by surgeons, endoscopists, hepatologists, gastroenterologists, radiologists, and epidemiologists.

Following 1½ days of presentations and discussion by the audience, an independent consensus panel will weigh the scientific evidence and write a draft statement in response to the following key questions:

—Which patients with gallstones should be treated?

—Which patients should be treated with laparoscopic cholecystectomy?

—What are the alternative medical and surgical treatments of gallstone disease?

—What are the comparative results of laparoscopic cholecystectomy with open cholecystectomy and other available treatments?

—How should bile duct stones be detected and treated when laparoscopic cholecystectomy is or is not contemplated?

—What are the future directions for research in the prevention and management of gallstone disease, and in laparoscopic surgery?

On the final day of the meeting, the consensus panel chairman will read the draft statement to the conference audience and invite comments and questions.

Information on the program may be obtained from: Debra Steward, Technical Resources, Inc., 3202 Tower Oaks Blvd., Suite 200, Rockville, Maryland 20852, (301) 468–1047.

Dated: August 18, 1992.

Bernadine Healy,

Director.

[FR Doc. 92–21397 Filed 9–3–92; 8:45 am]

BILLING CODE 4140–01–M

National Cancer Institute; Meeting; Board of Scientific Counselors, Division of Cancer Prevention and Control

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Board of Scientific Counselors, Division of Cancer Prevention and Control, National Cancer Institute, October 22–23, 1992, Building 1, Wilson Hall, Third Floor, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20892.

This meeting will be open to the public on October 22 from 8:30 a.m. to 5 p.m. and on October 23 from 8:30 a.m. to adjournment to discuss administrative details and for the discussion and review of concepts and programs within the Division. Attendance by the public will be limited to space available.

The Committee Management Office, National Cancer Institute, Building 31, room 10A06, National Institutes of Health, Bethesda, Maryland 20892, (301/496–5708) will provide a summary of the meeting and a roster of committee members, upon request.

Other information pertaining to this meeting can be obtained from the Executive Secretary, Linda M. Bremerman, National Cancer Institute, Executive Plaza-North, room 318, National Institutes of Health, Bethesda, Maryland 20892 (301–496–8526), upon request.

(Catalog of Federal Domestic Assistance Program Numbers: 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control)

Dated: August 31, 1992.

Mrs. Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 92–21396 Filed 9–3–92; 8:45 am]

BILLING CODE 4140–01–M

National Heart, Lung, and Blood Institute; Meetings

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the following Heart, Lung, and Blood Special Emphasis Panel.

This meeting will be open to the public to discuss administrative details relating to Special Emphasis Panel (SEP) business for approximately one held hour at the beginning of the first session of the meeting. Attendance by the public will be limited to space available. This will be closed thereafter in accordance with the provisions set forth in sec. 552b(c)(4) and 522b(c)(6), title 5, U.S.C. and sec. 10(d) of Public Law 92–463, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclose of which would constitute a clearly unwarranted invasion of personal privacy.

The Office of Committee Management, National Heart, Lung, and Blood Institute, Westwood Building, room 7A15, National Institutes of Health, Bethesda, Maryland, 20892, telephone 301–496–7548, will furnish a summary of the meeting and rosters of panel members. Substantive program information may be obtained from each Scientific Review Administrator whose telephone number is provided. Since it is necessary to schedule meetings well in advance, it is suggested that anyone planning to attend a meeting contact the Scientific Review Administrator to confirm the exact date, time and location.

Name of Panel: NHLBI SEP on Dietary Intervention Study in Children (DISC) Renewal Applications and Research Demonstration and Dissemination Projects (R18s).

Scientific Review Administrator: Dr. C. James Scheirer, Telephone 301–496–7363.

Dates of Meeting: September 21–22, 1992.

Place of Meeting: Holiday Inn, Bethesda, Maryland.

Time of Meeting: 7:30 p.m.

(Catalog of Federal Domestic Assistance Program Nos. 92.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; and 93.839, Blood Diseases and Resources Research, National Institutes of Health)

Dated: August 26, 1992.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 92–21394 Filed 9–3–92; 8:45 am]

BILLING CODE 4140–01–M

National Institute on Aging Meeting of the National Advisory Council on Aging

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the National Advisory Council on Aging, National Institute on Aging, October 13–14, 1992, to be held at the National Institute of Health, Building 31, Conference Room 10, Bethesda, Maryland. This meeting will be open to the public on Tuesday, October 13, from 1 p.m. until recess for a status report by the Acting Director, NIA; a report on the Epidemiology, Demography and Biometry Program; and a report on the Behavioral and Social Research Program. The meeting will be open again on Wednesday, October 14 from 8:30 until 10:30 a.m. for a report on the Neuroscience and Neuropsychology of Aging Program and other items of interest. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5, U.S.C. and section 10(d) of Public Law 92–463, the meeting of the Council will be closed to the public on October 14 from 10:30 a.m. to adjournment for the review, discussion and evaluation of grant applications.

The applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. June McCann, Council Secretary for the National Institute on Aging, National Institutes of Health, Gateway Building, 7201 Wisconsin Avenue, suite 2C218, Bethesda, Maryland 20892 (301/496–9322), will provide a summary of the meeting and a roster of committee members upon request.

(Catalog of Federal Domestic Assistance Program No. 93.866, Aging Research, National Institutes of Health)

Dated: August 26, 1992.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 92–21392 Filed 9–3–92; 8:45 am]

BILLING CODE 4140–01–M

National Institute of Allergy and Infectious Diseases; Meetings: National Advisory Allergy and Infectious Diseases Council; Acquired Immunodeficiency Syndrome Subcommittee; Allergy and Immunology Subcommittee; Microbiology and Infectious Diseases Subcommittee

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the National Advisory Allergy and Infectious Diseases Council, National Institute of Allergy and Infectious Diseases, and its subcommittees on September 21–22, 1992 at the National Institutes of Health, Building 31C, Bethesda, Maryland 20892.

The meeting of the full Council will be open to the public on September 21 in Conference Room 6 from approximately 1 p.m. until 3:30 p.m. for opening remarks of the Institute Director, discussion of procedural matters, Council business, and a report from the Institute Director which will include a discussion of budgetary matters. The primary program will include a report on the Division of Intramural Research as well as presentations on non-HIV immunodeficiency; behavioral research; and, research training support. On September 22 the meetings of the NAAIDC Acquired Immunodeficiency Syndrome Subcommittee, NAAIDC Allergy and Immunology Subcommittee and NAAIDC Microbiology and Infectious Diseases Subcommittee will be open to the public from 8 a.m. until adjournment. All three subcommittees will meet at the National Institutes of Health, Building 31C in Conference Rooms 6, 7 and 4 respectively.

In accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), title 5, U.S.C. and sec. 10(d) of Public Law 92–463, the meeting of the NAAIDC Acquired Immunodeficiency Syndrome Subcommittee, NAAIDC Allergy and Immunology Subcommittee and the NAAIDC Microbiology and Infectious Diseases Subcommittee will be closed to the public for approximately three hours for review, evaluation, and discussion of individual grant applications. It is anticipated that this will occur from 8:30 a.m. until approximately 1 p.m. on September 21, in conference rooms 6, 7 and 8 respectively. The meeting of the full Council will be closed from 3:30 p.m.

until recess on September 21 for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Patricia Randall, Office of Research Reporting and Public Response, 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.

Dr. John J. McGowan, Director, Division of Extramural Activities, NIAID, NIH, Solar Building, room 4C07, 6003 Executive Boulevard, Rockville, Maryland 20892, telephone 301–496–7291, will provide substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 93.855 Immunology, Allergic and Immunologic Diseases Research, 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health)

Dated: August 26, 1992.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 92–21395 Filed 9–3–92; 8:45 am]

BILLING CODE 4140–01–M

National Institute on Deafness and Other Communication Disorders; Meeting of the Ad Hoc Speech and Speech Disorders Subcommittee of the National Deafness and Other Communication Disorders Advisory Board

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Ad Hoc Speech and Speech Disorders Subcommittee of the National Deafness and Other Communication Disorders Advisory Board on October 6, 1992. The meeting will take place from 8:30 a.m. to 12 noon in Conference Room 7, Building 31C, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20892.

The meeting, which is open to the public, will discuss changes in the scientific field of speech and speech disorders since the Research Plan was written, compare the research portfolio of the Institute with the priorities in the Research Plan to determine areas of emphasis and levels of activity, and to identify gaps and to suggest new initiatives in preparation for the updating of the speech and speech disorders section of the Research Plan. Attendance by the public will be limited to the space available.

Summaries of the Subcommittee's meeting and a roster of members may be obtained from Ms. Monica M. Davies, Executive Director, National Deafness and Other Communication Disorders Advisory Board, Building 31, room 3C08, National Institutes of Health, Bethesda, Maryland 20892, (301) 402–1129, upon request.

(Catalog of Federal Domestic Assistance Program No. 93.173, Biological Research Related to Deafness and Other Communicative Disorders)

Dated: August 31, 1992.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 92–21398 Filed 9–3–92; 8:45 am]

BILLING CODE 4140–01–M

National Cancer Institute; Meeting (President's Cancer Panel Special Commission on Breast Cancer)

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the President's Cancer Panel Special Commission on Breast Cancer, National Cancer Institute, September 23, 1992, at the Hyatt Regency Hotel, 1800 Presidents Street, Reson, Virginia 22090. The room will be posted in the lobby.

This meeting will be open to the public on September 23 from 8:30 a.m. to 5 p.m. Attendance will be limited to space available. Agenda items will include presentations by invited speakers on the topic of "Nutrition: Etiology and Implications for Prevention and Other Etiologic Factors."

Iris J. Schneider, Acting Executive Secretary, President's Cancer Panel Special Commission on Breast Cancer, National Cancer Institute, Building 31, room 4A34, National Institutes of Health, Bethesda, Maryland 20892, 301/496–1148, will provide a roster of the Commission members and substantive program information upon request.

Dated: August 31, 1992.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 92–21399 Filed 9–3–92; 8:45 am]

BILLING CODE 4140–01–M

Unconventional Medical Practices; Meeting

The Office of the Associate Director for Science Policy and Legislation, National Institutes of Health (NIH), announces a meeting on unconventional medical practices. The meeting is scheduled for September 14, 1992 beginning at 6:30 p.m. and closing at 5 p.m. on September 16. Morning sessions on September 15 and 16 will begin at 8 a.m. The meeting will be held at Westfields International Conference Center, 14750 Conference Center Drive, Chantilly, Virginia 22021. The meeting is open to the public subject to space availability. Persons or organizations wishing to have their views on a specific intervention considered by the panels may provide written comments, not later than September 7, to the address below.

The purpose of this meeting is to convene a working group on the study of unconventional medical practices. NIH is developing means by which to foster research into and validation of unconventional or alternative medical practices. Participants in the meeting will be grouped into area-of-interest panels on such therapeutic intervention subjects as, ethnomedicine, manipulation therapies, nutrition/life style changes, etc. Members from these panels will also participate in discussion groups considering the following cross-cutting subjects: research and training needs; research methodologies; peer review process; population-based studies (epidemiological studies, etc.); and information dissemination activities.

Written comments for consideration of the panels or questions about the meeting should be addressed to Stephen C. Groft, Pharm. D.; Acting Director, Office for the Study of Unconventional Medical Practices; NIH; 9000 Rockville Pike; Building 31, room 3B–13; Bethesda, MD 20892, 301–402–2466.

Dated: August 31, 1992.

Bernadine Healy,

Director, NIH.

[FR Doc. 92–21393 Filed 9–3–92; 8:45 am]

BILLING CODE 4140–01–M

Public Health Service

Agency Forms Submitted to the Office of Management and Budget for Clearance

Each Friday the Public Health Service (PHS) publishes a list of information

collection packages it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act (44 U.S.C. chapter 35). The following requests have been submitted to OMB since the list was last published on Friday, August 28, 1992.

(Call PHS Reports Clearance Officer on 202–690–7100 for copies of package)

1. International Research Fellowship Application—0925–0010 The International Research Fellowship Award (IRF) provides support for biomedical, behavioral, and public-health related research to selected individual applicants for specified research proposals, selected through international competition. These forms are used to apply for and terminate an IRF award. Respondents: Individuals or households; State or local governments, Non-profit institutions; Small businesses or organizations; Number of Respondents: 1,360; Number of Responses per Respondent: 1; Average Burden per Response: 1.87 hours; Estimated Annual Burden: 2,543 hours.

2. Data Collection and Reporting Requirements for Healthy Start—New—Patient records and aggregate data will be collected from Healthy Start grantees for two purposes: (1) Provide the foundation for the national evaluation of this demonstration; and (2) permit program monitoring for specific interventions and categories of patients. Respondents: Non-profit institutions; State or local governments.

Title	No. of respondents	No. of responses per respondent	Average burden per response
Patient data	15	1	200 hrs.
Aggregate reports	15	1	40 hrs.
Midyear reports	15	1	5 hrs.

Estimated total annual burden: 3,675 hours.

3. The Cohort Surveys for the Community Intervention Trial for Smoking Cessation (COMMIT)—0925–0309—The National Cancer Institute (NCI) is undertaking the Community Intervention Trial for Smoking Cessation (COMMIT). This large-scale trial will test community-based strategies to produce long-term cessation among smokers, particularly heavy smokers. Clearance is herein being requested for the fielding of the final cohort surveys to complete the evaluation of this trial. Respondents: Individuals or households.

Title	No. of respondents	No. of responses per respondent	Average burden per response
Final evaluation cohort survey	8,800	1	0.31667 hrs.
Final endpoint cohort survey	17,600	1	0.1333 hrs.

Estimated total annual burden: 5,133 hours.

Desk Officer: Shannah Koss.

Written comments and recommendations for the proposed information collections should be sent within 30 days of this notice directly to the OMB Desk Officer designated above at the following address: Human Resources and Housing Branch, New Executive Office Building, room 3002, Washington, DC 20503.

Dated: August 31, 1992.

Phyllis M. Zucker,

Acting Director, Office of Health Planning and Evaluation.

[FR Doc. 92–21357 Filed 9–3–92; 8:45 am]

BILLING CODE 4160–17–M

President's Council on Physical Fitness and Sports; Meeting

AGENCY: Office of the Assistant Secretary for Health, Public Health Services, HHS.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the President's Council on Physical Fitness and Sports. This notice also describes the functions of the Council. Notice of this meeting is required under the Federal Advisory Committee Act.

DATES: September 25, 1992—8:30 a.m.–4 p.m.

ADDRESSES: Ritz Carlton Buckhead, 3434 Peachtree Rd., NE., Atlanta, Georgia 30326.

FOR FURTHER INFORMATION CONTACT: John A. Butterfield, Executive Director, President's Council on Physical Fitness and Sports, 701 Pennsylvania Ave., NW., Suite 250, Washington, DC, 202/272–3421.

SUPPLEMENTARY INFORMATION: The President's Council on Physical Fitness and Sports operates under Executive Order #12345, and subsequent orders. The functions of the Council are: (1) To advise the President and Secretary concerning progress made in carrying out the provisions of the Executive Order and recommending to the President and Secretary, as necessary, actions to accelerate progress; (2) advise the Secretary on matters pertaining to the ways and means of enhancing opportunities for participation in physical fitness and sports actions to extend and improve physical activity programs and services; (3) advise the Secretary on State, local, and private actions to extend and improve physical activity programs and services.

The Council will hold this meeting to apprise the members of the national program of physical fitness and sports, to report on ongoing Council programs, and to plan for future directions.

Dated: September 1, 1992.

John A. Butterfield,

Executive Director, President's Council on Physical Fitness and Sports.

[FR Doc. 92–21334 Filed 9–3–92; 8:45 am]

BILLING CODE 4160–17–M

Statement of Organization, Functions, and Delegations of Authority

Part H, Chapter HC (Centers for Disease Control) of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health and Human Services (45 FR 67772–67776, dated October 14, 1980, and corrected at 45 FR 69296, October 20, 1980, as amended most recently at 57 FR 33512, dated July 29, 1992) is amended to reflect the following organizational changes resulting from the recent establishment

of the National Center for Injury Prevention and Control (NCIPC): (1) Delete the Division of Injury Control, National Center for Environmental health, and (2) establish the Office of Planning, Evaluation,and Legislation and the office of Program Management and Operations within the Office of the Director, NCIPC.

On an unofficial basis, NCIPC will temporarily operate within the organizational framework which served as the branch substructure for the Division of Injury Control. This will help to maintain continuity of program activities until such time as an official NCIPC substructure is determined.

Section HC–B, Organization and Functions, is hereby amended as follows:

1. After the functional statement for the *Division of Environmental Health Laboratory Sciences (HCN8),* delete in their entirely the title and functional statement for the *Division of Injury Control (HCN9).*

2. After the functional statement for the *National Center for Injury Prevention and Control (HCE), Office of the Director (HCE1),* insert the following:

Office of Planning, Evaluation, and Legislation (HCE12). (1) Within the policies and guidelines of HHS, PHS, and CDC, conducts NCIPC planning and evaluation activities including tracking program objectives and performing evaluation studies; (2) provides information for the development of NCIPC's annual budget submission and supporting documents; (3) reviews, prepares, and coordinates legislation, congressional testimony, and briefing documents; develops proposed legislation; analyzes bills; and provides for other legislative-related activities; (4) provides liaison with staff offices and other officials of CDC.

Office of Program Management and Operations (HCE13). (1) Plans, coordinates, and provides administrative and management support, advice, and guidance to NCIPC; (2) coordinates NCIPC-wide administrative management and support services in the areas of fiscal management, personnel, travel, and other administrative services; (3) prepares annual budget plans and budget justifications; (4) coordinates NCIPC requirements relating to contracts, grants, cooperative agreements, and reimbursable agreements; (5) develops and implements administrative policies, procedures, and operations, as appropriate, for NCIPC, and prepares special reports and studies, as required, in the administrative management areas; (6) maintains liaison with related staff offices and other officials of CDC.

Effective Date: August 26, 1992.

William L. Roper,

Director, Centers for Disease Control.

[FR Doc. 92–21354 Filed 9–3–92; 8:45 am]

BILLING CODE 4160–18–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Community Planning and Development

[Docket No. N–92–1917; FR–2934–N–94]

Federal Property Suitable as Facilities to Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

ADDRESSES: For further information, contact James N. Forsberg, room 7262, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410; telephone (202) 708–4300; TDD number for the hearing- and speech-impaired (202) 708–2565 (these telephone numbers are not toll-free), or call the toll-free Title V information line at 1–800–927–7588.

SUPPLEMENTARY INFORMATION: In accordance with 56 FR 23789 (May 24, 1991) and section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended, HUD is publishing this Notice to identify Federal buildings and other real property that HUD has reviewed for suitability for use to assist the homeless. The properties were reviewed using information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus Federal property. This Notice is also published in order to comply with the December 12, 1988 Court Order in *National Coalition for the Homeless* v. *Veterans Administration,* No. 88–2503–OG (D.D.C.).

Properties reviewed are listed in this Notice according to the following categories: Suitable/available, suitable/unavailable, suitable/to be excess, and unsuitable. The properties listed in the three suitable categories have been reviewed by the landholding agencies, and each agency has transmitted to HUD: (1) Its intention to make the property available for use to assist the homeless, (2) its intention to declare the property excess to the agency's needs, or (3) a statement of the reasons that the property cannot be declared excess or made available for use as facilities to assist the homeless.

Properties listed as suitable/available will be available exclusively for homeless use for a period of 60 days from the date of this Notice. Homeless assistance providers interested in any such property should send a written expression of interest to HHS, addressed to Judy Breitman, Division of Health Facilities Planning, U.S. Public Health Service, HHS, room 17A–10, 5600 Fishers Lane, Rockville, MD 20857; (301) 443–2265. (This is not a toll–free number). HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit their written expressions of interest as soon as possible. For complete details concerning the processing of applications, the reader is encouraged to refer to the interim rule governing this program, 56 FR 23789 (May 24, 1991).

For properties listed as suitable/to be excess, that property may, if subsequently accepted as excess by GSA, be made available for use by the homeless in accordance with applicable law, subject to screening for other Federal use. At the appropriate time, HUD publish the property in a Notice showing it as either suitable/available or suitable/unavailable.

For properties listed as suitable/unavailable, the landholding agency has decided that the property cannot be declared excess or made available for use to assist the homeless, and the property will not be available.

Properties listed as unsuitable will not be made available for any other purpose for 20 days from the date of this Notice. Homeless assistance providers interested in a review by HUD of the determination of unsuitability should call the toll free information line at 1–800–927–7588 for detailed instructions or write a letter to James N. Forsberg at the address listed at the beginning of this Notice. Included in the request for review should be the property address (including zip code), the date of publication in the Federal Register, the landholding agency, and the property number.

For more information regarding particular properties identified in this

Notice (*i.e.*, acreage, floor plan, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following addresses: Corps of Engineers: Gary B. Paterson, Chief, Base Realignment and Closure Office, Directorate of Real Estate, 20 Massachusetts Ave., NW., room 4133, Washington, DC 20314–1000; (202) 272–0520; GSA: Ronald Rice, Federal Property Resources Services, GSA, 18th and F Streets NW., Washington, DC 20405; (202) 501–0067; U.S. Navy: John J. Kane, Deputy Division Director, Dept. of Navy, Real Estate Operations, Naval Facilities Engineering Command, 200 Stovall Street, Alexandria, VA 22332–2300; (703) 325–0474; Dept. of Transportation: Ronald D. Keefer, Director, Administrative Services & Property Management, DOT, 400 Seventh St. SW., room 10319, Washington, DC 20590; (202) 366–4246; Dept. of Veterans Affairs: Douglas Shinn, Management Analyst, Dept. of Veterans Affairs, room 414, Lafayette Bldg., 811 Vermont Ave., NW., Washington, DC 20420; (202) 233–8474; (These are not toll–free numbers).

Dated: August 28, 1992.

Denise Alexander,

Deputy Assistant Secretary for Operations.

TITLE V, FEDERAL SURPLUS PROPERTY PROGRAM FEDERAL REGISTER REPORT FOR 09/04/92

Suitable/Available Properties

Buildings (by State)

Alabama

Bldg. 19, VA Medical Center
Tuskegee Co: Macon AL 36083–
Landholding Agency: VA
Property Number: 979220006
Status: Underutilized
Comment: Portion of a 5,320 sq. ft. 4-story structure

California

Bldg. 20–VA Medical Center
Wilshire & Sawtelle Blvds.
Los Angeles Co: Los Angeles CA 90073–
Landholding Agency: VA
Property Number: 979210003
Status: Unutilized
Comment: 8,758 gross sq. ft., one story wooden, requires complete restoration meeting standards of national preservation laws and guidelines
Bldg. 13, VA Medical Center
Wilshire and Sawtelle Blvds.
Los Angeles Co: Los Angeles CA 90073–
Landholding Agency: VA
Property Number: 979220001
Status: Underutilized
Comment: portion of 66,165 sq. ft. bldg., needs major rehab, no util., pres. of asbestos, in historic district, potential to be hazardous due to storage of radioactive material nearby.

Maine

Naval Air Station
Transmitter Site
Old Bath Road
Brunswick Co: Cumberland ME 04053–
Landholding Agency: Navy
Property Number: 779010110
Status: Underutilized
Comment: 7,270 sq. ft., 1 story bldg., most recent use-storage, structural deficiencies.

Pennsylvania

Bldg. 25–VA Medical Center
Delafield Road
Pittsburgh Co: Allegheny PA 15215–
Landholding Agency: VA
Property Number: 979210001
Status: Unutilized
Comment: 133 sq. ft., one story brick guard house, needs rehab

Tennessee

Bldg. 16, VAMC Mountain Home
Johnson Co: Washington TN 37604–
Landholding Agency: VA
Property Number: 979220007
Status: Unutilized
Comment: 3,215 sq. ft., 3-story wood frame residence, needs repair, subject to historic preservation requirements

Texas—Naval Air Station, Chase Field

Chase Field Naval Air Station is located in Beeville, Texas 78103. All the properties will be excess to the needs of the Department of Navy on or about October 1993. Properties shown below as suitable/available will be available at that time.

The base covers approximately 1,866 acres and has over 430 housing units and government-owned buildings. The properties that HUD has determined suitable and which are available include on- and off-base housing; administration buildings; recreational facilities; dining facilities; warehouses; a hospital; industrial and other specialized structures. All properties may need routine maintenance.

Suitable/Available Properties

Property Numbers: 779210001–779210003, 779210006
Type Facility: Housing—208 off-base capehart residences; 2 bedrooms—1 bath; 54 off-base family residences, 1 & 2 bedrooms/1 & 2 story; 19 on-base capehart residences, 1 & 2 bedrooms; brick/wood frame; 5 bachelor quarters, 16,800 to 62,200 sq. ft., 3 story metal/brick frame.
Property Number: 779210004
Type Facility: Recreational—3; 2,100 to 13,900 sq. ft.; 1 story concrete masonry frame; includes a theatre, bowling center, and racquetball.
Property Number: 779210005
Type Facility: Dining Halls—4 buildings; 6,000 to 21,900 sq. ft.; 1 story concrete masonry frame.
Property Number: 779210007
Type Facility: Administration—9 buildings; 1,300 to 29,500 sq. ft.; 1 and 2 story concrete masonry frame.
Property Number: 779210008
Type Facility: Hospital (clinic)—31,000 sq. ft.; 1 story brick/concrete masonry frame.
Property Numbers: 779210009, 779210012
Type Facility: Miscellaneous—7 buildings; 900 to 55,600 sq. ft.; 1 and 2 story; wood and concrete masonry frame; includes fire/security buildings.
Property Number: 779210011
Type Facility: Industrial–16 buildings; 200 to 10,900 sq. ft.; 1 story metal/concrete masonry frame.
Property Numbers: 779210013–779210014
Type Facility: Aircraft/Air Traffic Control—8 buildings; 3,200 to 89,300 sq. ft.; 1 and 2 story; concrete masonry and metal frame; some bldgs. used for storage and aircraft maintenance.

Unsuitable Properties

Property Number: 779210015
Type Facility: Building 2137, Aircraft Hangar; within 2,000 ft. of flammable or explosive material.
Property Number: 779210016
Type Facility: Building 1032, Warehouse; structural deterioration.

Wisconsin

Bldg. 8
VA Medical Center
County Highway E
Tomah Co: Monroe WI 54660–
Landholding Agency: VA
Property Number: 979010056
Status: Underutilized
Comment: 2200 sq. ft., 2 story wood frame, possible asbestos, potential utilities, structural deficiencies, needs rehab.

Land (by State)

Alabama

VA Medical Center
VAMC
Tuskegee Co: Macon AL 36083—
Landholding Agency: VA
Property Number: 979010053
Status: Underutilized
Comment: 40 acres, buffer to VA Medical Center, potential utilities, undeveloped.

Georgia

Naval Submarine Base
Grid R–2 to R–3 to V–4 to V–1
Kings Bay Co: Camden GA 31547–
Landholding Agency: Navy
Property Number: 779010229
Status: Underutilized
Comment: 111.57 acres; areas may be environmentally protected; secured area with alternate access.

Louisiana

Land—8.27 acres
VA Medical Center
2501 Shreveport Highway
Alexandria Co: Rapides LA 71301–
Landholding Agency: VA
Property Number: 979010009
Status: Unutilized
Comment: 8.27 acres, heavily wood with natural drainage ravine across property, most recent use—recreation/buffer area.

Maine

Naval Air Station
Transmitter Site
Old Bath Road
Brunswick Co: Cumberland ME 04053–
Landholding Agency: Navy
Property Number: 779010111
Status: Underutilized

Comment: 66.13 acres, most recent use-transmitter station.

Maryland

VA Medical Center
9500 North Point Road
Fort Howard Co: Baltimore MD 21052–
Landholding Agency: VA
Property Number: 979010020
Status: Underutilized
Comment: Approx. 10 acres, wetland and periodically floods, most recent use—dump site for leaves.

Texas

Peary Point #2
Naval Air Station
Corpus Christi Co: Nueces TX 78419–5000
Landholding Agency: Navy
Property Number: 779030001
Status: Excess
Comment: 43.48 acres; 60% of land under lease until 8/93.
GSA Number: 7–N–TX–402–V

Land
Olin E. Teague Veterans Center
1901 South 1st Street
Temple Co: Bell TX 76504–
Landholding Agency: VA
Property Number: 979010079
Status: Underutilized
Comment: 13 acres, portion formerly landfill, portion near flammable materials, railroad crosses property, potential utilities.

VA Medical Center
4800 Memorial Drive
Waco Co: McLennan TX 76711–
Landholding Agency: VA
Property Number: 979010081
Status: Underutilized
Comment: 2.3 acres, leased to Owens-Illinois Glass Plant, expiration date 10/31/92, most recent use—parking lot.

West Virginia

VA Medical Center
1540 Spring Valley Drive
Huntington Co: Wayne WV 25704–
Landholding Agency: VA
Property Number: 979010022
Status: Unutilized
Comment: 72 acres, very rough terrain and wooded, potential utilities.

Wisconsin

VA Medical Center
County Highway E
Tomah Co: Monroe WI 54660–
Landholding Agency: VA
Property Number: 979010054
Status: Underutilized
Comment: 12.4 acres, serves as buffer between center and private property, no utilities.

Suitable/Unavailable Properties

Buildings (by State)

California

Bldg. 116
VA Medical Center
Wilshire and Sawtelle Blvds.
Los Angeles Co: Los Angeles CA 90073–
Landholding Agency: VA
Property Number: 979110009
Status: Underutilized
Comment: 60309 sq. ft., 3 story brick frame, seismic reinforcement defics., underutil. port of bldg. used intermitly., needs rehab, poss. asbestos in pipes/floor tiles, site access lim.

Bldg. 263
VA Medical Center
Wilshire and Sawtelle Blvds.
Los Angeles Co: Los Angeles CA 90073–
Landholding Agency: VA
Property Number: 979110010
Status: Unutilized
Comment: 1600 sq. ft., 1 story wood frame w/ stucco exterior, needs rehab, poss. asbestos on pipes/floor tiles, site access limitations, no operating utilities.

Bldg. 205, VA Medical Center
Wilshire and Sawtelle Blvds.
Los Angeles Co: Los Angeles CA 90073–
Landholding Agency: VA
Property Number: 979220002
Status: Underutilized
Comment: portion of 50,546 sq. ft. concrete bldg., pres. of asbestos, in historic district, potential to be hazardous due to storage of radioactive material nearby.

Bldg. 256, VA Medical Center
Wilshire and Sawtelle Blvds.
Los Angeles Co: Los Angeles CA 90073–
Landholding Agency: VA
Property Number: 979220003
Status: Underutilized
Comment: portion of 48,861 sq. ft. concrete bldg., pres. of asbestos, in historic district, potential to be hazardous due to radioactive material nearby.

Bldg. 300, VA Medical Center
Wilshire and Sawtelle Blvds.
Los Angeles Co: Los Angeles CA 90073–
Landholding Agency: VA
Property Number: 979220004
Status: Underutilized
Comment: portion of 66,214 sq. ft. concrete bldg., needs rehab, presence of asbestos, in historic district.

Minnesota

Bldg. 43
VA Medical Center
Minneapolis Co: Hennepin MN 55441–7
Location: 54th Street and 48th Avenue S.
Landholding Agency: VA
Property Number: 979010032
Status: Underutilized
Comment: 26000 sq. ft., 8 story brick/steel frame, asbestos present on pipe insulation, most recent use—office/storage.

Bldg. 227
VA Medical Center
Fort Snelling
St. Paul Co: Hennepin MN 55111–
Landholding Agency: VA
Property Number: 979010033
Status: Unutilized
Comment: 850 sq. ft., 2 story wood frame and brick residence, utilities disconnected.

New York

Bldg. 5
VA Medical Center
Redfield Parkway
Batavia Co: Genesee NY 14020–
Landholding Agency: VA
Property Number: 979030001
Status: Underutilized
Comment: Portion of 16800 sq. ft., 3 story, brick and masonry bldgs., needs minor repairs.

Bldg. 144, VAECC
Linden Blvd. and 179th St.
St. Albans Co: Queens NY 11425–
Landholding Agency: VA
Property Number: 979210004
Status: Unutilized
Comment: 5215 sq. ft., 2 story wood frame residence, needs rehab, potential utilities

Bldg. 143, VAECC
Linden Blvd. and 179th St.
St. Albans Co: Queens NY 11425–
Landholding Agency: VA
Property Number: 979210005
Status: Unutilized
Comment: 5215 sq. ft., 2 story wood frame residence, needs rehab, potential utilities

Bldg. 142/146, VAECC
Linden Blvd. and 179th St.
St. Albans Co: Queens NY 11425–
Landholding Agency: VA
Property Number: 979210006
Status: Unutilized
Comment: 5215 sq. ft., 2 story wood frame residence, needs rehab, potential utilities

Pennsylvania

Bldg. 3 VA Medical Center
University Drive C
Pittsburgh Co: Allegheny PA 15240–
Landholding Agency: VA
Property Number: 979210002
Status: Unutilized
Comment: Approx. 2765 sq. ft., two story brick residence, needs rehab

Texas

66 Bldgs.
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010161–779010227
Status: Underutilized
Comment: 1 story residences.

Virginia

Naval Medical Clinic
6500 Hampton Blvd.
Norfolk Co: Norfolk VA 23508–
Landholding Agency: Navy
Property Number: 779010109
Status: Unutilized
Comment: 3665 sq ft., 1 story, possible asbestos, most recent use—laundry.

Washington,

Naval Station Puget Sound
7500 Sand Point Way, NE
Seattle Co: King WA 98115–
Landholding Agency: Navy
Property Number: 779120002
Status: Excess
Base closure: Number of Units: 1
Comment: 144 sq. ft. ammunition bunker, most recent use—storage, secured area with alternate access.

West Virginia

Naval & Marine Corps Res. Ctr.
N. 13th St & Ohio River
Wheeling Co: Ohio WV 26003–
Landholding Agency: Navy
Property Number: 779010077
Status: Excess
Comment: 32000 sq. ft.; 1 floor; most recent use—offices; 15% of total space occupied;

needs rehab; land leased from city—expires September 1990.

Wyoming

Bldg. 13
Medical Center
N.W. of town at the end of Fort Road
Sheridan Co: Sheridan WY 82801–
Landholding Agency: VA
Property Number: 979110001
Status: Unutilized
Comment: 3613 sq. ft., 3 story wood frame masonry veneered, potential utilities, possible asbestos, needs rehab.

Bldg . 79
Medical Center
N.W. of town at the end of Fort Road
Sheridan Co: Sheridan WY 82801–
Landholding Agency: VA
Property Number: 979110003
Status: Unutilized
Comment: 45 sq. ft., 1 story brick and tile frame, limited utilities, most recent use—reservoir house, use for storage purposes.

Land (by State)

California

Land
VA Medical Center
Wilshire and Sawtelle Boulevards
Los Angeles Co: Los Angeles CA 90073–
Landholding Agency: VA
Property Number: 979010077
Status: Underutilized
Comment: Approx. 30 acres of 80 acre tract, 7 acre portion contaminated, portions may be environmentally protected.

Florida

Naval Public Works Center
Naval Air Station
Pensacola Co: Escambia FL 32508–
Location: Southeast corner of Corey station—next to family housing.
Landholding Agency: Navy
Property Number: 779010157
Status: Unutilized
Comment: 22 acres

Georgia

Naval Submarine Base
Grid AA–1 to AA–4 to EE–7 to FF–2
Kings Bay Co: Camden GA 31547–
Landholding Agency: Navy
Property Number: 779010255
Status: Underutilized
Comment: 495 acres; 86 acre portion located in floodway; secured area with alternate access.

Illinois

VA Medical Center
3001 Green Bay Road
North Chicago Co: Lake IL 60064–
Landholding Agency: VA
Property Number: 979010082
Status: Underutilized
Comment: 2.5 acres, currently being used as a construction staging area for the next 6–8 years, potential utilities.

Michigan

VA Medical Center
5500 Armstrong Road
Battle Creek Co: Calhoun MI 49016–
Landholding Agency: VA
Property Number: 979010015
Status: Underutilized
Comment: 20 acres, used as exercise trails and storage areas, potential utilities.

Minnesota

Bldg. 43 Land Site
VA Medical Center
54th Street & 48th Avenue South
Minneapolis Co: Hennepin MN 55417–
Landholding Agency: VA
Property Number: 979010005
Status: Underutilized
Comment: 8.9 acres, most recent use—parking, potential utilities.

Bldg 227–229 Land
VA Medical Center
Fort Snelling
St. Paul Co: Hennepin MN 55111–
Landholding Agency: VA
Property Number: 979010006
Status: Underutilized
Comment: 2.0 acres, potential utilities, buildings occupied, residence/garage.

VA Medical Center
Near 5629 Minnehaha Avenue
Minneapolis Co: Hennepin MN 55417–
Location: Land (Site of Building 15, 16, 21, 48, 64, T10)
Landholding Agency: VA
Property Number: 979010024
Status: Underutilized
Comment: 12.1 acres, most recent use—parking, potential utilities.

Land–12 acres
VAMC
Near 5629 Minnehaha Avenue
Minneapolis Co: Hennepin MN 55417–
Landholding Agency: VA
Property Number: 979010031
Status: Unutilized
Comment: 12 acres, possible asbestos, leased to Department of Natural Resources as a park walking trail.

New York

VA Medical Center
Fort Hill Avenue
Canandaigua Co: Ontario NY 14424–
Landholding Agency: VA
Property Number: 979010017
Status: Underutilized
Comment: 27.5 acres, used for school ballfield and parking, existing utilities easements, portion leased.

Pennsylvania

VA Medical Center
New Castle Road
Butler Co: Butler PA 16001–
Landholding Agency: VA
Property Number: 979010016
Status: Underutilized
Comment: Approx. 9.29 acres, used for patient recreation, potential utilities.

Land No. 645
VA. Medical Center
Highland Drive
Pittsburgh Co: Allegheny PA 15206–
Location: Between Campania and Wiltsie Streets.
Landholding Agency: VA
Property Number: 979010080
Status: Unutilized
Comment: 52.42 acres, heavily wooded, property includes dump area and numerous site storm drain outfalls.

Virginia

Naval Base
Norfolk Co: Norfolk VA 23508–
Location: Northeast corner of base, near Willoughby housing area.
Landholding Agency: Navy
Property Number: 779010156
Status: Unutilized
Comment: 60 acres; most recent use—sandpit; secured area with alternate access.

Suitable/To Be Excessed

Buildings (by State)

California

Bldg. 100
Naval Facilities Point Sur
CVB Detachment
Monterey Co: Monterey CA 93940–
Landholding Agency: Navy
Property Number: 779010259
Status: Unutilized
Comment: 2628 sq. ft.; 1 story permanent bldg; possible asbestos; secure facility with alternate access; use—office space.

Bldg. 102
Naval Facilities Point Sur
CVB Detachment
Monterey Co: Monterey CA 93940–
Landholding Agency: Navy
Property Number: 779010260
Status: Unutilized
Comment: 580 sq. ft.; 1 story permanent bldg; possible asbestos; secure facility with alternate access; most recent use—office.

Bldg. 103
Naval Facilities Point Sur
CVB Detachment
Monterey Co: Monterey CA 93940–
Landholding Agency: Navy
Property Number: 779010261
Status: Unutilized
Comment: 3675 sq. ft.; 1 story permanent bldg; possible asbestos; secure facility with alternate access; most recent use—dining hall.

Bldg. 109
Naval Facilities Point Sur
CVB Detachment
Monterey Co: Monterey CA 93940–
Landholding Agency: Navy
Property Number: 779010262
Status: Unutilized
Comment: 1045 sq. ft.; 2 story permanent bldg; possible asbestos; secure facility with alternate access; most recent use—barracks.

Bldg. 110
Naval Facilities Point Sur
CVB Detachment
Monterey Co: Monterey CA 93940–
Landholding Agency: Navy
Property Number: 779010263
Status: Unutilized
Comment: 4439 sq. ft.; 1 story permanent bldg; possible asbestos; secure facility with alternate access; most recent use—shop.

Bldg. 113
Naval Facilities Point Sur
CVB Detachment
Monterey Co: Monterey CA 93940–
Landholding Agency: Navy
Property Number: 779010264
Status: Unutilized

Comment: 100 sq. ft.; 1 story permanent bldg; secured facilities with alternate access; most recent use—storage.

Bldg. 138
Naval Facilities Point Sur
CVB Detachment
Monterey Co: Monterey CA 93940–
Landholding Agency: Navy
Property Number: 779010265
Status: Unutilized
Comment: 110 sq. ft.; 1 story permanent bldg; possible asbestos; secure facility with alternate access; most recent use—filling station.

Bldg. 144
Naval Facilities Point Sur
CVB Detachment
Monterey Co: Monterey CA 93940–
Landholding Agency: Navy
Property Number: 779010266
Status: Unutilized
Comment: 4320 sq. ft.; 1 story semi-permanent bldg; possible asbestos secure facility with alternate access; most recent use—bowling alley.

Bldg. 145
Naval Facilities Point Sur
CVB Detachment
Monterey Co: Monterey CA 93940–
Landholding Agency: Navy
Property Number: 779010267
Status: Unutilized
Comment: 4000 sq. ft.; 1 story semi-permanent bldg; possible asbestos secure facility with alternate access; most recent use—recreation building.

Land (by State)

Illinois

Libertyville Training Site
Libertyville Co: Luke IL 60048–
Landholding Agency: Navy
Property Number: 779010073
Status: Excess
Comment: 114 acres; possible radiation hazard; existing FAA use license.

Minnesota

Land around Bldg. 240–249,253
VA Medical Center
Fort Snelling
St. Paul Co: Hennepin MN 55111–
Landholding Agency: VA
Property Number: 979010007
Status: Unutilized
Comment: 3.76 acres, potential utilities.

Unsuitable Properties

Buildings (by State)

Alaska

Baler Bldg., Map Grid 55N14
Naval Air Station
Adak Co: Adak AK 98791–
Landholding Agency: Navy
Property Number: 779120003
Status: Unutilized
Reason: Secured Area

Sand Shed, Map Grid 45024
Naval Air Station
Adak Co: Adak AK 98791—
Landholding Agency: Navy
Property Number: 779120004
Status: Unutilized
Reason: Secured Area

LORAN Station, Map Grid 09L11
Naval Air Station
Adak Co: Adak AK 98791–
Landholding Agency: Navy
Property Number: 779120006
Status: Unutilized
Reason: Secured Area

California

Bldgs. 105, 165
Naval FPS, CVB Detachment
Monterey Co: Monterey CA 93940–
Landholding Agency: Navy
Property Number: 779010159–779010160
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material

Bldg. 146
Naval Facilities Point Sur
CVB Detachment
Monterey Co: Monterey CA 93940–
Landholding Agency: Navy
Property Number: 779010268
Status: Unutilized
Reason: Other
Comment: Sewer treatment facility

Florida

East Martello Bunker #1
Naval Air Station
Key West Co: Monroe FL 33040–
Landholding Agency: Navy
Property Number: 779010101
Status: Excess
Reason: Within airport runway clear zone

Georgia

Naval Submarine Base—Kings Bay
1011 USS Daniel Boone Avenue
Kings Bay Co: Camden GA 31547–
Landholding Agency: Navy
Property Number: 779010107
Status: Unutilized
Reason: Secured area

Illinois

Bldg. 117, Hangar
Fort Sheridan Co: Lake IL 60037–5000
Landholding Agency: COE–BC
Property Number: 329230001
Status: Excess
Base closure: Number of Units: 1
Reason: Within airport runway clear zone

Bldgs. 928, 28, 25
Naval Training Center
Great Lakes
Great Lakes Co: Lake IL 60088–
Landholding Agency: Navy
Property Number: 779010120, 779010123, 779010126
Status: Unutilized
Reason: Secured Area

South Wing–Building No. 62
Great Lakes Co: Lake IL 60088–5000
Landholding Agency: Navy
Property Number: 779110001
Status: Underutilized
Reason: Secured Area

Indiana

Bldgs. 21, 22, 62–VA Medical Center
East 38th Street
Marion Co: Grant IN 46952–
Landholding Agency: VA
Property Number: 979230001–979230003
Status: Underutilized
Reason: Other
Comment: Extensive deterioration

Maine

Bldgs. 7, 10–Naval Air Station
Brunswick Co: Cumberland ME 04011–
Landholding Agency: Navy
Property Number: 779230004–779230005
Status: Excess
Reason: Within airport runway clear zone Secured Area

Bldgs. 93, 614, 101–107, 186, 192, 202–208
Naval Air Station
Brunswick Co: Cumberland ME 04011–
Landholding Agency: Navy
Property Number: 779230006–779230011
Status: Excess
Reason: Secured Area

New York

Bldgs. 204, 255, T–370
Naval Underwater Systems Center
Fisher's Island Annex Detachment
Fisher's Island Co: Suffolk NY 06390–
Landholding Agency: Navy
Property Number: 779010270–779010272
Status: Excess
Reason: Secured Area

North Carolina

Bldg. 9
VA Medical Center
1100 Tunnel Road
Asheville Co: Buncombe NC 28805–
Landholding Agency: VA
Property Number: 979010008
Status: Underutilized
Reason: Other
Comment: Friable asbestos.

Pennsylvania

Bldg. 62
Philadelphia Naval Shipyard
Philadelphia Co: Philadelphia PA 19112–
Landholding Agency: Navy
Property Number: 779010112
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material Secured Area

Rhode Island

91 Bldgs.
Naval Construction Battalion Center
Davisville Co: Washington RI 02854–
Landholding Agency: Navy
Property Numbers: 779010001–779010023, 779010025, 779010027–779010040, 779010042–779010061, 779010063–779010065, 779010067, 779010069–779010072, 779010074, 779010076, 779010078–779010079, 779010232–779010240, 779010242–779010253
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material Secured Area

Bldg. 32
Naval Underwater Systems Center
Gould Island Annex
Middletown Co: Newport RI 02840–
Landholding Agency: Navy
Property Number: 779010273
Status: Excess
Reason: Secured Area

Bldg. A–63
Naval Construction Battalion Center
Davisville Co: Washington RI 02854–
Landholding Agency: Navy
Property Number: 779010277
Status: Excess
Reason: Secured Area

Tennessee

Bldg. 60, VAMC Mountain Home
Johnson, Co: Washington, TN 37604–
Landholding Agency: VA
Property Number: 979220005
Status: Unutilized
Reason: Other
Comment: Extensive deterioration

Texas

20 Bldgs.
Laguna Shores Housing Area
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010279–779010298
Status: Underutilized
Reason: Floodway

Bldgs. 24–26
Olin E. Teague Veterans Center
1901 South 1st Street
Temple Co: Bell TX 76504–
Landholding Agency: VA
Property Number: 979010050–979010052
Status: Unutilized
Reason: Other
Comment: Friable asbestos.

Virginia

Bldg. 052 & Tennis Court
USCG Reserve Training Center
Yorktown Co: York VA 23690–
Landholding Agency: DOT
Property Number: 879230004
Status: Excess
Reason: Secured Area

Washington

Bldg. 57
Naval Supply Center Puget Sound
Manchester Co: Kitsap WA 98353–
Landholding Agency: Navy
Property Number: 779010091
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material Secured Area

Bldg. 47 (Report 1)
Naval Supply Center, Puget Sound
Manchester Co: Kitsap WA 98353–
Landholding Agency: Navy
Property Number: 779010230
Status: Unutilized
Reason: Secured Area

Wyoming

Bldg. 95
Medical Center
N.W. of town at the end of Fort Road
Sheridan Co: Sheridan WY 82801–
Landholding Agency: VA
Property Number: 979110004
Status: Unutilized
Reason: Other
Comment: Sewage digester for disposal plant.

Bldg. 96
Medical Center
N.W. of town at end of Fort Road
Sheridan Co: Sheridan WY 82801–
Landholding Agency: VA
Property Number: 979110005
Status: Unutilized
Reason: Other
Comment: Pump house for sewage disposal plant.

Structure 99
Medical Center
N.W. of town at the end of Fort Road
Sheridan Co: Sheridan WY 82801–
Landholding Agency: VA
Property Number: 979110006
Status: Unutilized
Reason: Other
Comment: Mechanical screen for sewage disposal plant.

Structure 100
Medical Center
N.W. of town at the end of Fort Road
Sheridan Co: Sheridan WY 82801–
Landholding Agency: VA
Property Number: 979110007
Status: Unutilized
Reason: Other
Comment: Dosing tank for sewage disposal plant.

Structure 101
Medical Center
N.W. of town at the end of Fort Road
Sheridan Co: Sheridan WY 82801–
Landholding Agency: VA
Property Number: 979110008
Status: Unutilized
Reason: Other
Comment: Chlorination chamber for sewage disposal plant.

Land (by State)

California

.0475 acres
Ocotillo Wells
Barrego CA
Landholding Agency: GSA
Property Number: 549230002
Status: Excess
Reason: Other
Comment: Inaccessible
GSA Number: 9–F–CA–1327

Central Valley Project
San Luis Drain
Tracy Co: San Joaquin CA 95376–
Landholding Agency: GSA
Property Number: 549230003
Status: Excess
Reason: Other
Comment: Landlocked
GSA Number: 9–I–CA–1325

Salton Sea Test Range
ElCentro Co: Imperial CA 93555–
Landholding Agency: Navy
Property Number: 779010068
Status: Excess
Recess: Secured Area

DVA Medical Center
4951 Arroyo Road
Livermore Co: Alameda CA 94550–
Landholding Agency: VA
Property Number: 979010023
Status: Unutilized
Reason: Other
Comment: 750,000 gallon water reservoir.

Florida

Boca Chica Field
Naval Air Station
Key West Co: Monroe FL 23040–
Landholding Agency: Navy
Property Number: 779010097
Status: Unutilized
Reason: Floodway

East Martello Battery #2
Naval Air Station
Key West Co: Monroe FL 33040–
Landholding Agency: Navy
Property Number: 779010275
Status: Excess
Reason: Within airport runway clear zone

Wildlife Sanctuary, VAMC
10,000 Bay Pines Blvd.
Bay Pines Co: Pinellas FL 33504–
Landholding Agency: VA
Property Number: 979230004
Status: Underutilized
Reason: Other
Comment: Inaccessible

Georgia

Naval Submarine Base
Grid G–5 to G–10 to Q–6 to P–2
Kings Bay Co: Camden GA 31547–
Landholding Agency: Navy
Property Number: 779010228
Status: Underutilized
Reason: Secured Area

Idaho

Portion
Former Farragut Naval Training Center
Athol Co: Kootenai ID 83801–
Landholding Agency: GSA
Property Number: 549230004
Status: Excess
Reason: Other
Comment: Inaccessible
GSA Number: 9–GR(2)–ID–421C

Louisiana

Land—3.4 acres
VA Medical Center
2501 Shreveport Highway
Alexandria Co: Rapides LA 71301–
Landholding Agency: VA
Property Number: 979010010
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material

Minnesota

VAMC
VA Medical Center
4801 8th Street No.
St. Cloud Co: Sterns MN 56303–
Landholding Agency: VA
Property Number: 979010049
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material

New York

Tracts 1–4
VA Medical Center
Bath Co: Steuben NY 14810–
Location: Exit 38 off New York State Route 17.
Landholding Agency: VA
Property Number: 979010011–979010014
Status: Unutilized
Reason: Secured Area

Washington

Land (Report 2), 234 acres
Naval Supply Center, Puget Sound
Manchester Co: Kitsap WA 98353–
Landholding Agency: Navy
Property Number: 779010231
Status: Unutilized
Reason: Secured Area

[FR Doc. 92–21032 Filed 9–3–92; 8:45 am]

BILLING CODE 4210–29–M

DEPARTMENT OF THE INTERIOR

Joint Tribal/BIA/DOI Advisory Task Force on Bureau of Indian Affairs Reorganization; Public Meeting

AGENCY: Department of the Interior.

ACTION: Notice of meeting.

SUMMARY: Pursuant to Public Law 101–512, the Office of the Assistant Secretary-Indian Affairs is announcing the forthcoming meeting of the Joint Tribal/BIA/DOI Advisory Task Force on Bureau of Indian Affairs Reorganization (Task Force).

DATES: September 21, 22, and 23, 1992; 9 a.m. to 5:30 p.m.; Red Lion Sacramento Inn; 1404 Arden Way; Sacramento, California, 95815; (916) 922–8041; Facsimile (916) 922–0386. The meeting of the Task Force is open to the public.

FOR FURTHER INFORMATION CONTACT: Veronica L. Murdock, Designated Federal Officer, Office of the Assistant Secretary-Indian Affairs; MS 4140 MIB; 1849 C Street NW., Washington, DC, 20240; Telephone number (202) 208–4173.

SUPPLEMENTARY INFORMATION: The Task Force welcomes public oral and written comments, and time is set aside on the agenda for public comments on Wednesday, September 23, 1992. Persons wishing to present written comments or speak to the Task Force may sign up in advance during the first two days of the meeting as well as prior to the public comment time on Thursday. Speakers are encouraged to prepare written testimony, background material, comments, and other documents for presentation to the Task Force because time for oral presentations may be limited. Also, written comments may be submitted by individuals unable to attend the meeting. Written comments that are not delivered to the Task Force meeting may be mailed to Veronica L. Murdock,Office of the Assistant Secretary-Indian Affairs, Mail Stop 4140 MIB, Department of the Interior, 1849 C Street NW., Washington, DC, 20240. Discussion items for this meeting include: Work group meetings held since the last general meeting, the proposed charter to continue the Task Force, Tribal comments on the 1991 Cumulative Report, management improvement and restructuring initiatives, the Trust Funds Management Strategic Plan, and delegation of further authority to the Agency Superintendents. The Task Force will develop a methodology and work group for preparation of its final report to the Secretary and the Appropriations Committees of the Congress. Time has been set aside for work group sessions with concentration on Area/Agency structures, the Bureau's budget process, and the directives systems under which the Bureau operates.

Dated: September 1, 1992.

Eddie F. Brown,

Assistant Secretary-Indian Affairs.

[FR Doc. 92–21335 Filed 9–3–92; 8:45 am]

BILLING CODE 4310–02–M

Bureau of Land Management

[MT–070–02–4320–02–ADVB]

District Advisory Council; Meeting

AGENCY: Bureau of Land Management, Butte District Office, Interior.

ACTION: Notice of meeting.

SUMMARY: A meeting of the Butte District Grazing Advisory Council will be held Thursday and Friday, October 1 and 2.

On October 1 the council will go on a field tour in conjunction with the Butte District Grazing Advisory Board of various points of interest in the Dillon Resource Area. The field tour will depart at 8 a.m. from the Dillon Resource Area office, 1005 Selway Drive in Dillon.

A business meeting will begin at 9 a.m. on October 2 in the conference room of the Dillon Resource Area office. The agenda will include: (1) Discussion, recommendations resulting from field tour; (2) access issues; and (3) county/BLM coordination relating to Resource Management Planning efforts.

The meeting and the field tour are open to the public although transportation will not be provided on the field tour for members of the public. Interested persons may make oral statements to the council or file written statements for the council's consideration. Anyone wishing to make oral statements should make prior arrangements with the district manager. Summary minutes of the meeting will be maintained in the district office and will be available for public inspection and reproduction during regular business hours within 30 days following the meeting.

FOR FURTHER INFORMATION CONTACT: James R. Owings, District Manager, Bureau of Land Management, Box 3388, Butte, Montana 59702.

Dated: August 27, 1992.

James R. Owings,

District Manager.

[FR Doc. 92–21304 Filed 9–3–92; 8:45 am]

BILLING CODE 4310–DN–M

[MT–070–02–4320–02 ADVB]

District Grazing Advisory Board Meeting

AGENCY: Bureau of Land Management, Butte District Office, Interior.

ACTION: Notice of meeting.

SUMMARY: A brief business meeting of the Butte District Advisory Board will be held Thursday, October 1 in the conference room of the Dillon Resource Area office, 1005 Selway Drive, Dillon. The meeting will begin at 8 a.m. Immediately following the meeting, the board will depart on a field tour in conjunction with the Butte District Advisory Board of points of interest in the Dillon Resource Area.

The meeting and the field tour are open to the public although transportation will not be provided on the field tour for members of the public. Interested persons may make oral statements to the board or file written statements for the board's consideration. Anyone wishing to make oral statements should make prior arrangements with the district manager. Summary minutes of the meeting will be maintained in the district office and will be available for public inspection and reproduction during regular business hours within 30 days following the meeting.

FOR FURTHER INFORMATION CONTACT: James R. Owings, District Manager, Bureau of Land Management, Box 3388, Butte, Montana 59702.

Dated: August 27, 1992.

James R. Owings,

District Manager.

[FR Doc. 92–21305 Filed 9–3–92; 8:45 am]

BILLING CODE 4310–DN–M

[AZ–040–02–4320–02]

Safford District Grazing Advisory Board; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting.

SUMMARY: The Bureau of Land Management (BLM), Safford District announces a forthcoming meeting of the Safford District Grazing Advisory Board.

DATES: Friday, October 2, 1992; 9 a.m.

ADDRESSES: BLM Office, 425 E. 4th St., Safford, Arizona 85546.

SUPPLEMENTARY INFORMATION: This meeting is held in accordance with Public Law 92–463. The agenda for the meeting will include:

1. Election of Chairperson, Vice-Chairperson, and Treasurer.
2. Proposed Allotment Management Plans (AMPs) for FY93.
3. Proposed Range Improvement (RI) Projects for FY93.
4. Business from the floor.
5. Update on Planning Efforts for the Gila Box Riparian National Conservation Area (RNCA).
6. Overview of the Coordinated Resource Management Planning Process (CRMP), San Pedro River.
7. Resolution of Protests on Safford District Resource Management Plan.
8. BLM management update.

The meeting will be open to the public. Interested persons may make oral statements to the Board between 10 a.m. and 11 a.m. A written copy of the oral statement may be required to be provided at the conclusion of the presentation. Written statements may also be filed for the Board's consideration. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, 425 E. 4th Street, Safford, Arizona 85546, by 4:15 p.m., Thursday, October 1, 1992.

Summary minutes of the Board meeting will be maintained in the District Office and will be available for public inspection and reproduction (during regular business hours) within thirty (30) days following the meeting.

Dated: August 28, 1992.

William Civish,

District Manager.

[FR Doc. 92-21306 Filed 9-3-92; 8:45 am]

BILLING CODE 4310-32-M

[ID-943-02-4212-13; IDI-27620]

Exchange and Order Providing for Opening of Public Lands; Idaho

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of exchange and opening order.

SUMMARY: The United States has issued an exchange conveyance document to Thomas T. Nicholson and Diana R. Nicholson, of Boise, Idaho, under Section 206 of the Federal Land Policy and Management Act. In addition to providing official public notice of the exchange, this document contains an order which opens land received by the United States to the public land, mining, and mineral leasing laws.

EFFECTIVE DATE: October 5, 1992.

FOR FURTHER INFORMATION CONTACT: Sally Carpenter, BLM, Idaho State Office, 3380 Americana Terrace, Boise, Idaho, (208) 384-3163.

1. In an exchange made under the provisions of section 206 of the Act of October 21, 1976, 90 Stat. 2756, 43 U.S.C. 1716, the following described land has been conveyed from the United States:

Boise Meridian

T. 2 N., R. 1 E.,
sec. 13, SE¼NE¼.
Comprising 40.00 acres of public land.

2. In exchange for these lands, the United States acquired the following described land:

Boise Meridian

T. 2 N., R. 2 E.,
sec. 20, SW¼SE¼.
Comprising 40.00 acres of private land.

The purpose of the exchange was to acquire non-Federal land which will provide legal access to public lands for recreation purposes. The public interest was well served through completion of the exchange. The values of both the Federal and private lands were appraised at $16,000.

3. At 9 a.m. on October 5, 1992, the reconveyed private land described in paragraph 2 will be opened to the operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, other segregations of record, and the requirements of applicable law. All valid applications received at or prior to 9 a.m. on October 5, 1992, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. At 9 a.m. on October 5, 1992, the reconveyed private land described in paragraph 2 will be opened to location and entry under the United States mining laws and to the operation of the mineral leasing laws, subject to valid existing rights, the provisions of existing withdrawals, other segregations of record, and the requirements of applicable law. Appropriation of any of the land described in this order under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. 38 (1988), shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts.

Dated: August 27, 1992.

William E. Ireland,

Chief Realty Operations Section.

[FR Doc. 92-21308 Filed 9-3-92; 8:45 am]

BILLING CODE 4310-GG-M

[ID-942-02-4730-12]

Idaho; Filing of Plats of Survey

The plats of the following described land were officially filed in the Idaho State Office, Bureau of Land Management, Boise, Idaho, effective 9 a.m., August 27, 1992.

The plat representing the dependent resurvey of portions of the east boundary and subdivisional lines, the subdivision of sections 11 and 13, and a metes-and-bounds survey in sections 11, 12, and 13, T. 4 S., R. 7 E., Boise Meridian, Idaho, Group No. 822, was accepted, August 27, 1992.

The plat representing the dependent resurvey of a portion of the subdivisional lines, subdivision of section 18, and metes-and-bounds survey in section 18, T. 4 S., R. 8 E., Boise Meridian, Idaho, Group No. 822, was accepted, August 27, 1992.

These surveys were executed to meet certain administrative needs of the Bureau of Land Management.

All inquiries concerning the survey of the above described land must be sent to the Chief, Branch of Cadastral Survey, Idaho State Office, Bureau of Land Management, 3380 Americana Terrace, Boise, Idaho, 83706.

Dated: August 27, 1992.

Duane E. Olsen,

Chief Cadastral Surveyor for Idaho.

[FR Doc. 92-21309 Filed 9-3-92; 8:45 am]

BILLING CODE 4310-GG-M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 32128]

Burlington Northern Railroad Company—Trackage Rights Exemption—Norfolk and Western Railway Company

Norfolk and Western Railway Company (NW) has agreed to grant overhead trackage rights to Burlington Northern Railroad Company between McCoy, IA (NW Milepost SD 334.58) and Des Moines, IA (NW Milepost DM 343), a distance of approximately 5.7 miles. The trackage rights will take effect on August 24, 1992.

This notice is filed under 49 CFR 1180.2(d)(7). Petitions to revoke the exemption under 49 U.S.C. 10505(d) may

be filed at any time. The filing of a petition to revoke will not stay the transaction. Pleadings must be filed with the Commission and served on: Ethel A. Allen, Assistant General Counsel, Burlington Northern Railroad Company, 3800 Continental Plaza, 777 Main Street, Fort Worth, TX 76102–5384.

As a condition to the use of this exemption, any employees adversely affected by the trackage rights will be protected under *Norfolk and Western Ry. Co—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

Decided: August 18, 1992.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Anne K. Quinlan,

Acting Secretary.

[FR Doc. 92–21376 Filed 9–3–92; 8:45 am]

BILLING CODE 7035–01–M

[Finance Docket No. 32124]

Missouri Pacific Railroad Company and the Atchison, Topeka and Santa Fe Railway Company—Joint Relocation Project Exemption

On August 18, 1992, Missouri Pacific Railroad Company (MP) and The Atchison, Topeka and Santa Fe Railway Company (ATSF), filed a notice of exemption under 49 CFR 1180.2(d)(5) to relocate a line of railroad. The joint project involves: (1) Acquisition of overhead trackage rights by MP over ATSF's rail line between milepost 228.41 near Mulvane, KS, and milepost 213.20 near Wichita, KS, a distance of approximately 15.21 miles, in Sumner and Sedgwick Counties, KS, and (2) incidental abandonment of MP's line known as the Conway Springs Branch between milepost 538.7 near Belle Plaine, KS, and milepost 544.5 near Riverdale, KS, a distance of 5.8 miles in Sumner County, KS.[1] The transaction was to have been consummated on, or soon as possible after August 25, 1992.

Relocation of MP's train operations will utilize resources effectively, will result in an alternate and satisfactory operation over ATSF's tracks, allow MP to continue service to its customers, and will avoid the need to expend resources on the repair of the track. According to MP, this transaction will not generate new traffic, there will be no extension of MP's rail service into new territory, and there will no disruption in service to shippers. In addition, there will be no change in the competitive situation of the rail carriers in the area. under these circumstances the joint relocation project falls within the class exemption provisions of 49 CFR 1180.2(d)(5). See, *Denver & R.G.W.R. Co.—Jt. Proj.—Relocation over BN*, 4 I.C.C.2d 95, 99 (1987).

As a condition to the use of this exemption, any employees affected by the trackage rights agreement will be protected by the conditions in *Norfolk and Western Ry. Co.—Trackage Rights—BN* 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not stay the transaction. Pleadings must be filed with the Commission and served on: Joseph D. Anthofer, General Attoreny, Jeanna L. Regier, Registered ICC Practitioner, 1416 Dodge Street, room 830, Omaha, NE 68179.

Decided: August 27, 1992.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 92–21377 Filed 9–3–92; 8:45 am]

BILLING CODE 7035–01–M

[Docket No. AB–326X]

Washington Central Railroad Co., Inc.—Abandonment Exemption—in Yakima County, Washington

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Commission exempts from the prior approval requirements of 49 U.S.C. 10903–10904 the abandonment by Washington Central Railroad Company, Inc., of 20.56 miles of rail line in Yakima County, WA, subject to the standard labor protection conditions and a joint consultation condition.

DATES: Provided no formal expression of intent to file an offer of financial assistance has been received, this exemption will be effective on October 5, 1992. Formal expressions of intent to file an offer [1] of financial assistance under 49 CFR 1152.27(c)(2) must be filed by September 14, 1992. Petitions to stay must be filed by September 21, 1992, and petitions for reconsideration must be filed by September 29, 1992. Requests for a public use condition must be filed by September 24, 1992.

ADDRESSES: Send pleadings referring to Docket No. AB–326X to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423, and

(2) Petitioner's representative: Mark H. Sidman, Esq., Weiner, Brodsky, Sidman & Kider, suite 800, 1350 New York Avenue, NW., Washington, DC 20005–4797.

FOR FURTHER INFORMATION CONTACT: 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 purchase a copy of the full decision, write to, call, or pick up in person from: Dynamic Concepts, Inc., room 2229, Interstate Commerce Commission Building, Washington, DC 20423. Telephone: (202) 289–4357/4359. [Assistance for the hearing impaired is available through TDD services (202) 927–5721].

Decided: August 13, 1992.

By the Commission, Chairman Philbin, Vice Chairman McDonald, Commissioners Simmons, Phillips, and Emmett. Commissioner Emmett did not participate in the disposition of this proceeding.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 92–21404 Filed 9–3–92; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Importer of Controlled Substances; Registration

By Notice dated July 9, 1992, and published in the **Federal Register** on July 22, 1992 (57 FR 32567), Roberts Laboratories, Inc., Meridian Center III, 6 Industrial Way West, Eatontown, New Jersey 07724, made application to the Drug Enforcement Administration to be registered as an importer of propiram (9649), a basic class of controlled substance listed in Schedule I.

No comments or objections have been received. Therefore, pursuant to section 1008(a) of the Controlled Substances Import and Export Act and in accordance with title 21, Code of Federal Regulations 1311.42, the above firm is granted registration as an importer of the basic class of controlled substance listed above.

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[1] In mid 1965, a washout occurred on this segment of MP's line which extends between Belle Plaine and Riverdale, KS. Since the washout, MP has used a detour arrangement over ATSF's line into Wichita, KS, instead of accessing its line at Riverdale to travel in a northerly direction into Wichita.

[1] See Exempt. of Rail Abandonment—Offers of Finan. Assist., 4 I.C.C.2d 164 (1987).

Dated: August 31, 1992.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 92–21359 Filed 9–3–92; 8:45 am]

BILLING CODE 4410–09–M

Manufacturer of Controlled Substances; Registration

By Notice dated June 22, 1992, and published in the **Federal Register** on July 9, 1992, (57 FR 30512), Sigma Chemical Company, 3500 DeKalb Street, St. Louis, Missouri 63118, made application to the Drug Enforcement Administration to be registered as an importer of the basic classes of controlled substances listed below:

Drug	Schedule
Methcathinone (1237)	I
Methaqualone (2565)	I
Ibogaine (7260)	I
Lysergic acid diethylamide (7315)	I
Marihuana (7360)	I
Tetrahydrocannabinols (7370)	I
Mescaline (7381)	I
4-Bromo-2,5-dimethoxyamphetamine (7391).	I
4-Methyl-2,5-dimethoxyamphetamine (7395).	I
2,5-Dimethoxyamphetamine (7396)	I
3,4-Methylenedioxyamphetamine (7400).	I
3,4-Methylenedioxymethamphetamine (7405).	I
4-Methoxyamphetamine (7411)	I
Bufotenine (7433)	I
Diethyltryptamine (7434)	I
Dimethyltryptamine (7435)	I
Psilocybin (7437)	I
Psilocyn (7438)	I
N-Ethyl-1-phenylcyclohexylamine (7455).	I
1-(1-Phenylcyclohexyl)pyrrolidine (7458).	I
1-[1-(2-Thienyl)cyclohexyl]piperidine (7470).	I
Etorphine (except HC1) (9056)	I
Difenoxin (9168)	I
Heroin (9200)	I
Morphine-N-oxide (9307)	I
Normorphine (9313)	I
1-Methyl-4-phenyl-4-propionoxypiperidine (9661).	I
3-Methylfentanyl (9813)	I
Alpha-methylfentanyl (9814)	I
Beta-hydroxyfentanyl (9830)	I
Amphetamine (1100)	II
Methamphetamine (1105)	II
Fenethylline (1503)	II
Pentobarbital (2270)	II
Secobarbital (2315)	II
Phencyclidine (7471)	II
1-Piperidinocyclohexanecarbonitrile (8603).	II
Anileridine (9020)	II
Cocaine (9041)	II
Codeine (9050)	II
Diprenorphine (9058)	II
Benzoylecgonine (9180)	II
Ethylmorphine (9190)	II
Meperidine (9320)	II
Methadone (9250)	II
Dextropropoxyphene, bulk (non-dosage forms) (9273).	II
Morphine (9300)	II
Oxymorphone (9652)	II
Alfentanil (9737)	II
Sufentanil (9740)	II
Fentanyl (9801)	II

No comments or objections have been received. Therefore, pursuant to section 1008(a) of the Controlled Substance Import and Export Act and in accordance with title 21, Code of Federal Regulations 1311.42, the above firm is granted registration as an importer of the basic classes of controlled substances listed above.

Dated: August 28, 1992.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 92–21358 Filed 9–3–92; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF LABOR

Employment Standards Administration/Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR part 1, appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein. Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedeas decisions thereto, contain no expiration dates and are effective from their date of notice in the **Federal Register**, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts," shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue, NW., room S–3014, Washington, DC 20210.

New General Wage Determination Decisions

The numbers of the decisions added to the Government Printing Office document entitled "General Wage Determinations

Issued Under the Davis-Bacon and Related Acts" are listed by Volume, State, and page number(s).

Volume II

Iowa:
IA91-5(Sept. 4, 1992)..... p. All.
Iowa:
IA91-19(Sept. 4, 1992)..... p. All.
Iowa:
IA91-20(Sept. 4, 1992)..... p. All.
Iowa:
IA91-21(Sept. 4, 1992)..... p. All.
Iowa:
IA91-22(Sept. 4, 1992)..... p. All.
Iowa:
IA91-23(Sept. 4, 1992)..... p. All.

Modifications to General Wage Determination Decisions

The numbers of the decisions listed in the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts" being modified are listed by volume, State, and page number(s). Dates of publication in the **Federal Register** are in parentheses following the decisions being modified.

Volume I

Florida:
FL91-9(Feb. 22, 1991)..... p. 121, p. 122.
Kentucky:
KY91-3(Feb. 22, 1991)..... p. 319, pp. 320, 321.
Maryland:
MD91-36(Feb. 22, 1991)..... p. All.
New York:
NY91-8(Feb. 22, 1991)..... p. 857, p. 863.
NY91-9(Feb. 22, 1991)..... p. 869, p. 870.
NY91-10(Feb. 22, 1991)..... p. 873, p. 874.
Pennsylvania:
PA91-4(Feb. 22, 1991)..... p. 985, pp. 986, 989.
PA91-20(Feb. 22, 1991)..... p. 1099, pp. 1100, 1101.
Virginia:
VA91-15(Feb. 22, 1991)..... p. All.
VA91-17(Feb. 22, 1991)..... p. All.
VA91-27(Feb. 22, 1991)..... p. All.
VA91-28(Feb. 22, 1991)..... p. All.
VA91-60(Feb. 22, 1991)..... p. All.
VA91-78(Feb. 22, 1991)..... p. All.
VA91-79(Feb. 22, 1991)..... p. All.
VA91-80(Feb. 22, 1991)..... p. All.
VA91-81(Feb. 22, 1991)..... p. All.
V91-82(Feb. 22, 1991)..... p. All.
VA91-83(Feb. 22, 1991)..... p. All.
West Virginia:
WV91-2(Feb. 22, 1991)..... p. 1421, p. 1422.

Volume II

Arkansas:
AR91-1(Feb. 22, 1991)..... p. All.
Illinois:
IL91-13(Feb. 22, 1991)..... p. 183, pp. 188-189.
Indiana:
IN91-2(Feb. 22, 1991)..... p. 259, pp. 262, 263, pp. 265, 272
IN91-6(Feb. 22, 1991)..... p. 315, pp. 317, 320, 327.
Louisiana:
LA91-14(Feb. 22, 1991)..... p. All.
Missouri:
MO91-3(Feb. 22, 1991)..... p. 686, pp. 686-687.
MO91-5(Feb. 22, 1991)..... p. All.
MO91-13(Feb. 22, 1991)..... p. All.

Volume III:

Oregon:
OR91-1(Feb. 22, 1991)..... p. All.
Washington:
WA91-5(Feb. 22, 1991)..... p. All.
WA91-6(Feb. 22, 1991)..... p. All.
Wyoming:
WY91-5(Feb. 22, 1991)..... p. All.
WY91-6(Feb. 22, 1991)..... p. All.

General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts". This publication is available at each of the 50 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the country. Subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, (202) 783-3238.

When ordering subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the three separate volumes, arranged by State. Subscriptions include an annual edition (issued on or about January 1) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates will be distributed to subscribers.

Signed at Washington, DC, this 28th day of August 1992.

Alan L. Moss,

Director, Division of Wage Determinations.

[FR Doc. 92-21136 Filed 9-3-92; 8:45 am]

BILLING CODE 4510-27-M

Employment and Training Administration

Federal Committee on Apprenticeship; Request for Membership Nominations

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice; request for membership nominations.

SUMMARY: Notice is hereby given that under the provisions of the Federal Advisory Committee Act the Secretary of Labor is seeking nominations to fill 1 labor and 1 management vacancy and several other project vacancies that may occur on or before September 30, 1992, on the Federal Committee on Apprenticeship. The Committee was rechartered on May 23, 1991.

Nominations are being sought from these groups—

Management: Representatives of an employer or national employer association.

Labor: Representatives of employees or national employee associations.

Public: Representatives of religious, social welfare, academic, charitable, public, non-profit organizations, state or local governments.

Only individuals who have some knowledge or familiarity with apprenticeship an structured, work-place training programs should be nominated. Also a description of the candidate's qualifications and the group he or she represents must be included.

DATES: To ensure consideration, nominations should be postmarked on or before September 17, 1992.

ADDRESSES: Submit nominations to Mr. Minor R. Miller, Executive Director, Federal Committee on Apprenticeship, Office of Work-Based Learning, Employment and Training Administration, U.S. Department of Labor, Frances Perkins Building, 200 Constitution Avenue, NW., room N-4649, Washington, DC 20210, FAX Number 202-535-0986.

Signed at Washington, DC, this 26th of August, 1992.

Roberts T. Jones,

Assistant Secretary of Labor for Employment and Training.

[FR Doc. 92-21400 Filed 9-3-92; 8:45 am]

BILLING CODE 4510-30-M

NATIONAL COMMISSION ON MIGRANT EDUCATION

Final Meeting

ACTION: Notice of meeting.

SUMMARY: The National Commission on Migrant Education will hold its last meeting on Wednesday, September 23, 1992, for the purpose of releasing its final report. The Commission was established by Public Law 100-297, April 28, 1988.

DATE, TIME, AND PLACE: Wednesday, September 23, 1992, beginning at 10:30 a.m., at 2261 Rayburn House Office Building, Washington, DC.

STATUS: Open to the public.

AGENDA: Release of the Commission's final report.

FOR FURTHER INFORMATION CONTACT: Elizabeth J. Skiles (301) 492-5336,

National Commission on Migrant Education, 8120 Woodmont Avenue, Fifth Floor, Bethesda, Maryland 20814.

Linda Chavez,

Chairman.

[FR Doc. 92–21388 Filed 9–3–92; 8:45 am]

BILLING CODE 6820–DE–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Challenge/Advancement Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Challenge/Advancement Advisory Panel (Theater Challenge Section) to the National Council on the Arts will be held on September 24–25, 1992 from 9 a.m.–5:30 p.m. in room 714 at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

Portions of this meeting will be open to the public on September 24 from 9 a.m.–10 a.m. and September 25 from 5 p.m.–5:30 p.m. The topics will be welcoming remarks, an overview of Challenge III, and policy discussion.

The remaining portions of this meeting on September 24 from 10 a.m.–5:30 p.m. and September 25 from 9 a.m.–5 p.m. 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 information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman of November 20, 1991, these sessions will be closed to the public pursuant to subsection (c)(4), (6) and (9)(B) of section 552b of title 5, United States Code.

Any person may observe meetings, or portions thereof, of advisory panels which are open to the public, and may be permitted to participate in the panel's discussions at the discretion of the panel chairman and with the approval of the full-time Federal employee in attendance.

If you need special accommodations due to a disability, please contact the Office of Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 202–682–5532, TTY 202/682–5496, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682–5439.

Dated: September 1, 1992.

Yvonne M. Sabine,

Director, Panel Operations, National Endowment for the Arts.

[FR Doc. 92–21410 Filed 9–3–92; 8:45 am]

BILLING CODE 7537–01–M

National Endowment for the Arts; Challenge/Advancement Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Challenge/Advancement Advisory Panel (Arts in Education Challenge Section) to the National Council on the Arts will be held on September 22, 1992 from 9 a.m.–5:30 p.m. in room 730 at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

Portions of this meeting will be open to the public from 9 a.m.–10 a.m. and 5 p.m.–5:30 p.m. The topics will be opening remarks, overview of Challenge III, and policy discussion.

The remaining portion of this meeting from 10 a.m.–5 p.m. is 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 information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman of November 21, 1991, this session will be closed to the public pursuant to subsection (c) (4), (6) and (9)(B) of section 552b of title 5, United States Code.

Any person may observe meetings, or portions thereof, of advisory panels which are open to the public, and may be permitted to participate in the panel's discussions at the discretion of the panel chairman and with the approval of the full-time Federal employee in attendance.

If you need special accommodations due to a disability, please contact the Office of Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 202/682–5532, TTY 202/682–5496, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682–5439.

Yvonne M. Sabine,

Director, Panel Operations, National Endowment for the Arts.

[FR Doc. 92–21411 Filed 9–3–92; 8:45 am]

BILLING CODE 7537–01–M

National Endowment for the Arts; Visual Arts Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Visual Arts Advisory Panel (Overview Section) will be held on September 22, 1992 from 9 a.m.–5:30 p.m. in room 716 at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

This meeting will be open to the public on a space available basis. The topics will include introductory remarks, guidelines review and policy discussion.

Any interested person may observe meetings, or portions thereof, which are open to the public, and may be permitted to participate in the discussions at the discretion of the meeting chairman and with the approval of the full-time Federal employee in attendance.

If you need special accommodations due to a disability, please contact the Office of Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 202/682–5532, TTY 202/682–5496, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call 202/682–5439.

Yvonne M. Sabine,

Director, Panel Operations, National Endowment for the Arts.

[FR Doc. 92–21412 Filed 9–3–92; 8:45 am]

BILLING CODE 7537–01–M

National Endowment for the Arts; Challenge/Advancement Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Challenge/Advancement Advisory Panel (Visual Arts Challenge Section) to the National Council on the Arts will be held on September 21, 1992 from 9:30 a.m.–5 p.m. in room 716 at the Nancy Hanks Center,

1100 Pennsylvania Avenue, NW., Washington, DC 20506.

Portions of this meeting will be open to the public from 9:30 a.m.–10:30 a.m. and 4 p.m.–5 p.m. for introductory remarks, policy discussion and review of guidelines.

The remaining portion of this meeting from 10:30 a.m.–4 p.m. is 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 information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman of November 20, 1991, this session will be closed to the public pursuant to subsection (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Any person may observe meetings, or portions thereof, of advisory panels which are open to the public, and may be permitted to participate in the panel's discussions at the discretion of the panel chairman and with the approval of the full-time Federal employee in attendance.

If you need special accommodations due to a disability, please contact the Office of Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 202/682–5532, TTY 202/682–5496, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682–5439.

Yvonne M. Sabine,

Director, Panel Operations, National Endowment for the Arts.

[FR Doc. 92–21413 Filed 9–3–92; 8:45 am]

BILLING CODE 7537–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–333]

Power Authority of the State of New York, Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of exemptions from the requirements of 10 CFR Part 50, Appendix R, "Fire Protection Program for Nuclear Power Facilities Operating Prior to January 1, 1979," Sections III.L.1.b, III.L.2.b, III.G.2, III.G.3, III.L, III.J, and III.G.1, to the Power Authority of the State of New York (PASNY/licensee) for the James A. FitzPatrick Nuclear Power Plant, located at the licensee's site in Oswego County, New York.

Environmental Assessment

Identification of Proposed Action

The licensee is requesting six exemptions from 10 CFR Part 50, Appendix R, as a result of a recent reassessment of the Fire Protection Program at the James A. FitzPatrick Nuclear Power Plant. The exemption requests are divided into three exemption categories: Revised, new, and temporary. The revised exemption requests are necessary to include additional fire areas and/or equipment. The new exemption request results from the new 1992 10 CFR part 50, appendix R, reanalysis for FitzPatrick. The temporary exemption requests are necessary to permit plant startup before modifications to bring the plant into compliance with appendix R can be completed. The following is a summary of the stated exemption requests.

Revised

1. The licensee requests a revised exemption from the requirements of 10 CFR part 50, appendix R, Sections III.L.1.b and III.L.2.b, as they apply to the James A. FitzPatrick Nuclear Power Plant so that the reactor coolant level be permitted to drop below the top of the core during use of alternative safe shutdown procedures which includes the possibility of Control Room evacuation following a fire in any of five fire zones: (1) Control Room; (2) Relay Room; (3) Cable Spreading Room; (4) North Cable Tunnel; and (5) Battery Room Corridor.

This exemption would extend the current exemption that allows the use of alternate shutdown with Control Room evacuation to two additional fire areas: (1) Fire Area ID (North Cable Tunnel) and (2) Fire Area XVI (Battery Room Corridor). The result of this request is to treat a fire in these two areas in the same fashion as the current exemption treats a fire in Fire Area VII (Control Room, Relay Room, Cable Spreading Room).

2. The licensee requests a revised exemption from the requirements of 10 CFR part 50, appendix R, Sections III.G.2, III.G.3, and III.L, with respect to the separation of redundant safe shutdown circuits in that they are not in accordance with Section III.G.2 and alternate shutdown capability has not been provided in accordance with Sections III.G.3 and III.L in the Torus Room (Fire Area XV).

This exemption would revise the current exemption to more accurately reflect the equipment in the Torus Room. It would also provide a revised technical basis for the exemption to reflect the new area description.

New

1. The licensee requests an exemption from the requirements of 10 CFR part 50, appendix R, Section III.J, as they apply to the James A. FitzPatrick Nuclear Power Plant, which mandates permanently installed 8-hour Appendix R lighting in outdoor areas. The requested exemption is to use general outdoor lights, outdoor security lights, vehicle headlights and/or flashlights for exterior access and egress routes not only for the fire areas listed in this exemption request, but for any fire area where exterior access and egress routes may be used.

A fire in Fire Area ID, VII, IX, X, XI, XV, XVII, or XVIII requires operator actions in the Containment Atmosphere Dilution (CAD) housing which is reached via exterior access and egress routes. A fire in Fire Area IV, VII, or XVI requires the transport of equipment from the warehouse to the plant. Operator actions take place inside buildings or next to doors where interior 8-hour appendix R lighting is available.

Temporary

1. The licensee requests a temporary exemption from the requirements of 10 CFR part 50, appendix R, Section III.G.1, as they apply to the James A. FitzPatrick Nuclear Power Plant with respect to the ventilation systems in the Emergency Service Water (ESW) and Residual Heat Removal Service Water (RHRSW) Pump Rooms (Fire Areas XII and XIII) being free of fire damage. The exemption is needed until the modifications can be completed to assure that one division of RHRSW and ESW pumps and either the electric driven fire pump or diesel driven fire pump and their associated ventilation systems will be available in the event of a fire in Fire Areas IB or II. The modifications are scheduled to be completed prior to startup from the Reload 11/Cycle 12 refueling outage which is currently scheduled to begin in October 1993. Interim compensatory actions will be implemented until the modifications are completed.

2. The licensee requests a temporary exemption from the requirements of 10 CFR part 50, appendix R, Sections III.G.2 and III.G.3, as they apply to the James A. FitzPatrick Nuclear Power Plant with respect to a full area suppression system

being required in the West Cable Tunnel (Fire Area IC) to protect redundant circuits that are installed in this area. The exemption is needed until modifications can be completed to provide fire suppression adequate for the hazards present. Interim compensatory actions will be implemented until the modifications are completed.

3. The licensee requests a temporary exemption from the requirements of 10 CFR part 50, appendix R, Section III.G.2, as they apply to the James A. FitzPatrick Nuclear Power Plant with respect to 3-hour-rated fire barrier penetration seals. The exemption is needed until concerns associated with bondstrand, greenthread and PVC (polyvinyl chloride) piping penetrations can be resolved and modifications can be completed to assure separation by a 3-hour-rated fire barrier. Interim compensatory actions will be implemented until the modifications are completed. The modifications are scheduled to be completed by November 30, 1992.

The Need for the Proposed Action

The licensee has performed a reassessment of the Fire Protection Program at the FitzPatrick plant. As a result of this reassessment, the licensee has identified the need for several exemptions from 10 CFR part 50, appendix R. The proposed exemptions are needed to permit the licensee to operate the plant without being in violation of the Commission's requirements.

Environmental Impacts of the Proposed Action

The proposed exemptions will provide a degree of fire protection that is adequate for the affected areas of the plant such that there is no increase in the risk of fires at this facility. Furthermore, the proposed exemptions would not adversely impact the capability to safely shut down the plant in the event of a fire; would not pose a threat to fuel cladding integrity; would not pose a threat to containment integrity; and would provide an acceptable level of safety, equivalent to that attained by compliance with Sections III.L.1.b, III.L.2.b, III.G.2, III.G.3, III.L, III.J, and III.G.1 of appendix R to 10 CFR part 50. Based on the considerations discussed above, the NRC staff concludes that granting the proposed exemptions will not increase the probability of an accident and will not result in any post-accident radiological releases in excess of those previously determined for the James A. FitzPatrick Nuclear Power Plant. The proposed exemptions would not otherwise affect radiological plant effluents, nor result in any significant occupational exposure.

With regard to potential non-radiological impacts, the proposed exemptions involve features located within the restricted area as defined in 10 CFR part 20. They do not affect non-radiological plant effluents and have no other environmental impact.

Therefore, the Commission concludes that there are no significant radiological or non-radiological environmental impacts associated with the proposed exemptions.

Alternatives to the Proposed Action

Since the Commission has concluded that there are no measurable environmental impacts associated with the proposed exemptions, any alternatives with equal or greater environmental impact need not be evaluated. The principal alternative to the exemptions would be to require rigid compliance with the requirements of 10 CFR part 50, appendix R, Sections III.L.1.b, III.G.2, III.L.2.b, III.G.3, III.L, III.J, and III.G.1. Such action would not enhance the protection of the environment. Furthermore, requiring: (1) Installation of modifications to bring the plant into compliance with 10 CFR part 50, appendix R, in lieu of the new or revised exemptions; or (2) completion of modifications to bring the plant into compliance with 10 CFR part 50, appendix R, prior to startup in lieu of the temporary exemptions, would result in additional costs to the licensee, including loss of income from generating power, without adding any benefits already available by existing plant systems or proposed compensatory measures.

Alternative Use of Resources

This action does not involve the use of any resources not previously considered in the "Final Environmental Statement for the James A. FitzPatrick Nuclear Power Plant," dated March 1973.

Agencies and Persons Consulted

The NCR staff reviewed the licensee's submittals that support the proposed exemptions discussed above. The NRC staff did not consult other agencies or persons.

Finding of No Significant Impact

The Commission has determined not to prepare an environmental impact statement for the proposed exemptions.

Based upon the foregoing environmental assessment, the staff concludes that the proposed action will not have a significant effect on the quality of the human environment.

For further details with respect to this action, see the licensee's letters dated June 26, 1992, and July 31, 1992. These letters are available for public inspection at the Commission's Public Document Room, 2120 L Street NW., Washington, DC and at the Reference and Documents Department, Penfield Library, State University of New York, Oswego, New York.

Dated at Rockville, Maryland, this 28th day of August 1992.

For the Nuclear Regulatory Commission.

Robert A. Capra,

Director, Project Directorate I–1, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 92–21349 Filed 9–2–92; 8:45 am]

BILLING CODE 7590–01–M

Nuclear Safety Research Review Committee; Meeting on Subcommittee on Aging; Meeting

The NSRRC Subcommittee on Aging will hold a meeting on September 16, 1992, in the Versailles III Room, Holiday Inn, 8120 Wisconsin Avenue, Bethesda, MD.

The entire meeting will be open to public attendance.

The agenda for the subject meeting will be as follows:

Wednesday, September 16, 1992, 8:30 a.m.–5 p.m.

The Subcommittee will review the philosophy of the aging research program, status of the regulatory guide on license renewal, and the aging of valves. A detailed agenda will be made available at the meeting.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Questions may be asked only by members of the Subcommittee and the staff. Persons desiring to make oral statements should notify the NSRRC staff member named below as far in advance as is practicable so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittee may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC staff, ORNL, INEL and other interested persons regarding this review.

Further information regarding topics to be discussed, the scheduling of sessions, whether the meeting has been canceled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to Mr. George Sege, (telephone 301/492–3904) between 8 a.m. and 4:30 p.m. (EST). Persons planning to attend this meeting are urged to contact the above named individual one or two days before the scheduled meeting to be advised of any changes in schedule, etc., that may have occurred.

Dated: August 31, 1992.

George Sege,

Technical Assistant to the Director, Office of Nuclear Regulatory Research.

[FR Doc. 92–21350 Filed 9–3–92; 8:45 am]

BILLING CODE 7590–01–M

RAILROAD RETIREMENT BOARD

Agency Forms Submitted for OMB Review

SUMMARY: In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35), the Railroad Retirement Board has submitted the following proposal(s) for the collection of information to the Office of Management and Budget for review and approval.

Summary of Proposal(s)

(1) *Collection title:* Application and Claim for Unemployment Benefits and Employment Service.

(2) *Form(s) submitted:* UI–1(ES–1), UI–3.

(3) *OMB Number:* 3220–0022.

(4) *Expiration date of current OMB clearance:* Three years from date of OMB approval.

(5) *Type of request:* Extension of the expiration date of a currently approved collection without any change in the substance or in the method of collection.

(6) *Frequency of response:* On occasion.

(7) *Respondents:* Individuals or households.

(8) *Estimated annual number of respondents:* 45,000.

(9) *Total annual responses:* 360,000.

(10) *Average time per response:* .0895833 hours.

(11) *Total annual reporting hours:* 32,250.

(12) *Collection description:* Under Section 2 of the Railroad Unemployment Insurance Act, unemployment benefits are provided for qualified railroad workers. The collection obtains from railroad employees who apply for and claim unemployment benefits, information needed for determining eligibility for and amount of such benefits.

ADDITIONAL INFORMATION OR COMMENTS

Copies of the form and supporting documents can be obtained from Dennis Eagan, the agency clearance officer (312–751–4693). Comments regarding the information collection should be addressed to Ronald J. Hodapp, Railroad Retirement Board, 844 N. Rush Street, Chicago, Illinois 60611–2092 and the OMB reviewer, Laura Oliven (202–395–7316), Office of Management and Budget, room 3002, New Executive Office Building, Washington, DC 20503.

Dennis Eagan,

Clearance Officer.

[FR Doc. 92–21310 Filed 9–3–92; 8:45 am]

BILLING CODE 7905–01–M

SECURITIES AND EXCHANGE COMMISSION

[Form BD, File No. 270–19]

Requests Under Review by Office of Management and Budget

Agency Clearance Officer: Kenneth A. Fogash, (202) 272–2142.

Upon written request copies available from: Securities and Exchange Commission, Public Reference Branch, 450 Fifth Street, NW., Washington, DC 20549.

Amendment

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission has submitted for OMB approval proposed amendments to Form BD (17 CFR 249.501) under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*).

Form BD is used to apply for registration as a broker-dealer and, for firms other than banks and registered broker-dealers, to apply for registration as a municipal securities dealer or a government securities broker-dealer. Form BD is also used to amend such applications when any information previously filed on Form BD becomes inaccurate. It is estimated that 1,200 broker-dealers annually will incur an average burden of 3 hours to file initial applications for registration on Form BD, and that 7,500 broker-dealers annually (11,000 in FY 1993) will incur an average burden of 24 minutes to file amendments on Form BD.

Direct general comments to Gary Waxman at the address below. Direct any comments concerning the accuracy of the estimated average burden hours for compliance with Securities and Exchange Commission rules and forms to Kenneth A. Fogash, Deputy Executive Director, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549, and Gary Waxman, Clearance Officer, Office of Management and Budget, New Executive Office Building, room 3208, Washington, DC 20503.

Dated: August 19, 1992.

Jonathan G. Katz,

Secretary.

[FR Doc. 92–21320 Filed 9–3–92; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–31117; International Series Release No. 442; File No. SR–Amex–91–26]

Self-Regulatory Organizations; Filing of Amendment No. 2 to Proposed Rule Change by the American Stock Exchange, Inc., Relating to the Listing of Options on American Depositary Receipts

August 28, 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 August 20, 1991, the American Stock Exchange ("Amex" or "Exchange") filed with the 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 proposal 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 amend its proposal providing for the listing of options on American Depositary Receipts ("ADRs") to require that, prior to listing an option on an ADR, the Exchange have in place an effective surveillance sharing agreement with the primary foreign exchange on which the security underlying the ADR trades. The Exchange also proposes to list several options on ADRs for which the Exchange is in the process of obtaining surveillance sharing agreements.

The text of the proposed amendment 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 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

The Exchange, initially, proposed to list options on ADRs which met the uniform established listing criteria and guidelines for options set forth in Exchange Rule 915. In addition to this criteria, the Exchange now proposes to amend Commentary .03 to Rule 915 to add another requirement governing the listing of options on ADRs. Specifically, the amendment provides that the Exchange must have an effective surveillance sharing agreement in place with the "home country" exchange where the security underlying the ADR trades.

In conjunction with the amendment to this filing, the Exchange also proposes to list several options on ADRs for which the Exchange is in the process of obtaining surveillance sharing agreements with the primary exchanges where the securities underlying the ADRs trade. These options would be listed on ADRs representing shares of Empresas ICA Sociedad Controladora S.A. de C.V., Sony Corporation, Toyota Motor Corporation, and Vitro Sociedad Anonima.

The Exchange believes that the proposed rule change is consistent wtih section 6(b) of the Act, in general, and section 6(b)(5), in particular, in that it is designed to remove impediments to and perfect the mechanism of a free and open market and national market system.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Amex believes that the proposed rule change will not impose a burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments on the proposed rule change were neither solicited nor 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 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 21, 1992.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[1]

Jonathan G. Katz,

Secretary.

[FR Doc. 92-21371 Filed 9-3-92; 8:45 am]

BILLING CODE 8010-01-M

[1] 17 CFR 200.30-3(a)(12) (1991).

[Release No. 34-31119; File No. SR-BSE-92-05]

Self-Regulatory Organizations; Filing of Proposed Rule Change by Boston Stock Exchange, Inc. Relating to Stop and Stop Limit Order Bans

August 28, 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 29, 1992, the Boston Stock Exchange, Inc. ("BSE" 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 BSE proposes to amend its rules to provide for the implementation of stop and stop limit order bans whenever such orders are banned in the primary market.

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 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 BSE has indicated that the purpose of the proposed rule is to prevent the BSE from becoming a haven for stop and stop limit orders that are otherwise banned on the primary exchange.[1] The BSE proposes to

[1] Conversation between Karen Aluise, Staff Attorney, BSE, and Elizabeth M. Cosgrove, Attorney, SEC, on July 27, 1992 clarifying the purpose of the BSE proposed rule.

establish a procedure to implement stop and stop limit order bans to parallel the two situations in which the New York Stock Exchange ("NYSE") implements bans. The first situation arises when an individual specialist requests a stop and stop limit order ban due to an unusually large accumulation of such orders. The second situation arises automatically, pursuant to NYSE Rule 80A, when a 12 point decline is reached in the Standard and Poor ("S&P") 500.

2. Statutory Basis

The basis under the Act for the proposed rule is section 6(b) (5) in that the rule 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, 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; and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change 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 Rule Change Received from Members, Participants or Others

Comments have neither been solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the publication of this notice in the **Federal Register** or within such other period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve the proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copied 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–92–05 and should be submitted by September 25, 1992.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 92–21321 Filed 9–3–92; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–31123; File No. SR-BSE-92-07]

Self-Regulatory Organizations; Filing of Proposed Rule Change by Boston Stock Exchange, Inc. Relating to its Facility Security Policy

August 28, 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 20, 1992, the Boston Stock Exchange, Inc. ("BSE" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change (File No. SR–BSE–92–07) 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 Boston Stock Exchange, Inc. proposes to adopt a Facility Security Policy to ensure the safety of exchange staff and members and to prevent the loss of or damage to Exchange and member equipment and information.

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 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 policy is to address the security concerns of the Exchange and to set forth specific procedures through which to enforce compliance. The policy addresses all Exchange staff, members, customers, vendors and visitors. It is meant to prevent unauthorized access to confidential member firm and Exchange data, damage to equipment and facilities, and injury to persons on the Exchange premises. The policy does not infringe upon the rights of Exchange members to conduct their business, but rather seeks to ensure their safety and the security of proprietary information.

2. Statutory Basis

The basis under the Act for the proposed policy is section 6(b)(5) in that the policy is designed to prevent fraudulent and manipulative acts and practices, to protect investors 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 Rule Change Received from Members, Participants or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the publication of this notice in the **Federal Register** or within such other period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve the proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the BSE. All submissions should refer to File No. SR-BSE-92-07 and should be submitted by September 25, 1992.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 92-21322 Filed 9-3-92; 8:45 a.m.]

BILLING CODE 8010-01-M

[Release No. 34-31116; International Series Release No. 441; File No. SR-CBOE-92-16]

Self-Regulatory Organizations; Filing of Proposed Rule Change by the Chicago Board Options Exchange, Inc., Relating to Listing Options on American Depositary Receipts Representing Shares of Sony Corporation

August 28, 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 the Chicago Board Options Exchange, Inc. ("CBOE"), on August 10, 1992, 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 CBOE proposes to trade options on American Depositary Receipts ("ADRs") representing the shares of Sony Corporation. The text of the proposed rule change is available at the Office of the Secretary, CBOE and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the 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 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

The Commission approved, by order dated August 29, 1992,[1] uniform, exchange proposals to modify their options listing standards. In that order, the Commission stated that the "Exchanges must file separate rule changes pursuant to section 19(b) of the Act for options on securities other than common stock." On October 4, 1991, the CBOE filed a proposal to amend Interpretation .03 to Exchange Rule 5.3 to state that preferred stock and ADRs meeting the criteria and guidelines set forth in Rule 5.3 are deemed by the CBOE to be securities appropriate for options trading. That proposal is still being reviewed by the Commission. The current proposal requests Commission approval to trade options on ADRs representing the securities of Sony Corporation, while the general listing standards are being reviewed. Options listed on Sony Corporation ADRs would meet Exchange listing standards for options on common stock.[2]

The Exchange believes that the proposed rule change is consistent with section 6(b) of the Act, in general, and section 6(b)(5), in particular, in that it is designed to remove impediments to and perfect the mechanism of a free and open market and a national market system.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose an inappropriate burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments on the proposed rule change were neither solicited nor 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 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.

[1] Securities Exchange Act Release No. 29628 (August 29, 1991), 56 FR 43949.

[2] In its filing, the CBOE stated that the Commission has executed a memorandum of understanding with the Ministry of Finance of Japan, which is the appropriate regulatory authority for the country in which the home market for Sony Corporation stock is located.

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 21, 1992.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[3]

Jonathan G. Katz,

Secretary.

[FR Doc. 92-21372 Filed 9-3-92; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-31122; International Series Release No. 445; File No. SR-CBOE-92-15]

Self-Regulatory Organizations; Filing of Proposed Rule Change by the Chicago Board Options Exchange, Inc., Relating to Listing Options on Certain Specific American Depository Receipts

August 28, 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 the Chicago Board Options Exchange, Inc. ("CBOE"), on August 10, 1992, 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.

[3] 17 CFR 200.30-3(a)(12) (1991).

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The CBOE proposes to trade options on American Depositary Receipts ("ADRs") representing the shares of British Telecommunications PLC, Empresas ICA Sociedad Controladora S.A. de C.V., Societe Nationale Elf Aquitane, TOTAL, Vitro Sociedad Anonima, Waste Management International PLC, and Wellcome PLC. The text of the proposed rule change is available at the Office of the Secretary, CBOE and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the 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 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

The Commission approved, by order dated August 29, 1991,[1] uniform, exchange proposals to modify their options listing standards. In that order, the Commission stated that the "Exchanges must file separate rule changes pursuant to section 19(b) of the Act for options on securities other than common stock." On October 4, 1991, the CBOE filed a proposal to amend Interpretation .03 to Exchange Rule 5.3 to state that preferred stock and ADRs meeting the criteria and guidelines set forth in Rule 5.3 are deemed by the CBOE to be securities appropriate for options trading. That proposal is still being reviewed by the Commission. The current proposal requests Commission approval to trade options on ADRs representing the securities of the above listed corporations, while the general listing standards are being reviewed. Options listed on the proposed ADRs would meet Exchange listing standards for options on common stock.[2]

[1] Securities Exchange Act Release No. 29628 (August 29, 1991), 56 FR 43949.

[2] In its filing, the CBOE also noted that it has determined that the primary foreign market for each of the stocks underlying the ADRs on which the option will be listed is located in a country in which the Commission has executed a memorandum of understanding with the appropriate foreign regulatory authority. In addition, the CBOE notes that it has surveillance sharing agreements in place with all of the primary markets for the stocks underlying the ADRs except in the case of Empresas ICA Sociedad Controladora S.A. de C.V. and Vitro Sociedad Anonima.

The Exchange believes that the proposed rule change is consistent with section 6(b) of the Act, in general, and section 6(b)(5), in particular, in that it is designed to remove impediments to and perfect the mechanism of a free and open market and a national market system.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any inappropriate burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments on the proposed rule change were neither solicited nor 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 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 21, 1992.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[3]

Jonathan G. Katz,

Secretary.

[FR Doc. 92-21373 Filed 9-3-92; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 35-25616]

Filings Under the Public Utility Holding Company Act of 1935 ("Act")

August 28, 1992.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated thereunder. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendments thereto is/are available for public inspection through the Commission's Office of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by September 21, 1992 to the Secretary, Securities and Exchange Commission, Washington, DC 20549, and serve a copy on the relevant applicant(s) and/or declarant(s) at the address(es) specified below. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After said date, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

[3] 17 CFR 200.30-3(a)(12) (1991).

Central Power and Light Company (70-8053)

Central Power and Light Company ("CPL"), 539 N. Carancahua Street, Corpus Christi, Texas 78401-2431, an electric public-utility subsidiary company of Central and South West Corporation, a registered holding company, has filed an application-declaration under sections 6(a), 7, 9(a), 10, and 12(c) of the Act and rules 42(a), 50, and 50(a)(5) thereunder.

CPL requests authorization to issue and sell up to $800 million of first mortgage bonds ("New Bonds"), in one or more series, through December 31, 1994. The New Bonds will be issued under one or more new supplements to an existing trust indenture dated November 1, 1943, as amended and supplemented by previous supplemental indentures (collectively, "Indenture"), and will be secured by a first lien on substantially all of the properties now owned and hereafter acquired by CPL, except for properties specifically excepted from such liens.

The New Bonds will have maturities of not less than five nor more than thirty years. CPL proposes to sell the New Bonds either pursuant to competitive bidding or in negotiated transactions with underwriters or agents. It, therefore, requests an exception from the competitive bidding requirements of Rule 50 under subsection (a)(5) thereunder. It also requests authority to enter into negotiations with potential underwriters with respect to the interest rate, redemption provisions and other terms and conditions applicable to the New Bonds, and to set the terms of the New Bonds, subject to the receipt of an order of this Commission authorizing their issuance and sale. It may do so.

In addition, CPL seeks authorization to issue the new Bonds with terms that deviate from the standards contained in the Commission's Statement of Policy Regarding First Mortgage Bonds, as amended, (HCAR Nos. 13105 and 16369). The New Bonds may include terms which (i) limit CPL's ability to redeem or refund the New Bonds for a period of up to fifteen years, (ii) do not include a sinking fund or retirement fund requirement, and/or (iii) do not restrict CPL's ability to pay dividends on its common stock.

The proceeds from the sale of the New Bonds will be used principally to redeem all or a portion of one or more series of CPL's outstanding first mortgage bonds, including $25 million of 8¾% Series K bonds due January 1, 2000 ("Series K Bonds"), $46 million of 8% Series M bonds due November 1, 2003 ("Series M Bonds"), $40 million of 9⅜% Series N bonds due June 1, 2004 ("Series N Bonds"), $75 million of 8¼% Series O bonds due October 1, 2007 ("Series O Bonds"), $75 million of 8⅞% Series P bonds due September 1, 2008 ("Series P Bonds"), $200 million of 8¾% Series W bonds due May 1, 1996 ("Series W Bonds"), $100 million of 9¾% Series X bonds due November 1, 1994 ("Series X Bonds") and $150 million of 9¾% Series Y bonds ("Series Y Bonds") due June 1, 1998 (collectively, "Old Bonds"), at the then current general redemption price for each series,[1] plus accrued and unpaid interest to the redemption date.[2] The proceeds may also be used to redeem all or a portion of CPL's outstanding 500,000 shares of 8.72% Preferred Stock, par value $100 per share ("Preferred Stock"), at the then current applicable redemption price, currently $102.91 per share, together with all unpaid dividends thereon. Any net proceeds not used for the redemption or repurchase of the Old Bonds and Preferred Stock will be used to repay outstanding short-term borrowings or for other general corporate purposes. In the event that the proceeds from the sale of the New Bonds are less than the amount required to redeem all of any series of CPL's Old Bonds or Preferred Stock, CPL will pay a portion of the redemption or tender price from internally generated funds or available short-term borrowings pursuant to an order of this Commission dated March 29, 1991 (HCAR No. 25288).

CPL believes that the redemption or repurchase of the Old Bonds and Preferred Stock and the issuance of the New Bonds will result in substantial savings to CPL and benefit its ratepayers because there has been a significant reduction in long-term interest rates since the Old Bonds and Preferred Stock were issued. CPL states

[1] The current redemption prices for the Series K, M, N, O, P, W and X Bonds are 102.37%, 103.04%, 103.56%, 104.27%, 105.04%, 101.25% and 101.80%, respectively, of the principal amount of the series.

[2] The Series K, M, N, O, P and W Bonds became refundable pursuant to their terms on or before May 1, 1991. The Series X Bonds will become refundable pursuant to their terms on November 1, 1992. The Series Y Bonds will not be refundable by their terms until June, 1993. If CPL decides to acquire its Series Y Bonds, it will do so through a tender offer to the holders of the Series Y Bonds which may be conditioned upon receipt of a certain percentage of the outstanding Series Y Bonds. CPL estimates that, under present market conditions, a successful tender offer for the Series Y Bonds could be made at approximately 114.5% of the principal amount thereof, plus accrued interest. CPL proposes to retain an investment banking firm to act as its tender agent and dealer-manager for any such tender offer. CPL states that it may also retain a depositary to hold the tendered Series Y Bonds pending the purchase thereof and/or an information agent to assist in the tender offer.

that it will not issue the New Bonds unless the estimated present value savings of doing so (derived from the net difference between interest payments on any New Bonds to be issued for refunding purposes and the interest or divident payment on any Old Bonds or Preferred Stock redeemed) is, on an after-tax basis, greater than the present value of all redemption and issuance costs, assuming an appropriate discount rate.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 92–21323 Filed 9–3–92; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. IC–18914; 812–7835]

Smith Barney Equity Funds, Inc., et al.; Application

August 28, 1992.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of application for exemption under the Investment Company Act of 1940 (the "Act").

APPLICANTS: Smith Barney Equity Funds, Inc., Smith Barney Funds, Inc., Smith Barney Money Funds, Inc., Smith Barney Muni Bond Funds, Smith Barney Tax Free Money Fund, Inc., Smith Barney World Funds, Inc., and any open-end management investment companies that in the future become members of the Smith Barney, Harris Upham & Co. Incorporated ("Smith Barney") "group of investment companies" as defined in rule 11a–3 under the Act and whose shares are distributed on substantially the same basis as those of the existing funds (collectively, the "Funds"), Mutual Management Corp. ("MMC"), Smith, Barney Advisers, Inc. ("SBA"), and Smith Barney.

RELEVANT ACT SECTIONS: Conditional order requested under section 6(c) for an exemption from sections 2(a)(32), 2(a)(35), 18(f), 18(g), 18(i), 22(c), and 22(d) of the Act and rule 22c–1 thereunder.

SUMMARY OF APPLICATION: Applicants seek a conditional order under section 6(c) that would permit the Funds (a) to issue three classes of shares representing interests in the same portfolio of securities, and (b) to assess a contingent deferred sales charge ("CDSC") on certain redemptions of shares of two of the classes, and to waive the CDSC in certain cases.

FILING DATE: The application was filed on December 16, 1991, and amendments thereto were filed on February 13, 1992, and July 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 applicants 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 22, 1992, and should be accompanied by proof of service on the applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, NW., Washington, DC 20549. Applicant, 1345 Avenue of the Americas, New York, New York 10105.

FOR FURTHER INFORMATION CONTACT: John V. O'Hanlon, Staff Attorney, at (202) 272–3922, or Elizabeth G. Osterman, Branch Chief, at (202) 272–3016 (Office of Investment Company Regulation, Division of Investment Management).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

Applicant's Representations

1. The Funds are open-end management investment companies registered under the Act. Several of the Funds consist of multiple investment portfolios or series, each of which has separate investment objectives and policies and segregated assets. Each Fund has entered into or will enter into a management agreement with either MMC or SBA. Each Fund has entered into or will enter into a distribution agreement with Smith Barney pursuant to which Smith Barney acts as principal underwriter for the Fund (the "Distributor").

2. Shares of the Funds currently are offered to the public at net asset value plus a front-end sales load. Certain of these Funds also pay fees to Smith Barney under rule 12b–1 plans. The remainder of the Funds currently offer their shares to investors subject to a front-end sales load but without imposition of a rule 12b–1 fee. Funds offered with a front-end sales load are collectively referred to herein as the "Front-End Load Funds." Also, certain of the Funds are money market funds which are offered on a no-load basis (the "Money Market Funds").[1]

3. Applicants seek an exemptive order that would permit the Funds to offer three classes of shares representing interests in the same portfolio of securities and to assess a CDSC on certain redemptions of shares of two of the classes.

A. The Alternative Distribution System

1. Applicants propose to establish an "Alternative Distribution System" that would be implemented by each of the Funds creating two additional classes of shares so that each Fund will offer three classes of shares. Class A would be offered subject to a conventional front-end sales load. Class A shareholders of certain Funds also would be assessed an ongoing service fee under a rule 12b–1 plan based upon a percentage of the average daily net asset value of the Class A shares (expected to be an annual rate of up to 0.25%).

2. Class B shares would be subject to a service fee at an annual rate of up to 0.25%, and a distribution fee at an expected annual rate of up to 0.75%, of average daily net assets pursuant to a rule 12b–1 plan. In addition, an investor's proceeds from a redemption of Class B shares made within a specified period (expected to be 18 months) of his or her purchase may be subject to a CDSC, which would be paid to the distributor.

3. Class C would be offered exclusively to investors with aggregate assets in all of the Funds of $500,000 or more. Class C shares would pay a service fee at an annual rate of up to 0.25% of average daily net assets pursuant to a rule 12b–1 plan. An investor's proceeds from a redemption of Class C shares made within a specified period (expected to be 18 months) of his or her purchase also may be subject to a CDSC.

4. Income would be allocated to each class of shares based on the relative net asset value of each class. Expenses would be allocated to each class based on the relative net asset value of each class, except that each class's net asset value and expenses would reflect the expenses of the Class A, Class B, and Class C rule 12b–1 plans, any expenses that are directly attributable to one class ("Class Expenses"), and any

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[1] It is anticipated that the Money Market Funds will continue to be offered without the imposition of a front-end sales load. The Money Market Funds are parties to this application because they are requesting an order exempting their proposed issuance and sale of three classes of shares so that they may participate in exchanges with the other Funds and impose a CDSC, as set forth below.

incremental expenses properly attributable to one class which the Commission shall approve by an amended order. Because of the ongoing distribution fee and potentially higher Class Expenses (specifically as a result of a higher transfer agency fee) paid by the holders of Class B shares and the potentially higher Class Expenses paid by holders of Class C shares, the net income attributable to and the dividends payable on both Class B shares and Class C shares would be lower than the net income attributable to and the dividends payable on Class A shares. To the extent that a Fund has undistributed net income, the net asset value of the Class A shares would be higher than the net asset value of either the Class B shares or Class C shares.

5. Currently, shares of Front-End Load Funds may be exchanged at net asset value for shares of other Front-End Load Funds and shares of the Money Market Funds. It is contemplated that Class A shares of a Fund would be exchangeable only for Class A shares of the other Funds, including Class A shares of the Money Market Funds. Class B shares of a Fund would be exchangeable only for Class B shares of the other Funds, including Class B shares of the Money Market Funds. Similarly, Class C shares of a Fund would be exchangeable only for Class C shares of the other Funds, including Class C shares of the Money Market Funds. Money Market Fund shares would be exchangeable for either Class A shares, Class B shares, or Class C shares only if the Money Market Fund shares were originally acquired through an exchange, in which case they would be exchangeable only for the class of shares involved in the original exchange into the Money Market Fund shares. The exchange privileges applicable to the Class A, Class B, and Class C shares would comply with rule 11a–3 under the Act.

B. The CDSC

1. Applicants propose to charge a CDSC on certain redemptions of Class B and Class C shares of the Funds and to waive the CDSC on certain redemptions. The amount of any applicable CDSC would be calculated as being the lesser of the amount that represents a specified percentage of the net asset value of the shares at the time of purchase, or the amount that represents the same or lower percentage of the net asset value of the shares at the time of redemption. Currently, the CDSC is expected to be 1.00% for Class B and 1.50% for Class C shares (but may be higher or lower). Any changes in the amount of the CDSC would not affect shares that have already been issued.

2. The CDSC would not be imposed on redemptions of Class B and Class C shares which were purchased more than 18 months prior to the redemptions (the "CDSC Period") or on Class B or Class C shares derived from reinvestment of distributions. Furthermore, no CDSC would be imposed on an amount which represents an increase in the value of the shareholder's account resulting from capital appreciation above the amount paid for shares purchased during the CDSC Period. In determining the applicability of any CDSC, it will be assumed that a redemption is made first of shares representing reinvestment of dividends and capital gain distributions and finally of other shares held by the shareholder for the longest period of time.

3. The Funds request relief to waive the CDSC (a) on redemptions following the death or disability, as defined in section 72(m)(7) of the Internal Revenue Code of 1986, as amended (the "Code"), of a shareholder; (b) in connection with qualified retirement plan distributions which are permitted to be made without penalty pursuant to the Code; (c) in connection with redemptions of shares made pursuant to a shareholder's participation in any systematic withdrawal plan adopted by a Fund; (d) in connection with redemptions by tax-exempt employee benefit plans resulting from the enactment or promulgation of any law or regulation pursuant to which continuation of the investment in the Funds would be improper; and (e) in connection with the exercise of exchange privileges among the Class B or Class C shares of the Funds. If the Funds waive the CDSC, such waiver will be uniformly applied to all offerees in the class specified. In waiving a CDSC, the Funds will comply with the requirements of rule 22d–1 as if the CDSC were a sales load. If the directors or trustees (the "Directors/Trustees") of a Fund which has been waiving its CDSC pursuant to any of the items set forth above determine not to waive such CDSC any longer, the disclosure in that Fund's prospectus will be appropriately revised. Also, any Class B and Class C shares purchased prior to the termination of such waiver would be able to have the CDSC waived as provided in a Fund's prospectus at the time of the purchase of such shares.

Applicants' Legal Analysis

A. The Alternative Distribution System

1. Applicants seek an exemption from sections 18(g), 18(f)(1), and 18(i) to the extent the Alternative Distribution System may result in a senior security, as defined by section 18(g), the issuance and sale of which would be prohibited by section 18(f)(1), and to the extent the allocation of voting rights under the Alternative Distribution System may violate the provisions of 18(i). Applicants believe that the Alternative Distribution System does not raise any of the legislative concerns that section 18 of the Act was designed to ameliorate. The proposal does not involve borrowings and does not affect the funds' existing assets or reserves. Each class of shares will be redeemable at all times. No class of shares will have preference or priority over any other class of the Fund in the usual sense (that is, no class will have distribution or liquidation preferences to particular assets and no class will be protected by any reserve or other account).

2. Owners of each class of shares may be relieved under the Alternative Distribution System of a portion of the fixed costs normally associated with investing in mutual funds since such costs would, potentially, be spread over a greater number of shares than they would be otherwise. Similarly, the owners of Class A, Class B, and Class C shares in those Funds with management agreements under which the fee rates decrease as the net assets of the particular Fund increase could expect to enjoy, under the Alternative Distribution System, lower effective management fee rates than they would enjoy if the arrangement is not implemented.

3. Applicants assert that the Alternative Distribution System would provide a meaningful choice for public investors. Applicants believe that the proposed allocation of expenses and voting rights relating to the rule 12b–1 plans in the manner described above is equitable and would not discriminate against any group of shareholders. In addition, such arrangements should not give rise to any conflict of interest because the rights and privileges of each class of shares are substantially identical.

B. The CDSC

1. Section 2(a)(32) of the Act defines redeemable security to be a security that, upon presentation to the issuer or to a person designated by the issuer, entitles the shareholder to receive approximately his proportionate share of the issuer's current net assets. Applicants assert that the imposition of the CDSC will not restrict a shareholder from receiving a proportionate share of the current net assets, but merely will defer the deduction of a sales charge and make it contingent upon an event that may never occur. However, to avoid uncertainty in this regard, applicants

request an exemption from the operation of section 2(a)(32) of the Act to the extent necessary to permit the imposition of the proposed CDSC.

2. Section 2(a)(35) of the Act defines a sales load to be the amount properly chargeable to sales or promotional expenses that are paid at the time the securities are purchased. Applicants will pay the CDSC to the Distributor to reimburse it for expenses related to the sale of shares. Applicants contend that the deferral of the sales charge, and its contingency upon the occurrence of an event that may not occur, does not change the basic nature of this charge, that is in every other respect a sales charge. Nevertheless, applicants request an exemption from the provisions of section 2(a)(35) to the extent necessary to implement the proposed charge in connection with the Class B and Class C shares of the Funds.

3. Section 22(c) of the Act and rule 22c–1 thereunder require that the price of a redeemable security issued by an open-end management company for purposes of sale, redemption and repurchase be based on the company's current net asset value. Applicants contend that the redemption price of their shares is based on current net asset value. Applicants assert that the CDSC is deducted at the time of redemption in arriving at a shareholder's proportionate redemption proceeds. However, to avoid any question as to the potential applicability of section 22(c) and rule 22c–1, applicants request an exemption from rule 22c–1 to the extent necessary to permit applicants to impose the proposed CDSC.

4. Applicants request an exemption from the provisions of section 22(d) of the Act to permit the waiver of the CDSC as described in this notice. Section 22(d) requires a registered investment company, principal underwriter or dealer in redeemable securities to sell those securities only at a current public offering price described in the company's prospectus. Subject to certain conditions, rule 22d–1 provides an exemption from section 22(d) allowing investment companies to vary or eliminate sales loads to different classes of investors. The CDSC and the waivers therefrom will be applied as described in the Fund's and Portfolio's registration statements. However, to preclude any assertion that rule 22d–1 is inapplicable to the CDSC, applicants request an exemption from section 22(d) to the extent necessary or appropriate to implement the CDSC and waivers therefrom as described above.

Applicants' Conditions

Applicants agree that any order granting the requested relief will be subject to the following conditions:

A. Conditions Relating to the Alternative Distribution System

1. Each class of shares will represent interests in the same portfolio of investments of a Fund and be identical in all respects, except as set forth below. The only differences among various class of shares of the same Fund will relate solely to: (a) the impact of the respective rule 12b–1 plan payments made by each of the Class A shares, Class B shares, and Class C shares of a Fund, any Class Expenses that may be imposed upon a particular class of shares and which are limited to (i) transfer agency fees attributable to a specific class of shares; (ii) printing and postage expenses related to preparing and distributing materials such as shareholder reports, prospectuses, and proxies to current shareholders of a specific class; (iii) blue sky registration fees incurred by a class of shares; (iv) Commission registration fees incurred by a class of shares; (v) the expenses of administrative personnel and services as required to support the shareholders of a specific class; (vi) litigation or other legal expenses relating solely to one class of shares; (vii) Directors/Trustees' fees incurred as a result of issues relating to one class of shares; and (viii) any other incremental expenses subsequently identified that should be properly allocated to one class which shall be approved by the Commission pursuant to an amended order, (b) voting rights on matters which pertain to rule 12b–1 plans, (c) the different exchange privileges of the various classes of shares as described in the prospectuses (and as more fully described in the statements of additional information) of the Funds, and (d) the designation of each class of shares of a Fund.

2. The Directors/Trustees of each of the Funds, including a majority of the Independent Directors/Trustees, shall have approved the Alternative Distribution System prior to the implementation of the Alternative Distribution System by a particular Fund. The minutes of the meetings of the Directors/Trustees of each of the Funds regarding the deliberations of the Directors/Trustees with respect to the approvals necessary to implement the Alternative Distribution System will reflect in detail the reasons for determining that the proposed Alternative Distribution System is in the best interests of both the Funds and their respective shareholders and such minutes will be available for inspection by the Commission staff.

3. The initial determination of Class Expenses, if any, that will be allocated to a particular class of a Fund and any subsequent changes thereto will be revised and approved by a vote of the Directors/Trustees including a majority of the Independent Directors/Trustees. Any person authorized to direct the allocation and disposition of the monies paid or payable by the Fund to meet Class Expenses shall provide to the Directors/Trustees, and the Directors/Trustees shall review, at least quarterly, a written report of the amounts so expended and the purposes for which such expenditures were made.

4. On an ongoing basis, the Directors/Trustees of the Funds, pursuant to their fiduciary responsibilities under the Act and otherwise, will monitor each Fund for the existence of any material conflicts among the interests of the various classes of shares. The Directors/Trustees, including a majority of the Independent Directors/Trustees, shall take such action as is reasonably necessary to eliminate any such conflicts that may develop. The Manager and the Distributor will be responsible for reporting any potential or existing conflicts to the Directors/Trustees. If a conflict arises, the Manager and the Distributor at their own costs will remedy such conflict up to and including establishing a new registered management investment company.

5. Any rule 12b–1 plan adopted or amended to permit the assessment of a rule 12b–1 fee on any class of shares which has not had its rule 12b–1 plan approved by the public shareholders of that class will be submitted to the public shareholders of such class for approval at the next meeting of shareholders after the initial issuance of the class of shares. Such meeting is to be held within 16 months of the date that the registration statement relating to such class first becomes effective or, if applicable, the date that the amendment to the registration statement necessary to offer such class of shares first becomes effective.

6. The Directors/Trustees of the Funds will receive quarterly and annual statements complying with paragraph (b)(3)(iii) of rule 12b–1, as it may be amended from time to time. In the statements, only distribution expenditures properly attributable to the sale of a class of shares will be used to support the rule 12b–1 fee charged to shareholders of such class of shares. Expenditures not related to the sale of a

specific class of shares will not be presented to the Directors/Trustees to support rule 12b–1 fees charged to shareholders of such class of shares. The statements, including the allocations upon which they are based, will be subject to the review and approval of the Independent Directors/Trustees in the exercise of their fiduciary duties under rule 12b–1.

7. Dividends paid by a Fund with respect to each class of shares, to the extent any dividends are paid, will be calculated in the same manner, at the same time, on the same day and will be in the same amount, except that fee payments made under the rule 12b–1 plans relating to the Class A, Class B, and Class C shares, respectively, will be borne exclusively by each such class and except that any Class Expenses will be borne by the applicable class of shares.

8. The methodology and procedures for calculating the net asset value and dividends/distributions of the various classes and the proper allocation of income and expenses among such classes has been reviewed by an expert (the "Independent Examiner"). The Independent Examiner has rendered a report to the applicants, which has been provided to the staff of the Commission, stating that such methodology and procedures are adequate to ensure that such calculations and allocations will be made in an appropriate manner, subject to the conditions and limitations in that report. On an ongoing basis, the Independent Examiner, or an appropriate substitute Independent Examiner, will monitor the manner in which the calculations and allocations are being made and, based upon such review, will render at least annually a report to the Funds that the calculations and allocations are being made properly. The reports of the Independent Examiner shall be filed as part of the periodic reports filed with the Commission pursuant to section 30(a) and 30(b)(1) of the Act. The work papers of the Independent Examiner with respect to such reports, following request by the Funds which the Funds agree to make, will be available for inspection by the Commission staff upon the written request for such work papers by a senior member of the Division of Investment Management or of a Regional Office of the Commission, limited to the Director, an Associate Director, the Chief Accountant, the Chief Financial Analyst, an Assistant Director, and any Regional Administrators or Associate and Assistant Administrators. The initial report of the Independent Examiner is a "Special Purpose" report on the "Design of a System," and the ongoing reports will be "Special Purpose" reports on the "Design of a System and Certain Compliance Tests" as defined and described in SAS No. 44 of the AICPA, as it may be amended from time to time, or in similar auditing standards as may be adopted by the AICPA from time to time.

9. The applicants have adequate facilities in place to ensure implementation of the methodology and procedures for calculating the net asset value and dividends/distributions among the various classes of shares and the proper allocation of income and expenses among such classes of shares and this representation has been concurred with by the Independent Examiner in the initial report referred to in condition (8) above and will be concurred with by the Independent Examiner, or an appropriate substitute Independent Examiner, on an ongoing basis at least annually in the ongoing reports referred to in condition (8) above. The applicants agree to take prompt corrective action if the Independent Examiner, or appropriate substitute Independent Examiner, does not so concur in the ongoing reports.

10. The prospectuses of the Funds will include a statement to the effect that an account executive and any other person entitled to receive compensation for selling shares of the fund may receive different levels of compensation for selling Class A shares, Class B shares, or Class C shares.

11. The Distributor will adopt compliance standards as to when Class A shares, Class B shares, and Class C shares may appropriately be sold to particular investors. The applicants will require all persons selling shares of the Funds to agree to conform to such standards.

12. The conditions pursuant to which the exemptive order is granted and the duties and liabilities of the Directors/Trustees of the Funds with respect to the Alternative Distribution System will be set forth in guidelines which will be furnished to the Directors/Trustees as part of the materials setting forth the duties and responsibilities of the Directors/Trustees.

13. Each Fund will disclose in its prospectus the respective expenses, performance data, distribution arrangements, services, fees, sales loads, deferred sales loads, and exchange privileges applicable to each class of shares offered through the prospectus. Class A, Class B, and Class C shares will be offered and sold through a single prospectus. Each fund will disclose the respective expenses and performance data applicable to all classes of shares in every shareholder report. To the extent any advertisement or sales literature describes the expenses or performance data applicable to Class A, B, or C shares, it will disclose the expenses and/or performance data applicable to the three classes. The information provided by the applicants for publication in any newspaper or similar listing of the Funds' net asset values and public offering prices will separately present Class A, Class B, and Class C shares.

14. The applicants acknowledge that the grant of the exemptive order requested by this application will not imply Commission approval, authorization acquiescence in any particular level of payments that the Funds may make pursuant to rule 12b–1 plans in reliance on the exemptive order.

B. Conditions Relating to the CDSC

1. The applicants will comply with the provisions of proposed rule 6c–10 under the Act, Investment Company Act Release No. 16619 (Nov. 2, 1988), as such rule is currently proposed and as it may be reproposed, adopted or amended.

For the SEC, by the Division of Investment Management, under delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 92–21324 Filed 9–3–92; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. IC–18913; 811–3505]

Vantage Money Market Funds; Application for Deregistration

August 28, 1992.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of application for deregistration under the Investment Company Act of 1940 (the "Act").

APPLICANT: Vantage Money Market Funds.

RELEVANT ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant seeks an order declaring that it has ceased to be an investment company.

FILING DATE: The application on Form N–8F was filed on August 12, 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 22, 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 Fifth Street, NW., Washington, DC 20549. Applicant, 1345 Avenue of the Americas, New York, NY 10105.

FOR FURTHER INFORMATION CONTACT: Felicia H. Kung, Senior Attorney, at (202) 504–2803, or Elizabeth G. Osterman, Branch Chief, at (202) 272–3016 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant is a Massachusetts business trust and is registered as an open-end diversified management investment company under the Act. On June 29, 1982, applicant filed a notification of registration under section 8(a) of the Act. On September 10, 1982, applicant filed a registration statement under the Securities Act of 1933 and section 8(b) of the Act. Applicant's registration statement was declared effective on October 13, 1982, and its initial public offering commenced on October 18, 1982.

2. At a meeting held on December 6, 1991, applicant's board of trustees approved an agreement and plan of reorganization (the "Reorganization Plan") between applicant and Smith Barney Money Funds, Inc. ("Smith Barney") (File No. 811–2490).

3. Applicant mailed to its shareholders proxy materials, dated April 24, 1992, relating to the proposed reorganization. On June 25, 1992, applicant had outstanding 1,088,446,903 shares of its Cash Portfolio and 300,591,650 shares of its Government Portfolio, each share with a net asset value of $1.00 per share. At a special meeting held on June 26, 1992, applicant's shareholders approved the reorganization.

4. On June 26, 1992, pursuant to the Reorganization Plan and in compliance with rule 17a–8, applicant transferred all assets and disclosed liabilities of its Vantage Cash Portfolio and Vantage Government Portfolio to Smith Barney in exchange for shares of Smith Barney's Cash and Government Portfolios, respectively. The transfer of applicant's assets for Smith Barney shares was based on the relative net asset value of the portfolios. Shares of the two Smith Barney portfolios were distributed to shareholders of Vantage Cash Portfolio and Vantage Government Portfolio, respectively, *pro rata* in accordance with their respective interests in Vantage Cash and Vantage Government Portfolios.

5. All expenses in connection with the reorganization, such as the costs of preparing, printing and mailing the related proxy materials, and the related legal and governmental filing fees, will be paid by Mutual Management Corp., applicant's former investment adviser and the investment adviser to Smith Barney.

6. At the time of the application, applicant had no shareholders, assets or liabilities. Applicant is not a party to any litigation or administrative proceeding. Applicant is not presently engaged in, nor does it propose to engage in, any business activities other than those necessary for the winding up of its affairs.

For the Commission, by the Division of Investment Management, under delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 92–21325 Filed 9–3–92; 8:45 am]

BILLING CODE 8010–01–M

[Investment Company Act Rel. No. 18915; International Series Rel. No. 446; 812–8058]

William Blair Mutual Funds, Inc.; Application

August 31, 1992.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of application for exemption under the Investment Company Act of 1940 ("Act").

APPLICANT: William Blair Mutual Funds, Inc.

RELEVANT ACT SECTIONS: Order requested under section 6(c) for an exemption from the provisions of section 12(d)(3).

SUMMARY OF APPLICATION: Applicant seeks a conditional order permitting it to acqurie equity and convertible debat securities of foreign issuers that, in each of their msot recent fiscal years, derived mroe than 15% of their gross revenue from their activities as a broker, dealer, underwriter, or investment adviser ("foreign securities companies"), provided that such investments comply with the provisions of proposed amended rule 12d3–1 under the Act.

FILING DATE: The application was filed on August 20, 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 pm. on September 25, 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 who wish to be notified of a hearing may request such notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, NW., Washington, DC 20549. Applicant, 135 South LaSalle Street, Chicago, Illinois 60603.

FOR FURTHER INFORMATION CONTACT: James E. Anderson, Law Clerk, at (202) 272–7027, or C. David Messman, Branch Chief, at (202) 272–3018 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee from the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant, a Maryland corporation, is registered as a diversified open-end management investment company under the Act. Applicant presently consists of three separate investment portfolios: The Growth Shares portfolio, the Income Shares portfolio, and the Ready Reserves Shares portfolio. Applicant intends to establish a fourth portfolio: The International Growth Shares portfolio ("International"). International is the only portfolio that currently intends to invest in equity or convertible debt securities of foreign issuers. William Blair & Company acts as the investment adviser for each portfolio. Framlington Overseas Investment Management Limited will serve as sub-adviser for International.

2. Applicant, consistent with its investment policies and objectives, seeks to invest in equity securities and convertible debt securities of foreign securities companies. Applicant seeks conditional relief from section 12(d)(3) of the Act to invest in equity and convertible debt securities of foreign

securities companies to the extent permitted in proposed amended rule 12d3–1 under the Act. *See* Investment Company Act Release No. 17096 (Aug. 3, 1989).

Applicant's Legal Conclusions

1. Section 12(d)(3) generally prohibits an investment company from acquiring any security issued by any person who is a broker, a dealer, an underwriter, or an investment adviser. Rule 12d3–1 provides an exemption from section 12(d)(3) for investment companies acquiring securities of an issuer that derived more than 15% of its gross revenues in its most recent fiscal year from securities-related activities, provided that these investments comply with certain conditions set forth in the rule.

2. Applicant's proposed acquisition of securities issued by foreign securities companies will comply with the provisions of current rule 12d3–1, except subparagraph (b)(4) thereof. Subparagraph (b)(4) of rule 12d3–1 provides that, any equity security of the issuer must be a "margin security" as defined in Regulation T promulgated by the Board of Governors of the Federal Reserve (the "Board"). Although the Board maintains a list of foreign margin securities, many securities of foreign securities companies are not included on such list. Accordingly, applicant is prevented from investing in equity securities of many foreign securities companies that are comparable in quality to "margin securities," but do not fall within the definition of "margin securities" in Regulation T.

3. Proposed amended rule 12d3–1 provides that the "margin security" requirement will be excused if the acquiring company purchases the equity securities of foreign securities companies that meet the qualitative criteria comparable to criteria applicable to equity securities of United States securities-related businesses.

Applicant's Condition

Applicant agrees that the proposed exemptive order will be subject to the following condition:

Applicant will comply with the proposed amendments to rule 12d3–1 (Investment Company Act Release No. 17096 (Aug. 3, 1989); 54 FR 33027 (Aug. 11, 1989)) as they are currently proposed, or as they may be reproposed, adopted, or amended.

For the SEC, by the Division of Investment Management, under delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 92–21374 Filed 9–3–92; 8:45 am]

BILLING CODE 8010–01–M

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under OMB Review

ACTION: Notice of reporting requirements submitted for review.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35), agencies are required to submit proposed reporting and recordkeeping requirements to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public that the agency has made such a submission.

DATES: Comments should be submitted October 5, 1992. If you intend to comment but cannot prepare comments promptly, please advise the OMB Reviewer and the Agency Clearance Officer before the deadline.

COPIES: Request for clearance (SF 83), supporting statement, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer. Submit comments to the Agency Clearance Officer and the OMB Reviewer.

FOR FURTHER INFORMATION CONTACT:

Agency Clearance Officer: Cleo Verbillis, Small Business Administration, 409 3RD Street, SW., 5th Floor, Washington, DC 20416, Telephone: (202) 205–6629.

OMB Reviewer: Gary Waxman, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

Title: Nomination for the Small Business Prime Contractor and Subcontractor of the Year Award

SBA Form No.: SBA Forms 883, 1375

Frequency: Annual

Description of Respondents: Small Businesses

Annual Responses: 363

Annual Burden: 1,452

Title: Prime Contracts Quarterly Report

SBA Form No.: SBA Form 843A, 843B

Frequency: Quarterly

Description of Respondents: Procurement Center Representatives

Annual Responses: 1,340

Annual Burden: 670

Title: Personal Financial Statement

SBA Form No.: SBA Forms 413

Frequency: On occasion

Description of Respondents: Small Business Loan Applicants

Annual Responses: 88,000

Annual Burden: 132,000

Cleo Verbillis,

Acting Chief, Administrative Information Branch.

[FR Doc. 92–21456 9–3–92; 8:45 am]

BILLING CODE 8025–01–M

[Declaration of Disaster Loan Area #2585]

Indiana and Contiguous Counties in Kentucky; Declaration of Disaster Loan Area

As a result of the President's major disaster declaration on August 17, 1992, and an amendment thereto dated August 18, 1992, I find that the Counties of Clark, Jackson, Jefferson, Lawrence, Scott, and Washington in the State of Indiana constitute a disaster area as a result of damages caused by severe weather, torrential rains, and flash flooding August 8 through and including August 11, 1992. Applications for loans for physical damage may be filed until the close of business on October 16, 1992, and for loans for economic injury until the close of business on May 17, 1993, at the address listed below: U.S. Small Business Administration, Disaster Area 2 Office, One Baltimore Place, suite 300, Atlanta, Georgia 30308 or other locally announced locations. In addition, applications for economic injury loans from small businesses located in the contiguous Counties of Bartholomew, Brown, Crawford, Floyd, Greene, Harrison, Jennings, Martin, Monroe, Orange, Ripley, and Switzerland in Indiana and Carroll, Jefferson, Oldham, and Trimble Counties in Kentucky may be filed until the specified date at the above location.

The interest rates are:

	Percent
For Physical Damage:	
Homeowners With Credit Available Elsewhere	8.000
Homeowners Without Credit Available Elsewhere	4.000
Businesses With Credit Available Elsewhere	6.000
Businesses and Non-Profit Organizations Without Credit Available Elsewhere	4.000
Others (Including Non-Profit Organizations) With Credit Available Elsewhere	8.500
For Economic Injury:	
Businesses and Small Agricultural Cooperatives Without Credit Available Elsewhere	4.000

The number assigned to this disaster for physical damage is 258506 and for

economic injury the numbers are 768500 for Indiana and 768600 for Kentucky.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: August 25, 1992.

Bernard Kulik,

Assistant Administrator for Disaster Assistance.

[FR Doc. 92–21446 Filed 9–3–92; 8:45 am]

BILLING CODE 8025–01–M

[Declaration of Disaster Loan Area #2582; Amendment #1]

Ohio and Contiguous Counties in Indiana and Pennsylvania; Declaration of Disaster Loan Area

The above-numbered Declaration is hereby amended in accordance with an amendment dated August 11, 1992, to the President's major disaster declaration of August 4, to include Cuyahoga, Mahoning, Medina, Mercer, Summit, Trumbull, and Van Wert Counties in the State of Ohio as a disaster area as a result of damages caused by severe storms, tornadoes, and flooding beginning on July 12, 1992 and continuing.

In addition, small businesses located in the contiguous counties of Allen, Ashland, Ashtabula, Columbiana, Geauga, Lake, Lorain, Paulding, Portage, Putnam, Stark, and Wayne in Ohio; Adams, Allen, and Jay in Indiana; and Crawford, Lawrence, and Mercer in Pennsylvania may file applications until the specified date at the aforementioned location.

The economic injury numbers are 768200 for Ohio; 769000 for Indiana; and 769100 for Pennsylvania.

All other information remains the same, i.e., the termination date for filing applications for physical damage is October 4, 1992, and May 4, 1993 for economic injury.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: August 21, 1992.

Bernard Kulik,

Assistant Administrator for Disaster Assistance.

[FR Doc. 92–21447 Filed 9–3–92; 8:45 am]

BILLING CODE 8025–01–M

[Declaration of Economic Injury Disaster Loan Area #7687]

Rhode Island and Contiguous Counties in Massachusetts and Connecticut; Declaration of Disaster Loan Area

Providence County and contiguous counties of Bristol and Kent in the State of Rhode Island; Bristol, Norfolk and Worcester Counties in Massachusetts; and Windham County in Connecticut constitute an Economic Injury Disaster Loan Area due to a Water Contamination Emergency caused by the presence of coliform bacteria in the water supply serving the communities of Pawtucket, Central Falls, and Cumberland in Rhode Island beginning on August 3, 1992. Eligible small businesses without credit available elsewhere and small agricultural cooperatives without credit available elsewhere may file applications for economic injury assistance until the close of business on May 19, 1993 at the address listed below: U.S. Small Business Administration, Disaster Area 1 Office, 360 Rainbow Blvd., South, 3rd Fl., Niagara Falls, NY 14303, or other locally announced locations. The interest rate for eligible small businesses and small agricultural cooperatives is 4 percent.

(Catalog of Federal Domestic Assistance Program No. 59002)

Dated: August 19, 1992.

Patricia Saiki,

Administrator.

[FR Doc. 92–21444 Filed 9–3–92; 8:45 am]

BILLING CODE 8025–01–M

[Declaration of Disaster Loan Area #2584]

Oklahoma; Declaration of Disaster Loan Area

Okmulgee County and the contiguous counties of Creek, McIntosh, Muskogee, Okfuskee, Tulsa, and Wagoner in the State of Oklahoma constitute a disaster area as a result of damages caused by flooding which occurred on August 5, 1992. Applications for loans for physical damage as a result of this disaster may be filed until the close of business on October 15, 1992 and for economic injury until the close of business on May 14, 1993 at the address listed below: U.S. Small Business Administration, Disaster Area 3 Office, 4400 Amon Carter Blvd., suite 102, Ft. Worth, TX 76155, or other locally announced locations.

The interest rates are:

	Percent
For Physical Damage:	
Homeowners With Credit Available Elsewhere	8.000
Homeowners Without Credit Available Elsewhere	4.000
Businesses With Credit Available Elsewhere	6.000
Businesses and Non-Profit Organizations Without Credit Available Elsewhere	4.000
Others (Including Non-Profit Organizations) With Credit Available Elsewhere	8.500
For Economic Injury:	
Businesses and Small Agricultural Cooperatives Without Credit Available Elsewhere	4.000

The number assigned to this disaster for physical damage is 258406 and for economic injury the number is 768400.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: August 14, 1992.

Patricia Saiki,

Administrator.

[FR Doc. 92–21445 Filed 9–3–92; 8:45 am]

BILLING CODE 8025–01–M

[License #06/06–0206]

Caddo Capital Corporation; License Surrender

Notice is hereby given that Caddo Capital Corporation ("Caddo"), a Louisiana corporation, has surrendered its license to operate as a small business investment company under the Small Business Investment Act of 1958, as amended ("the Act"). Caddo was licensed by the Small Business Administration on May 1, 1979.

Under the authority vested by the Act and pursuant to the regulations promulgated thereunder, the surrender of the license was accepted on August 2, 1991, and accordingly, all rights, privileges, and franchises derived therefrom have been terminated.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: August 25, 1992.

Wayne S. Foren,

Associate Administrator for Investment.

[FR Doc. 92–21441 Filed 9–3–92; 8:45 am]

BILLING CODE 8025–01–M

[License #04/04–0201]

Carolina Venture Capital Corporation; License Surrender

Notice is hereby given that Carolina Venture Capital Corporation ("CVCC"), a South Carolina corporation, has surrendered its license to operate as a small business investment company under the Small Business Investment Act of 1958, as amended ("the Act"). CVCC was licensed by the Small Business Administration on January 19, 1981.

Under the authority vested by the Act and pursuant to the regulations promulgated thereunder, the surrender

of the license was accepted on April 4, 1990, and accordingly, all rights, privileges, and franchises derived therefrom have been terminated.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: August 25, 1992.

Wayne S. Foren,

Associate Administrator for Investment.

[FR Doc. 92-21439 Filed 9-3-92; 8:45 am]

BILLING CODE 8025-01-M

[License #08/08-0047]

Colorado Growth Capital, Inc.; License Surrender

Notice is hereby given that Colorado Growth Capital, Inc. ("CGC"), a Colorado corporation, has surrendered its license to operate as a small business investment company under the Small Business Investment Act of 1958, as amended ("the Act"). CGC was licensed by the Small Business Administration on June 28, 1979.

Under the authority vested by the Act and pursuant to the regulations promulgated thereunder, the surrender of the license was accepted on September 17, 1990, and accordingly, all rights, privileges, and franchises derived therefrom have been terminated.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: August 25, 1992.

Wayne S. Foren,

Associate Administrator for Investment.

[FR Doc. 92-21442 Filed 9-3-92; 8:45 am]

BILLING CODE 8025-01-M

[License #07/07-5078]

Community Equity Corporation of Nebraska; License Surrender

Notice is hereby given that Community Equity Corporation of Nebraska ("CECN"), a Nebraska corporation, has surrendered its license to operate as a small business investment company under the Small Business Investment Act of 1958, as amended ("the Act"). CECN was licensed by the Small Business Administration on August 16, 1977.

Under the authority vested by the Act and pursuant to the regulations promulgated thereunder, the surrender of the license was accepted on February 14, 1990, and accordingly, all rights, privileges, and franchises derived therefrom have been terminated.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: August 25, 1992.

Wayne S. Foren,

Associate Administrator for Investment.

[FR Doc. 92-21430 Filed 9-3-92; 8:45 am]

BILLING CODE 8025-01-M

[License #04/10-0086]

Delta Capital, Inc.; License Surrender

Notice is hereby given that Delta Capital, Inc. ("Delta"), a North Carolina corporation, has surrendered its license to operate as a small business investment company under the Small Business Investment Act of 1958, as amended ("the Act"). Delta was licensed by the Small Business Administration on November 29, 1961.

Under the authority vested by the Act and pursuant to the regulations promulgated thereunder, the surrender of the license was accepted on October 30, 1990, and accordingly, all rights, privileges, and franchises derived therefrom have been terminated.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: August 25, 1992.

Wayne S. Foren,

Associate Administrator for Investment.

[FR Doc. 92-21443 Filed 9-3-92; 8:45 am]

BILLING CODE 8025-01-M

[License #09/09-0305]

Enterprise Venture Capital Corporation; License Surrender

Notice is hereby given that Enterprise Venture Capital Corporation ("EVCC"), a California corporation, has surrendered its license to operate as a small business investment company under the Small Business Investment Act of 1958, as amended ("the Act"). EVCC was licensed by the Small Business Administration on May 3, 1983.

Under the authority vested by the Act and pursuant to the regulations promulgated thereunder, the surrender of the license was accepted on December 14, 1990, and accordingly, all rights, privileges, and franchises derived therefrom have been terminated.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: August 25, 1992.

Wayne S. Foren,

Associate Administrator for Investment.

[FR Doc. 92-21437 Filed 9-3-92; 8:45 am]

BILLING CODE 8025-01-M

[License #02/04-0048]

ESIC Capital, Inc.; License Surrender

Notice is hereby given that ESIC Capital, Inc. ("ESIC"), a New York corporation, has surrendered its license to operate as a small business investment company under the Small Business Investment Act of 1958, as amended ("the Act"). ESIC was licensed by the Small Business Administration on December 24, 1963.

Under the authority vested by the Act and pursuant to the regulations promulgated thereunder, the surrender of the license was accepted on March 30, 1990, and accordingly, all rights, privileges, and franchises derived therefrom have been terminated.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: August 25, 1992.

Wayne S. Foren,

Associate Administrator for Investment.

[FR Doc. 92-21431 Filed 9-3-92; 8:45 am]

BILLING CODE 8025-01-M

[License #05/06-0031]

Gries Investment Company; License Surrender

Notice is hereby given that Gries Investment Company ("GIC"), an Ohio corporation, has surrendered its license to operate as a small business investment company under the Small Business Investment Act of 1958, as amended ("the Act"). GIC was licensed by the Small Business Administration on March 24, 1964.

Under the authority vested by the Act and pursuant to the regulations promulgated thereunder, the surrender of the license was accepted on January 17, 1992, and accordingly, all rights, privileges, and franchises derived therefrom have been terminated.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: August 25, 1992.

Wayne S. Foren,

Associate Administrator for Investment.

[FR Doc. 92-21440 Filed 9-3-92; 8:45 am]

BILLING CODE 8025-01-M

[License #02/02-5285]

North Street Capital Corporation; Notice of License Surrender

Notice is hereby given that North Street Capital Corporation ("NSCC"), a New York corporation, has surrendered

its license to operate as a small business investment company under the Small Business Investment Act of 1958, as amended ("the Act"). NSCC was licensed by the Small Business Administration on October 16, 1970.

Under the authority vested by the Act and pursuant to the regulation promulgated thereunder, the surrender of the license was accepted on January 19, 1990, and accordingly, all rights, privileges, and franchises derived therefrom have been terminated.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: August 25, 1992.

Wayne S. Foren,

Associate Administrator for Investment.

[FR Doc. 92–21438 Filed 9–3–92; 8:45 am]

BILLING CODE 8025–01–M

[License #06/06–0260]

Omega Capital Corporation; License Surrender

Notice is hereby given that Omega Capital Corporation ("Omega"), a Texas corporation, has surrendered its license to operate as a small business investment company under the Small Business Investment Act of 1958, as amended ("the Act"). Omega was licensed by the Small Business Administration on August 12, 1982.

Under the authority vested by the Act and pursuant to the regulations promulgated thereunder, the surrender of the license was accepted on March 6, 1991, and accordingly, all rights, privileges, and franchises derived therefrom have been terminated.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: August 25, 1992.

Wayne S. Foren,

Associate Administrator for Investment.

[FR Doc. 92–21434 Filed 9–3–92; 8:45 am]

BILLING CODE 8025–01–M

[License #09/09–0195]

San Jose SBIC, Inc.; License Surrender

Notice is hereby given that San Jose SBIC, Inc. ("San Jose"), a California corporation, has surrendered its license to operate as a small business investment company under the Small Business Investment Act of 1958, as amended ("the Act"). San Jose was licensed by the Small Business Administration on September 2, 1977.

Under the authority vested by the Act and pursuant to the regulations promulgated thereunder, the surrender of the license was accepted on August 10, 1990, and accordingly, all rights, privileges, and franchises derived therefrom have been terminated.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: August 25, 1992.

Wayne S. Foren,

Associate Administrator for Investment.

[FR Doc. 92–21435 Filed 9–3–92; 8:45 am]

BILLING CODE 8025–01–M

[License #05/05–0203]

Seagate Venture Management Inc.; License Surrender

Notice is hereby given that Seagate Venture Management Inc. ("Seagate"), an Ohio corporation, has surrendered its license to operate as a small business investment company under the Small Business Investment Act of 1958, as amended ("the Act"). Seagate was licensed by the Small Business Administration on July 19, 1985.

Under the authority vested by the Act and pursuant to the regulations promulgated thereunder, the surrender of the license was accepted on May 29, 1991, and accordingly, all rights, privileges, and franchises derived therefrom have been terminated.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: August 25, 1992.

Wayne S. Foren,

Associate Administrator for Investment.

[FR Doc. 92–21433 Filed 4–3–92; 8:45 am]

BILLING CODE 8025–01–M

[License #06/06–0234]

Southwestern Venture Capital of Texas, Inc.; License Surrender

Notice is hereby given that Southwestern Venture Capital of Texas, Inc. ("SWVC"), a Texas corporation, has surrendered its license to operate as a small business investment company under the Small Business Investment Act of 1958, as amended ("the Act"). SWVC was licensed by the Small Business Administration on November 24, 1980.

Under the authority vested by the Act and pursuant to the regulations promulgated thereunder, the surrender of the license was accepted on July 15, 1990, and accordingly, all rights, privileges, and franchises derived therefrom have been terminated.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: August 25, 1992.

Wayne S. Foren,

Associate Administrator for Investment.

[FR Doc. 92–21436 Filed 9–3–92; 8:45 am]

BILLING CODE 8025–01–M

[License #02/02–5384]

Venture Capital Puerto Rico, Inc.; License Surrender

Notice is hereby given that Venture Capital Puerto Rico, Inc. ("VCPR"), a Puerto Rico corporation, has surrendered its license to operate as a small business investment company under the Small Business Investment Act of 1958, as amended ("the Act"). VCPR was licensed by the Small Business Administration on February 24, 1981.

Under the authority vested by the Act and pursuant to the regulations promulgated thereunder, the surrender of the license was accepted on June 12, 1990, and accordingly, all rights, privileges, and franchises derived therefrom have been terminated.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: August 25, 1992.

Wayne S. Foren,

Associate Administrator for Investment.

[FR Doc. 92–21432 Filed 9–3–92; 8:45 am]

BILLING CODE 8025–01–M

Region IV Advisory Council; Public Meeting

The U.S. Small Business Administration Region IV Advisory Council, located in the geographical area of Georgia, will hold a public meeting from 8:00 a.m. on Thursday, October 15, to 12 Noon on Friday, October 16, 1992, at the Clarion Buccaneer, 85 Beachview Drive, Jekyll Island, Georgia, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Mr. Wilfred A. Stone, District Director, U.S. Small Business Administration, 1720 Peachtree Road, NW., 6th Floor, Atlanta, Georgia 30309, (404) 347–4749.

Dated: September 1, 1992.

Caroline J. Beeson,

Assistant Administrator, Office of Advisory Councils.

[FR Doc. 92–21453 Filed 9–3–92; 8:45 am]

BILLING CODE 8025–01–M

Region III Advisory Council; Public Meeting

The U.S. Small Business Administration Region III Advisory Council, located in the geographical area of Baltimore, will hold a public meeting from 9 a.m. to 11 a.m. on Thursday, September 17, 1992 at the U.S. Small Business Administration, 10 North Calvert Street, 3d Floor, Baltimore, Maryland, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Mr. Charles J. Gaston, District Director, U.S. Small Business Administration, 10 North Calvert Street, 3d Floor, Baltimore Maryland, 21202, (410) 962–2054.

Dated: August 31, 1992.

Caroline J. Beeson,

Assistant Administrator, Office of Advisory Councils.

[FR Doc. 92–21448 Filed 9–3–92; 8:45 am]

BILLING CODE 8025–01–M

Region III Advisory Council; Public Meeting

The U.S. Small Business Administration Region III Advisory Council, located in the geographical area of Pittsburgh, will hold a public meeting on Thursday and Friday, September 17–18, 1992 at 10:30 a.m., at Edinboro Inn (Holiday Inn), U.S. Route 6N, Edinboro, Pennsylvania, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Mr. Joseph M. Kopp, District Director, U.S. Small Business Administration, 960 Penn Avenue, 5th Floor, Pittsburgh, Pennsylvania 15222, (412) 644–4306 or Mr. Al Werner, Chairperson, Pittsburgh District Advisory Council, (412) 762–2040.

Dated: August 24, 1992.

Caroline J. Beeson,

Assistant Administrator, Office of Advisory Councils.

[FR Doc. 92–21449 Filed 9–3–92; 8:45 am]

BILLING CODE 8025–01–M

Region IV Advisory Council; Public Meeting

The U.S. Small Business Administration Region IV Advisory Council, located in the geographical area of Columbia, will hold a public meeting at 9:30 a.m. on Thursday, October 1, 1992, in the SC Electric and Gas Energy Information Center at Dutch Square, Columbia, South Carolina, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Mr. Elliott O. Cooper, District Director, U.S. Small Business Administration, P.O. Box 2786, Columbia, South Carolina 29201, (803) 765–5339.

Dated: August 31, 1992.

Caroline J. Beeson,

Assistant Administrator, Office of Advisory Councils.

[FR Doc. 92–21454 Filed 9–3–92; 8:45 am]

BILLING CODE 8025–01–M

Region IV Advisory Council; Public Meeting

The U.S. Small Business Administration Region IV Advisory Council, located in the geographical area of Nashville, will hold a public meeting from 8:00 a.m. on Friday, October 23, 1992 at Pickwick Landing State Park, Pickwick Dam, Tennessee, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Mr. Robert M. Hartman, District Director, U.S. Small Business Administration, 50 Vantage Way, suite 201, Nashville, Tennessee 37228–1500, (615) 736–5850.

Dated: August 31, 1992.

Caroline J. Beeson,

Assistant Administrator, Office of Advisory Councils.

[FR Doc. 92–21452 Filed 9–3–92; 8:45 am]

BILLING CODE 8025–01–M

Region VI Advisory Council; Public Meeting

The U.S. Small Business Administration Region VI Advisory Council, located in the geographical area of Dallas-Fort Worth, will hold a public meeting at 9:30 a.m. on Friday, October 23, 1992 at the U.S. Small Business Administration, 4300 Amon Carter Boulevard, suite 114, Fort Worth, Texas, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Mr. James S. Reed, District Director, U.S. Small Business Administration, 4300 Amon Carter Boulevard, suite 114, Fort Worth, Texas 76155, (817) 885–6500.

Dated: August 31, 1992.

Caroline J. Beeson,

Assistant Administrator, Office of Advisory Councils.

[FR Doc. 92–21450 Filed 9–3–92; 8:45 am]

BILLING CODE 8025–01–M

Region VI Advisory Council; Public Meeting

The U.S. Small Business Administration Region VI Advisory Council, located in the geographical area of El Paso, will hold a public meeting from 9 a.m. to 12 noon on Friday, September 18, 1992, at the First City Bank of El Paso, 320 North Stanton Street, El Paso, Texas, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Mr. John E. Scott, District Director, U.S. Small Business Administration, 10737 Gateway West, suite 320, El Paso, Texas 79935, (915) 540–5560.

Dated: August 24, 1992.

Caroline J. Beeson,

Assistant Administrator, Office of Advisory Councils.

[FR Doc. 92–21451 Filed 9–3–92; 8:45 am]

BILLING CODE 8025–01–M

Region VIII Advisory Council; Public Meeting

The U.S. Small Business Administration Region VIII Advisory Council, located in the geographical area of Casper, will hold a public meeting at 9 a.m., on Friday, October 9, 1992, at the Holiday Inn, 900 East Sunset, Riverton, Wyoming, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Mr. James Gallogly, District Director, U.S. Small Business Administration, Federal Building, room 4001, 100 East B Street, P.O. Box 2839, Casper, Wyoming 82602–2839, (307) 261–5761.

Dated: August 28, 1992.

Caroline J. Beeson,

Assistant Administrator, Office of Advisory Councils.

[FR Doc. 92–21455 Filed 9–3–92; 8:45 am]

BILLING CODE 8025–01–M

DEPARTMENT OF TRANSPORTATION

Aviation Proceedings; Agreements Filed During the Week Ended August 28, 1992

The following Agreements were filed with the Department of Transportation

under the provisions of 49 U.S.C. 412 and 414. Answers may be filed within 21 days of date of filing.

Docket Number: 48320.
Date filed: August 26, 1992.
Parties: Members of the International Air Transport Association.
Subject: Comp Reso/C0517 Dated August 14, 1992, Reso 033F–Lebanon.
Proposed Effective Date: August 7, 1992.

Docket Number: 48321.
Date filed: August 26, 1992.
Parties: Members of the International Air Transport Association.
Subject: TC2 Mail Vote 593, Fares from Tanzania to Africa/Mideast.
Proposed Effective Date: October 1, 1992.

Docket Number: 48322.
Date filed: August 26, 1992.
Parties: Members of the International Air Transport Association.
Subject: Request For Interim Approval of Amendments to the Provisions for the Conduct of The IATA Traffic Conferences.

Phyllis T. Kaylor,
Chief, Documentary Services Division.
[FR Doc. 92–21381 Filed 9–3–92; 8:45 am]
BILLING CODE 4910–62–M

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q During the Week Ended August 28, 1992

The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under subpart Q of the Department of Transportation's Procedural Regulations, (See 14 CFR 302.1701 et. seq.). The due date for Answers, Conforming Applications, or Motions to Modify Scope are set forth below for each application. Following the Answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket Number: 48318.
Date filed: August 26, 1992.
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: September 22, 1992.
Description: Application of Transwede Airways AB, pursuant to section 402 of the Act and subpart Q of the Regulations for renewal of its foreign air carrier permit to engage in charted foreign air transportation of persons and their accompanying baggage: Between any point or points in Denmark, Norway and Sweden and any point or points in the United States.

Docket Number: 48319.
Date filed: August 26, 1992.
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: September 23, 1992.
Description: Application of TAMPA, pursuant to section 402 of the Act and subpart Q of the Regulations applies for an amended foreign air carrier permit seeking authority to conduct scheduled cargo flights between a point or points in Colombia, on the one hand, and New York, New York; Los Angeles, California; Miami, Florida; and San Juan, Puerto Rico, on the other hand, via intermediate points. TAMPA also seeks authority to coterminalize Miami and San Juan and Miami and New York.

Docket Number: 48323.
Date filed: August 27, 1992.
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: September 24, 1992.
Description: Application of Alitalia, pursuant to section 402 of the Act and subpart Q of the Regulations, requests amendment of its foreign air carrier permit to authorize it to engage in foreign air transportation between the Republic of Italy and the United States.

Docket Number: 48325.
Date filed: August 28, 1992.
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: September 25, 1992.
Description: Application of United Air Lines, Inc, pursuant to section 401 of the Act and subpart Q of the Regulations applies for an amendment to its certificate of public convenience and necessity for Route 566 so as to authorize foreign air transportation of persons, property and mail over the following additional U.S.-Mexico route segments: "Between Los Angeles, California and Acapulco, Mexico," and "Between Los Angeles, California, and San Jose del Cabo, Mexico."

Docket Number: 48327.
Date filed: August 28, 1992.
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: September 25, 1992.
Description: Application of Mesaba Aviation, Inc. d/b/a Mesaba Airlines d/b/a Mesaba Northwest Airlink, pursuant to section 401(d)(1) of the Act and subpart Q of the Act, for a certificate of convenience and necessity to engage in scheduled interstate and overseas air transportation of persons, property and mail.

Docket Number: 48328.
Date filed: August 28, 1992.
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: September 25, 1992.
Description: Application of Atlas Air, Inc., pursuant to section 401(d)(1), and subpart Q of the Regulations, requests issuance of a certificate of public convenience and necessity authorizing Atlas to engage scheduled air transportation of property and mail in interstate and overseas markets.

Docket Number: 47675.
Date filed: August 25, 1992.
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: September 22, 1992.
Description: Application of Delta Air Lines, Inc., pursuant to section 401 of the Act and subpart Q of the Regulations, applies to renew its authority to serve the New York, New York/Boston, Massachusetts-Nairobi, Kenya market, the only authority on segment 12 of Delta's certificate of public convenience and necessity for Route 616 that is limited as to duration.

Phyllis T. Kaylor,
Chief, Documentary Services Division.
[FR Doc. 92–21380 Filed 9–3–92; 8:45 am]
BILLING CODE 4910–62–M

Federal Aviation Administration

General Aviation and Business Airplane Subcommittee of the Aviation Rulemaking Advisory Committee; Meeting

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of meeting.

SUMMARY: The FAA is issuing this notice to advise the public of a meeting of the Federal Aviation Administration General Aviation and Business Airplane Subcommittee of the Aviation Rulemaking Advisory Committee.

DATES: The meeting will be held on September 16, 1992, at 9 a.m. Arrange for oral presentations by September 9, 1992.

ADDRESSES: The meeting will be held in the Board Room, National Business Aircraft Association, Inc., 1200 Eighteenth Street, NW., Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: Ms. Kathy Ball, (AIR–1), 800 Independence Avenue, SW., Washington, DC 20591, telephone (202) 267–8235.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. app. II), notice is hereby given of a meeting of the General Aviation

and Business Airplane Subcommittee to be held on September 16, 1992, in the Board Room, National Business Aircraft Association, Inc., 1200 Eighteenth Street, NW., Washington, DC 20036. The agenda will include:

- Report from the Accelerated Stalls Working Group.
- Report from the Fuel Indicators Working Group.
- Report on JAR/FAR 23 Working Group.
- Discussion of future activities.

Attendance is open to the interested public, but will be limited to the space available. The public must make arrangements by September 9, 1992, to present oral statements at the meeting. The public may present written statements to the committee at any time by providing 12 copies to the Executive Director, or by bringing the copies to him at the meeting. Arrangements may be made by contacting the person listed under the heading **"FOR FURTHER INFORMATION CONTACT."**

Issued in Washington, DC, on August 28, 1992.

William J. Sullivan,

Executive Director, General Aviation and Business Airplane Subcommittee, Aviation Rulemaking Advisory Committee.

[FR Doc. 92–21345 Filed 9–3–92; 8:45 am]

BILLING CODE 4910–13–M

Aviation Security Advisory Committee; Meeting

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of Aviation Security Advisory Subcommittee Meeting.

SUMMARY: Notice is hereby given of a meeting of the Equipment and Technology Subcommittee of the Aviation Security Advisory Committee.

DATES: The meeting will be held September 18, 1992, from 9 a.m. to 2 p.m.

ADDRESSES: The meeting will be held in the main auditorium of the Federal Aviation Administration Technical Center Technology and Administration Building, Atlantic City International Airport, New Jersey.

FOR FURTHER INFORMATION CONTACT: The Aviation Security Research and Development Service, FAA Technical Center, Atlantic City International Airport, NJ 08405, telephone 609–484–4872.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. II), notice is hereby given of a meeting of the Equipment and Technology Subcommittee of the Aviation Security Advisory Committee to be held September 18, 1992, in the main auditorium of the Federal Aviation Administration Technical Center Technology and Administration Building, Atlantic City International Airport, New Jersey.

The agency for the meeting will include (a) a review of current aviation security technology and equipment, (b) report of results of recent aircraft hardening conference, (c) description of Combined Technology Test (CTT) Program, (d) review of Aviation Security Research, Engineering, and Development requirements, (e) discussion of Baltimore Washington International Airport Demonstration Program and airport security design criteria, (f) discussion of new laboratory equipment, activities, and tour, and (g) life cycle. Attendance at the September 18, 1992, meeting is open to the public but limited to space available. Members of the public may address the subcommittee only with the written permission of the chair, which should be arranged in advance. The chair may entertain public comment if, in its judgment, doing so will not disrupt the orderly progress of the meeting and will not be unfair to any other person. Members of the public are welcome to present written material to the subcommittee at any time.

Persons wishing to present statements or obtain information should contact the Aviation Security Research and Development Service, Federal Aviation Administration Center, Atlantic City International Airport, NJ 08405, telephone 609–484–4872.

Issued in Washington, DC, on August 31, 1992.

Jack L. Gregory,

Deputy Assistant Administrator for Civil Aviation Security.

[FR Doc. 92–21347 Filed 9–3–92; 8:45 am]

BILLING CODE 4910–13–M

Office of Hearings

[Docket 48331]

Trans World Express, Ltd.; Assignment of Proceeding

This proceeding has been assigned to Chief Administrative Law Judge John J. Mathias. All future pleadings and other communications regarding the proceeding shall be served on him at the Office of Hearings, M–50, room 9228, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590. Telephone: (202) 366–2142.

John J. Mathias,

Chief Administrative Law Judge.

[FR Doc. 92–21342 Filed 9–3–92; 8:45 am]

BILLING CODE 4910–62–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, "Christopher Columbus and the Spanish Exploration of the Indies," (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 IBM Gallery of Science and Art, New York, New York, from on or about September 17, 1992, to on or about November 7, 1992, is in the national interest.

Public notice of this determination is ordered to be published in the **Federal Register.**

Dated: September 1, 1992.

Alberto J. Mora,

General Counsel.

[FR Doc. 92–21496 Filed 9–3–92; 8:45 am]

BILLING CODE 8230–01–M

OFFICE OF THE UNITED STATES TRADE REPRESENTATION

Implementation of the Accelerated Tariff; Elimination Provision of the United States-Canada Free-Trade Agreement

AGENCY: Office of the United States Trade Representative.

ACTION: Notice of and request for comments on articles under consideration for negotiations with the

[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.

Canadian Government for accelerated tariff elimination.

SUMMARY: Section 201(b) of the United States-Canada Free-Trade Agreement Implementation Act of 1988 ("FTA Implementation Act") grants the President, subject to consultation and layover requirements of section 103 of that Act, the authority to proclaim any accelerated schedule for duty elimination that may be agreed to by the United States and Canada under FTA Article 401(5). This notice is intended to inform the public of those articles that may be the subject of negotiations between the United States and Canada for accelerated tariff elimination.

DATES: Public comments are due November 2, 1992.

ADDITIONAL INFORMATION: Further information on this subject may be found in the **Federal Register** notice of November 15, 1991, Volume 56, Number 221, at page 581117 through 581119. Copies of a listing of specific products to be considered for accelerated tariff elimination, where the subheading is listed in Annexes I and II with an asterisk, may be obtained from one of the following agencies:

Agricultural Products (Chapters 1–24 of the Harmonized Tariff Schedule of the United States (HTSUS)): U.S. Department of Agriculture, Foreign Agricultural Service, FAS Publications, room 5910-s, Washington, DC 20250–1000, Telephone (202) 447–7937.

Non-agricultural products (Chapters 24–99 of the HTSUS); U.S. Department of Commerce, International Trade Administration, Office of Canada, room 3033, 14th and Constitution Ave, NW., Washington, DC 20230, Telephone (202) 377–3101

or

Office of the United States Trade Representative, Office of Public Affairs, 600 17th Street, NW., room 103, Washington, D.C. 20506.

Inquiries regarding other aspects of this notice or relating to the implementation of accelerated tariff elimination under the FTA should be directed to Mr. P. Claude Burcky, Office of North American Affairs, Office of the United States Trade Representative, room 501, 600 17th Street, NW., Washington, DC 20506, Telephone (202) 395–3412.

Requests for Comments

Comments supporting or opposing accelerated U.S. or Canadian duty elimination on articles provided for in the tariff subheadings listed in Annex I or Annex II will be accepted until November 2, 1992, if submitted in accordance with 15 CFR part 21003. Comments should be type-written and submitted in ten copies to P. Claude Burcky, Office of North American Affairs, room 501, Office of the United States Trade Representative, 600 17th Street, NW., Washington, DC 20506. All submissions must specify: (1) The United States and/or Canadian subheading to which the comments refer, (2) the name, address, and telephone number of the person, firm, or organization making the comments, and (3) an indication as to whether the writer represents a:

—Producer in the United States
—Importer in the United States
—Exporter in the United States
—Consumer in the United States
—Other, in the United States (please specify)
—Producer in Canada
—Importer in Canada
—Exporter in Canada
—Consumer in Canada
—Other, in Canada (please specify)

Advice of the United States International Trade Commission

The United States International Trade Commission is being furnished with the list of the article published in Annex I of this notice for the purpose of securing from the Commission its judgment as to the probable economic effect of accelerated elimination of United States duties on industries producing like or directly competitive articles and on consumers.

Advice of the Private Sector Advisory Committees

Pursuant to section 103(a)(1) of the FTA Implementation Act, private sector advisory committees are being furnished with the list of articles published in Annexes I and II of this notice for the purpose of securing their advice.

Articles That May Be Considered in Negotiations

Except as noted, all articles provided for in the subheadings of the Harmonized Tariff Schedule of the United States that are listed in Annex I of this notice, and in the subheadings of the Customs Tariff of Canada that are listed in Annex II, may be subject to negotiations with Canada for accelerated duty elimination. A description of the articles provided for in the tariff subheadings listed in Annex I can be obtained by consulting the "Harmonized Tariff Schedule of the United States (1992)," U.S. International Trade Commission Publication 2449. The "Customs Tariff" of Canada should be consulted for the description of the articles provided for in the tariff subheadings listed in Annex II.

For subheadings listed in Annex I and II with an asterisk, only certain products covered by the subheadings may be considered for accelerated tariff elimination. A list of specific products which may be considered is available (see **"ADDITIONAL INFORMATION"** above).

Charles E. Roh, Jr.,

Assistant U.S. Trade Representative for North American Affairs.

BILLING CODE 3190-01-M

Annex I

Subheadings in the Harmonized Tariff Schedule of the United States containing products to be considered for accelerated removal of the duty.

[Except as noted, all products provided for in the subheadings listed below which are currently dutiable on importation into the United States from Canada under the U.S.-Canada Free Trade Agrement will be considered for accelerated removal of the duty. For the subheadings with an asterisk, only certain specified products will be considered for accelerated removal of the duty. Information on obtaining a list of such products is contained in the body of this notice.]

0202.30	1519.19	2005.90.20	2208.90.60	3919.90.10*	3926.90.20*
0209.00.00*	1602.49.90	2005.90.50	2208.90.65	3919.90.50*	3926.90.45 1/
0305.30.20	1602.50.90*	2005.90.55	2208.90.70	3920.10.00*	3926.90.83
0305.61.20	1603.00.10	2005.90.80	2208.90.75	3920.20.00*	3926.90.90*
0306.14.20	1604.12.20	2005.90.85	2208.90.80	3920.41.00*	4008.11.10*
0306.24.20	1604.13	2005.90.87	2309.90.60	3920.42.50*	4008.11.50*
0601.20.90*	1604.19.40	2005.90.95	2403.91.40*	3920.59*	4008.21.00*
0602.99.30	1604.19.50	2007.99.05*	2836.20.00*	3920.61.00*	4008.29.00*
0602.99.60	1604.20.05	2007.99.10	3004.20.00*	3920.72.00	4010.99*
0603.10.30	1604.20.15	2007.99.15*	3004.32.00*	3920.92.00*	4011.40.00
0603.10.60	1604.20.25	2007.99.20*	3004.39.00*	3920.99.10*	4012.90.20*
0603.10.70*	1604.20.30	2007.99.25*	3004.90.60*	3920.99.20*	4012.90.50*
0603.90.00	1604.20.40	2007.99.35*	3005.10.10*	3920.99.50*	4013.10.00
0604.99.60	1604.20.50	2007.99.45*	3006.60.00*	3921.19.00*	4013.90.50
0704.90.40*	1604.20.60	2007.99.70*	3302.10	3921.90.11*	4016.10.00*
0706.90.20*	1605.10.05	2007.99.75*	3302.90	3921.90.15*	4016.92.00
0709.90.40*	1605.10.20	2008.19.90*	3304.99.00	3921.90.19*	4016.93.00*
0711.90.60*	1605.10.40	2008.92*	3305.30.00	3921.90.21*	4016.99.25*
0712.10.00	1605.20.05	2008.99.05*	3305.90.00	3921.90.25*	4016.99.50*
0712.90.10	1605.30.05	2008.99.90*	3306.10.00	3921.90.29*	4017.00.00*
0712.90.15	1605.90.05	2009.11.00	3306.90.00*	3921.90.40*	4202.32.10*
0712.90.20	1704.90.20	2009.19	3307.10	3921.90.50*	4202.92.15*
0712.90.65	1806.10.30	2009.20	3307.20.00	3922.10.00*	4202.92.20*
0712.90.70	1806.10.41	2009.80.60*	3307.30	3922.20.00*	4202.92.30*
0712.90.75	1806.10.42	2009.90.40*	3307.49.00*	3922.90.00*	4202.92.45*
0712.90.80	1806.20.40*	2103.20	3307.90.00*	3923.10.00*	4203.10
1001.90	1806.20.60*	2103.30.40	3502.10	3923.21.00*	4203.21.80*
1003.00	1806.20.70*	2103.90.40	3916.90.10*	3923.29.00*	4203.30.00
1104.11.00	1806.20.80*	2103.90.60	3916.90.20	3923.40.00*	4410.10.00*
1104.21.00	1806.31.00*	2104.10.00	3916.90.30*	3923.50.00 1/	4411.21.00
1107.10.00	1806.90.00*	2106.90.60*	3916.90.50*	3923.90.00*	4412.19.50*
1107.20.00	1901.20.00*	2202.10.00	3917.23.00*	3924.10.10	4418.10.00*
1108.11.00	1902.11.40	2202.90	3917.32.00*	3924.10.20	4418.90.40 1/
1109.00	1902.19.40	2206.00.90*	3917.40.00*	3924.10.30	4421.90.90*
1515.19.00	1904.90.00*	2207.10.30*	3918.10.31	3924.10.50*	5101.11
1518.00.20	1905.90.90*	2208.10	3918.10.32	3924.90.20	5101.19
1518.00.40*	2002.10.00	2208.20	3918.10.40	3924.90.50*	5101.21
1519.11.00	2004.10	2208.50.00	3919.10.10*	3925.90.00*	5101.29
1519.12.00	2005.90.10	2208.90.45	3919.10.20*	3926.10.00*	5101.30

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5212.21.60*
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5403.32.00
5403.33.00
5403.39.00
5403.42.00
5404.10.10 1/
5404.10.80*
5404.90.00 1/
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5407.10.00*
5407.41.00 1/
5407.42.00 1/
5407.51.00*
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5408.10.00
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9608.20.00
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9609.90.80
9612.10*

1/ Certain goods provided for in the subheading and originating in Canada are already free of duty under the U.S.-Canada Free Trade Agreement (see chapter 99, subchapter V, of the Harmonized Tariff Schedule of the United States (1992)—Supplement 1).

Annex II

Subheadings in the Customs Tariff of Canada containing products to be considered for accelerated removal of the duty.

[Except as noted, all products provided for in the subheadings listed below which are currently dutiable on importation into Canada from the United States under the U.S.-Canada Free Trade Agreement will be considered for accelerated removal of the duty. For the subheadings with an asterisk, only certain specified products will be considered for accelerated removal of the duty. Information on obtaining a list of such products is contained in the body of this notice.]

0202.30.00	1704.90.20	2207.10.10*	3916.90.90*	4005.91.00*	5112.11
0306.14.00	1704.90.30	2208.10.00	3917.23.00*	4008.11.00*	5112.19
0306.24.00	1704.90.90*	2208.20.00	3917.32.00*	4008.21.90*	5112.20
0601.20.10*	1806.10.00	2208.50.00	3917.40.00*	4008.29.00*	5112.30
0602.99.99*	1806.20.90*	2208.90.10	3918.10.11	4010.99.90*	5112.90
0603.10.90*	1806.31.00*	2208.90.30	3918.10.19	4011.40.00	5203.00.90
0603.90	1806.90.00*	2208.90.41	3919.10.99*	4012.90.90*	5204.11.00
0604.99.90	1901.20.10*	2208.90.91	3919.90.99*	4013.10.00	5204.19.00
0704.90.41	1902.11.00	2309.90.20	3920.10.00*	4013.90.90	5204.20.00
0706.90.51*	1902.19.90	2403.91.90*	3920.20.00*	4016.10.00*	5205.12.00*
0709.90.99*	1904.90*	2710.00.10*	3920.41.00*	4016.92.00	5205.15.00
0711.90.00*	1905.90.90*	2710.00.20*	3920.42.00*	4016.93.00*	5208.12.00*
0712.10.00	2002.10.00	2710.00.30*	3920.59.00*	4016.99.90*	5208.22.90
0712.90.20	2004.10.00	2712.10.00*	3920.61.00*	4017.00.90*	5208.32.90
0712.90.90	2005.90.11	2712.90.90*	3920.72.00	4202.32.00*	5209.11.00
1001.90.00	2005.90.19	2713.20.90*	3920.92.00*	4202.92.10*	5209.21.00
1003.00.00	2005.90.99	2715.00.20*	3920.99.00*	4202.92.90*	5209.31.00
1104.11.00	2007.99.10	2715.00.90*	3921.19.90*	4203.10.00	5209.42.00
1104.21.00	2007.99.90	2817.00.00*	3921.90.11*	4203.21.90*	5211.11.00
1107.10	2008.19.90*	2836.20.00*	3921.90.90*	4203.30.00	5211.42.00
1107.20	2008.92.90*	3004.20.00*	3922.10.00*	4411.21.00	5212.21.10*
1108.11.00	2008.99.19*	3004.32.90*	3922.20.00*	4412.19.10	5212.21.20*
1109.00.00	2008.99.99*	3004.39.99*	3922.90.10*	4412.19.90*	5212.21.90*
1515.19.00	2009.11.90	3004.90.99*	3922.90.90*	4418.10.10	5309.11.00*
1518.00.10	2009.19.90	3005.10.10*	3923.10.00*	4418.90	5309.21.00*
1518.00.90	2009.20.90	3006.60.00*	3923.21.00*	4421.90.90*	5402.10.00
1519.11.00	2009.80.19*	3302.10.00	3923.29.00*	5105.10.90	5402.20.00
1519.12.00	2009.90.30*	3302.90.00	3923.40.00*	5105.29.90	5402.32.00
1519.19.00	2103.20.00	3304.99.00	3923.50	5105.30.90	5402.33.00*
1602.49.10	2103.30	3305.30.00	3923.90.00*	5105.40.90	5402.49.00
1602.50.10	2103.90	3305.90.00	3924.10.10	5106.10.00	5402.51.00*
1603.00.21	2104.10.00	3306.10.00	3924.10.90*	5106.20.00	5402.61.00*
1604.12.91	2106.90.30*	3306.90.00*	3924.90.90*	5107.10.00	5402.62.00*
1604.13	2106.90.70*	3307.10.00	3925.90.00*	5107.20.00	5402.69.00
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1604.20	2106.90.90*	3307.30.00	3926.90.40*	5111.19.00	5403.32.00
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1605.90.10	2206.00.90*	3502.10	4005.20.00*	5111.90	5403.42.00

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[FR Doc. 92–21352 Filed 9–3–92; 8:45 am]
BILLING CODE 3190–01–C

Sunshine Act Meetings

Federal Register
Vol. 57 No. 173
Friday, September 4, 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 DEPOSIT INSURANCE CORPORATION

Notice of Changes in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its open meeting held at 10:05 a.m. on Tuesday, September 1, 1992, the Corporation's Board of Directors determined, on motion of Director C.C. Hope, Jr. (Appointee), seconded by Director T. Timothy Ryan, Jr. (Office of Thrift Supervision), concurred in by Director Stephen R. Steinbrink (Acting Comptroller of the Currency) and Acting Chairman Andrew C. Hove, Jr., that Corporation business required the withdrawal from the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matters:

Memorandum and resolution re: Final amendments to Part 327 of the Corporation's rules and regulations, entitled "Assessments," which amendments increase the assessment to be paid by Savings Association Insurance Fund members.

Memorandum and resolution re: Final amendments to Part 327 of the Corporation's rules and regulations, entitled "Assessments," which amendments increase the assessment to be paid by Bank Insurance Fund members.

Memorandum re: Bank Insurance Fund Recapitalization Schedule.

Memorandum and resolution re: Final regulation establishing a transitional risk-based assessment.

By the same majority vote, the Board further determined that no notice earlier than August 28, 1992, of these changes in the subject matter of the meeting was practicable.

The meeting was held in the Board Room of the FDIC Building located at 550 17th Street, NW., Washington, DC.

Dated: September 1, 1992.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Deputy Executive Secretary.

[FR Doc. 92–21523 Filed 9–2–92; 2:48 pm]

BILLING CODE 6714–01–M

Corrections

Federal Register
Vol. 57, No. 173
Friday, September 4, 1992

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Part 210

National School Lunch Program, Special Milk Program for Children, and School Breakfast Program: Coordinated Review Effort

Correction

In rule document 92–20400 beginning on page 38579 in the issue of Wednesday, August 26, 1992 make the following corrections:

1. On page 38584, in the third column, in amendatory instruction 2d., in the third line, "for" should read "from".

2. On the same page, in the same column, in amendatory instruction 2i., in the third line, "(1)(3)" should read "(l)(3)".

§ 210.18 [Corrected]

3. On page 38585, in the first column, in § 210.18(j), in the last line, "§ 210.3(d)(3)" should read "§ 210.30(d)(3)"; and two lines below paragraph (j), "(1) * * *" should read "(l) * * *".

BILLING CODE 1505–01–D

DEPARTMENT OF COMMERCE

International Trade Administration

University of California, Berkeley, et al.; Consolidated Decision on Applications for Duty-Free Entry of Scientific Instruments

Correction

In notice document 92–19428 appearing on page 36635 in the issue of Friday, August 14, 1992, in the third column, in the second line from the top, "MIIα" should read "MPα".

BILLING CODE 1505–01–D

federal register

Friday
September 4, 1992

Part II

Department of Health and Human Services

Social Security Administration

Supplemental Security Income Modernization Project; Final Report; Notice

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

Supplemental Security Income Modernization Project; Final Report by the Experts

AGENCY: Social Security Administration, HHS

ACTION: Notice of final report and request for public comments.

SUMMARY: The Social Security Administration (SSA) requests comments on the final report of the Supplemental Security Income (SSI) Modernization Project (the Project) experts.

DATES: Comments must be postmarked on or before December 3, 1992.

ADDRESSES: Comments should be submitted in writing to the SSI Modernization Project Staff, room 311, Altmeyer Building, P.O. Box 17052, Baltimore, MD 21235.

FOR FURTHER INFORMATION CONTACT: SSI Modernization Project Staff, room 311, Altmeyer Building, P.O. Box 17052, Baltimore, MD 21235, telephone (410) 965–3571.

SUPPLEMENTARY INFORMATION:

SSA has undertaken a comprehensive examination of the SSI program by reviewing its fundamental structure and purpose. The SSI program has been in operation over 18 years. The purpose of the Project is to determine whether the SSI program is meeting and will continue to meet the needs of the population it is intended to serve in an efficient and caring manner, recognizing the constraints in the current fiscal climate.

The Project was intended to create a dialogue that provided a full examination of how well the SSI law, and the policies developed by SSA to implement the law, serve people with very low or no income who are over 65 or blind or otherwise disabled. The goal of the initial dialogue was to exchange ideas and information about the program and to promote the sharing of ideas among attendees' constituencies, including advocacy groups, State and local governments, and academicians. To begin this dialogue, the Commissioner involved 21 people who are experts in the SSI program and/or related public policy areas. The experts represent a wide range of interests regarding programs that serve aged, blind and disabled persons. Dr. Arthur S. Flemming, former Secretary of Health, Education and Welfare, is the Chairman. The Project held meetings in Baltimore, MD; Washington, DC; New York, NY; Chicago, IL; Los Angeles, CA; Montgomery, AL; Atlanta, GA; and Falls Church, VA. We announced these meetings in the **Federal Register** and invited the public to comment either in person or through correspondence. During these meetings, the public as well as the experts expressed their individual views and concerns about the SSI program.

From late June 1990 to July 1991 more than 400 individuals, including current and former SSI recipients, representative payees, representatives from professional organizations, advocacy groups, legal services organizations, institutions, private agencies and federal, State and local governments, provided oral and/or written comments. The Chairman and other experts met with SSA employees in regional offices in all 10 regions of the Department of Health and Human Services across the country. They also met with State disability determination services employees in five States, and staff in a hearing office.

On July 31, 1991, the Project published a paper in the **Federal Register** (56 FR 36640) which identified issues and options. The paper summarized the comments which had been provided and included options for change that were identified as a result of public comments. The public was invited to comment by September 30, 1991. In all, approximately 14,600 comments were received on this paper. These public comments were shared with the Project experts in preparation for their final meeting, on January 9–10, 1992, in Falls Church, VA. The experts' individual views concerning what options they supported and which deserve priority consideration are included in this final report.

The Commissioner of Social Security has asked the Modernization Project Staff to solicit comments on this report. After the close of the public comment period announced by this notice, the Project staff will prepare an analysis of the options presented in this paper, taking into account the experts' individual views and the public comments. The analysis will be considered by SSA in developing legislative proposals as well as in determining regulatory and other initiatives which do not require legislation.

Dated: August 18, 1992.

Peter D. Spencer,

Executive Staff Director, SSI Modernization Project.

August 24, 1992.

Gwendolyn S. King,

Commissioner of Social Security, Baltimore, Maryland 21235

Dear Commissioner King: I am transmitting to you the report of the experts who served on the Supplemental Security Income Modernization Project.

In submitting this report, I want to express our deep appreciation to you for establishing this project and for providing us with a farsighted mandate which constitutes a basis for the study. I also want to express our gratitude for the part played by Rhoda Davis, the Associate Commissioner for Supplemental Security Income, and Peter Spencer, the Executive Staff Director of the project. They, and many of your associates, traveled the second mile in rendering us services. We want to pay tribute also to the other members of your career staff for their help and assistance and for acting at all times in accordance with the highest standards of the Federal career service.

I want to make a few observations growing out of my participation in this study.

I am stuck by the fact that this nation does not have a well-coordinated policy for poor persons as individuals.

I have been very much impressed by the following observation by Father Henry J.M. Nouwen in his book, "Aging: The Fulfillment of Life".

"The painful suffering of many old people cannot be understood by pointing to their mistakes, weaknesses, or sins. By doing so we might avoid the realization that the fact of many old people reflects an evil that is the evil of a society in which love has been overruled by power and generosity by competition. They are not just suffering for themselves but for all of us who are, knowingly or unknowingly, responsible for their condition."

I find no difficulty in substituting for "old people" the words "poor people". This then becomes an accurate portrayal of what is oftentimes our approach to poor persons of any age.

We seem to be unaware of their suffering—suffering which grows out of starvation, lack of clothing, and lack of a home. We rationalize our failure to respond to this suffering by pointing to the mistakes, weaknesses, and sins of some. We fail to recognize that all are suffering and that the fate of many poor persons also reflects the evil of a society in which love has been overruled by power.

We seem to forget that their suffering is taking place now and that, in many instances, compassion is overruled by what we are told is "practical".

Therefore, we fail, for example, to coordinate SSI and AFDC in an effective manner in spite of the fact that they are both Social Security programs—both committed to lifting the poor out of poverty. President Nixon was right when he urged an income floor for all Americans.

I believe that many of the changes supported by a majority of the experts point to a national policy in which today's suffering is recognized and compassion becomes a way of life for our nation.

That is why the experts oppose those policies which would keep poor people poor

under the guise of giving them help. A majority supports ending a policy which penalizes an SSI beneficiary because that person receives help in the way of food or shelter from family or friends.

We also believe there should be significant upward revisions and simplifications in a resource requirement which makes it impossible for a person to save money and set aside a "nest egg" to meet the unknown hazards of the future.

We also believe that we should strengthen immeasurably the provisions for work incentives—the provisions which permit and encourage an SSI recipient to leave the beneficiary rolls and enable him or her to live in accordance with his or her highest possibilities by becoming a member of the workforce.

Our preferred options on benefits are geared to providing now what is needed today for food, clothing, and housing. Unless we expedite this process, we know that many of today's poor people will suffer and die prematurely because we have failed to act as a compassionate society.

Congress has lifted the criteria for program access for poor people to 120 percent of poverty, or more, under some fifteen programs. We believe that those people who are below 120 percent of poverty should become eligible for the Supplemental Security Income program. We recognize that, in suggesting that these benefits be phased in over a period of five years, we have made a concession to practicality. We feel, however, that we are supporting the right goal.

We recognize that the overall price tag at the end of five years—$38.8 billion—is an expensive one. Nearly $28 billion of that price tag, or more than two-thirds, is attributable to benefit increases which are long overdue.

We are, however, the richest nation in the world. I also recognize, as a recent Congressional Budget Office study revealed, that the after-tax income of the upper one percent of our population doubled in the period from 1977 to 1989 and represented 70 percent of the after-tax income increases received during that 12-year period. During that same period, the lower 20 percent of our population experienced a decline of nine percent in after-tax income.

I believe that it is only fair to ask the upper one percent to share a small portion of their wealth with the poor.

That is why your decision is welcomed to have a group of fiscal experts recommend "where, in the light of the fiscal situation over the next five years, we can get the money" to pay for the conclusions made by the experts. This group will report to you within six months as you have directed. Therefore, both the Executive and Legislative Branches will have both reports before them very early in the next session of Congress.

Again, I appreciate very much the opportunity of developing, with the colleagues that you have appointed, the blueprint for action for the Supplemental Security Income program.

Very sincerely yours,
Arthur S. Flemming,
Chairman.

List of SSI Modernization Project Experts

Elizabeth M. Boggs—the parent, guardian and representative payee (for Social Security) of an adult son with complex disabilities; she has been a volunteer advocate for people with developmental disabilities for more than forty years.

M. Kenneth Bowler—currently Vice President, Federal Government Relations with Pfizer Inc. He was formerly Staff Director of the House Ways and Means Committee, and is an Adjunct Professor at the University of Maryland, Baltimore. He is married and has four children.

A. Lorraine Brannen—District Manager, Social Security Administration (Retired).

John Costa—Former Commissioner, U.S. Assistance Payments Administration.

Arthur S. Flemming—Former Secretary, Department of Health, Education and Welfare, has held many prominent posts including U.S. Commissioner on Aging and Chairman, U.S. Commission on Civil Rights. He currently chairs coalitions of national organizations serving as advocates in the areas of social security, health care, and civil rights.

Robert E. Fulton—an independent public policy analyst. He works part-time for the Oklahoma Alliance for Public Policy Research and the National Center for Children in Poverty (Columbia University). He formerly served for 35 years in executive-level positions in federal and State governments.

Lou Glasse—M.S.W., President of the Older Women's League, is a consultant on policies and services for older people. She serves on the Board of Advisors of the Mildred and Claude Pepper Foundation and of the National Academy on Aging.

Sharon Gold—President, National Federation of the Blind, California.

Robert Gorski—Disability Advocate, City of Pasadena, California.

Arthur E. Hess—Former Acting Commissioner of Social Security and first SSA director of Disability Insurance and of Medicare.

Chris Koyanagi—Vice President for Government Affairs, National Mental Health Association.

Carmela G. Lacayo—National Association of Hispanic Elderly; President and CEO.

Richard P. Nathan—Provost, State University of New York and Director of its Rockefeller Institute of Government, Albany, New York.

Barbara L. Sackett—parent of an adult daughter with developmental disabilities, and a professional in the field of developmental disabilities; she has been a volunteer advocate for people with disabilities for more than thirty years.

Samuel Sadin—Deputy Director, Brookdale Center on Aging of Hunter College, Institute on Law and Rights of Older Adults, New York.

Bert Seidman—was AFL–CIO Social Security Director from 1966 until his retirement in 1990. Since then he has been a consultant to the National Council of Senior Citizens. He has twice served on the Advisory Council on Social Security and more recently on the Prospective Payment Assessment Commission which deals with the hospitalization (Part A) phase of Medicare. One of his three daughters who is autistic and severely retarded has been in a State mental hospital for 30 years.

Timothy M. Smeeding—Professor of Economics and Public Administration, Maxwell School, Syracuse University.

Michael Stern—R. Duffy Wall and Associates; formerly Minority Staff Director, U.S. Senate Finance Committee.

Eileen P. Sweeney—Children's Defense Fund; formerly staff attorney, National Senior Citizens Law Center.

Fernando M. Torres-Gil—Professor, University of California, Los Angeles.

Elaine T. White—retired management analyst, Office of Child Support Enforcement, Department of Health and Human Services, and a former SSA employee.

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Introduction

Twenty years ago, a White House press release heralded the enactment of a new amendment to the Social Security Act—the Supplemental Security Income (SSI) program. It was proclaimed as "landmark legislation" for the aged, blind, and disabled which would end many inequities and "provides dramatic and heart-warming evidence that America is the country that cares—and translates that humanitarian care into a better life for those who need, and deserve, the support of their fellow citizens."

With one bold stroke, Franklin Delano Roosevelt in 1935 brought into existence the Social Security system, a system which was made up of ten programs. It has proved to be the greatest system ever enacted for the prevention of poverty.

Today, there is general agreement that the SSI program has been a great step forward for the Social Security system. It has kept many people of all ages, including older women and minorities, from destitution. In 1992, the program will serve over 5.5 million people—up from 3.2 million in January 1974, the first month for which SSI benefits were paid.

The program has provided a means for independent living for many people with disabilities. People with disabilities now comprise the largest segment of the beneficiary population. It has enabled many children with disabilities and their families to receive needed income and medical assistance. Over 500,000 children with disabilities will receive benefits in 1992. It also has rendered an outstanding service to needy older persons. Some of the principal needs confronting the blind have been met.

SSI is the only national effort to date where the Federal Government has undertaken to assure a minimum income to a significant portion of those in need in America. However, millions of people who are aged, blind, or disabled—and who are truly needy—are denied access to SSI benefits because of inadequate outreach and rules and procedures which deny them access to the program.

Today the disability community is confronted with a backlog of approximately 762,000 cases and an estimated 1.4 million backlog by the end of 1993 because of inadequate funding and staffing. On average, a person currently filing a claim for the first time waits up to four months to receive benefits. If the backlog doubles, it can be assumed that the average delay will increase materially.

Today—nearly 20 years after the first payments were made—SSI still fails to lift its constituency out of poverty. The Federal floor which is established is still below the poverty line.

In 1992, the poverty income guideline for an individual is $6,810. But the income which SSI assures qualified individuals is only $5,064. While forty-three States and the District of Columbia voluntarily supplement this Federal standard, in all but two States the total amount available to beneficiaries living independently is still below the poverty line.

Despite its shortcomings, recipients and advocates around the country have directly and indirectly testified to the importance of the program.

One advocate, an attorney, stated, "The SSI program is a great program. It is the best way currently in use to provide some basic financial and medical relief to a great number of disabled individuals. Unfortunately, they are poor and many times illiterate, but this should be looked on as an opportunity for this country to serve, rather than oppress its people."

Similarly, an advocate for the mentally ill stated, "* * * I believe the SSI program is marvelous. It serves millions of needy persons and considering the size and scope of the program, does it relatively efficiently. However, in my contacts both professionally and personally with SSI recipients I see a number of inequities."

Like this person, and many others who wrote in or came to public meetings, the experts find no flaw with the underlying basic concepts upon which SSI is based. However, the poorest of the poor among people who are aged, blinded, or disabled are being shortchanged.

The public comments and the results of the experts' analysis reflect three key themes:

- First, this is a solid, exceptionally important program which, despite the intent of those who created it, has never completely lived up to its potential;
- Second, after almost twenty years, some of the rules of the program should be modified to reflect the realities of being poor and aged, blind or disabled in America in the 1990's and to bring about better coordination with other social security programs; and
- Third, no program, no matter how exceptional, can meet its goal if it is perpetually understaffed, creating bureaucratic nightmares for those intended to benefit from the program and morale problems for agency staff.

The body of this report addresses more than 50 program improvements which would grant SSI access to truly needy persons who are aged, blind, or disabled and which would improve the quality of care received by people on the rolls. A majority of experts endorse these improvements which cover diverse issues, including: Matters relating to the payment of benefits and the adequacy of the benefits; the criteria for eligibility (the needs tests—income and resources—and tests for categorical eligibility—the definitions of age and disability); agency staffing; linkages to the Medicaid and food stamps programs; and the need for periodic reviews of the program. Also included is relevant background information about the current program and specific issues the experts believe need to be addressed, as well as the individual points of view of all experts, including those whose

perspective differs from that of the majority on a given issue.

While individual experts differ on how far they want to go on changes, and how fast to go, a majority of the experts concluded that there are four top priorities, each of equal importance, which should be addressed first. In no particular order, they are:

- Increase SSA staffing;
- Increase the federal benefit rates;
- Stop counting, as income, in-kind support and maintenance; and
- Increase the resources limits, while streamlining the resources exclusions.

When Commissioner King asked the experts to work on the SSI Modernization Project, she asked them to explore in depth the implementation of the objectives that Congress had in mind when it approved the program in 1972. They were asked to provide a blueprint for improving the program to meet the needs of low income elderly, blind and disabled people in the 1990's.

This is the experts' blueprint for action extending over a period of 5 years. The action should not be delayed. The poorest of the poor among the aged, blind, and disabled are suffering today. The mark of a truly great nation is that it faces the needs of those who are poor; it does not shrug its shoulders but goes to work on meeting those needs today.

The next chapter tells about the objectives of the SSI program, overall characteristics of the people it serves, and the experts' work. It also tells about the four highest priorities of a majority of experts. The remaining chapters deal with all of the options supported by the experts.

Chapter I—Program Background and the Experts' Findings and Priorities

This chapter summarizes: (1) Background material on the SSI program; (2) the activities of the experts—their public meetings, and individual visits to field offices of the Social Security Administration, including discussions with career staff in those offices; and finally, (3) the experts' priorities.

A. Program Background

Objectives of the SSI Program

The main objective of the SSI program when it was enacted was to provide a national income floor for needy people who are aged, blind, or disabled. More specifically, it was intended that the program would provide:

- An income floor for aged, blind, or disabled persons whose income and resources were below specified levels and which would lift them out of poverty;
- Eligibility requirements and benefit standards that were nationally uniform;
- Incentives and opportunities for those recipients able to work or to be rehabilitated which would enable them to increase their independence;
- An efficient and economical method of providing assistance;
- Inducements to encourage States to provide supplementation of the basic federal benefit;
- Appropriate coordination of the SSI program with the social insurance programs for retirement, survivorship and disability; and
- Protection for the eligibility and income levels of recipients under the former State programs who were transferred to the SSI program.

The SSI program is an integral part of the nation's total social security program. "Social Security" is an "umbrella" title which was used in 1935 for ten closely related programs. The programs under Social Security are dependent on one another to attempt to lift people out of poverty. For example, a total of 2.3 million persons draw monthly benefits from both SSI and the social insurance programs. In addition, approximately 500,000 persons on SSI participate in the Medicare program through the payment of premiums.

These 2.8 million persons draw SSI Federal benefits which are below the poverty line and, therefore, SSI does not lift them out of poverty. But, if it were not for SSI, these people would not even approximate the poverty level with their social insurance benefits. Therefore, the social insurance programs are very dependent on SSI; without it, they would be criticized as programs for middle and higher income people which ignore the poor.

SSI—a Program For All Ages

The former State-administered programs which SSI replaced generally did not provide benefits for children. (The Federal legislation specified that persons under age 18 could not qualify for benefits. An exception applied to the Aid to the Blind program—States could choose to include children in that program.)

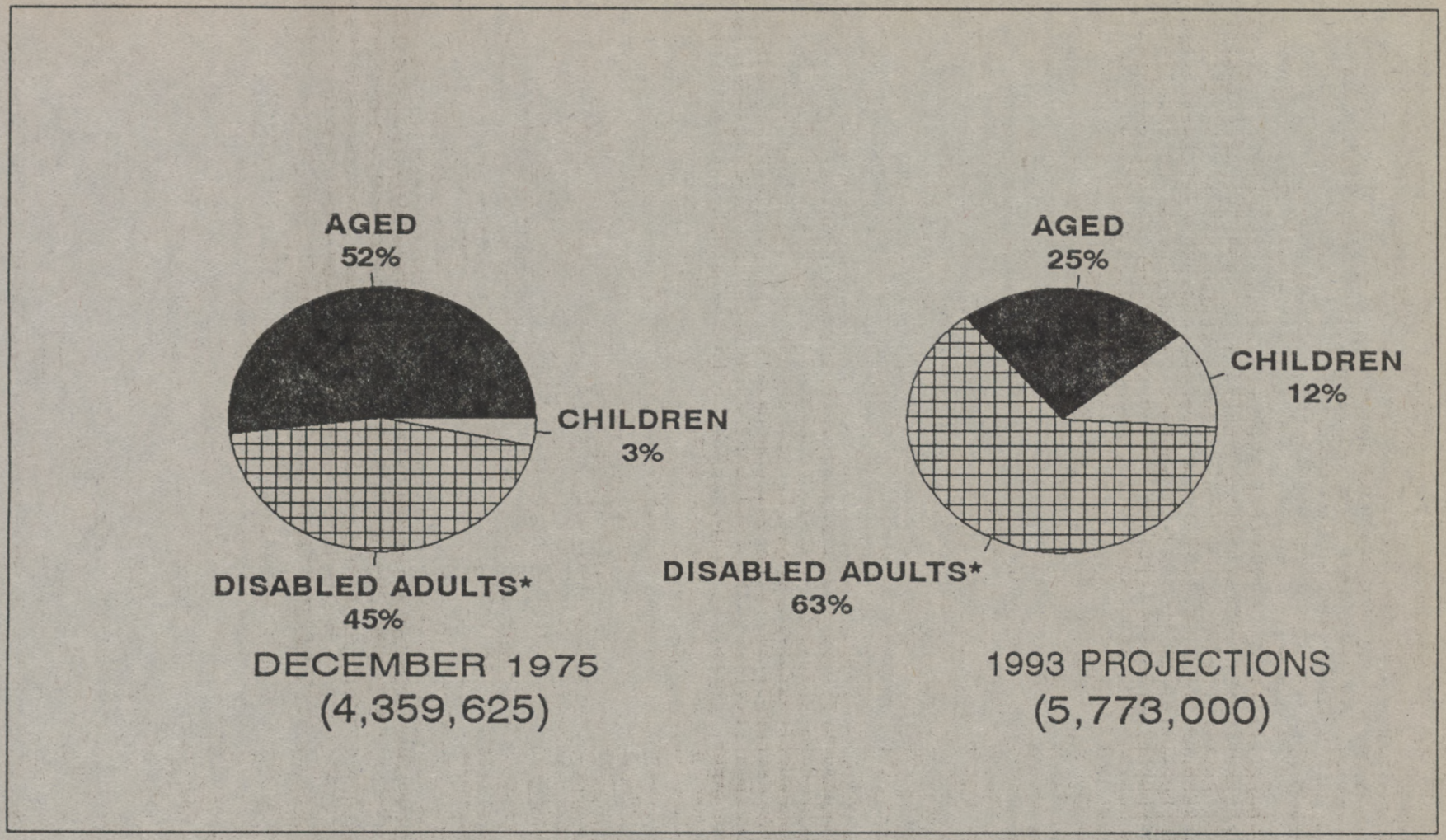
On the other hand, by the time it had passed both houses of Congress, SSI was designed to provide benefits to qualified persons of all ages. The House Committee on Ways and Means was instrumental in including disabled children in the SSI program because such children who were in low-income households were "certainly among the most disadvantaged of all Americans" and deserved "special assistance in order to help them become self-supporting members of our society."

In December 1975, children comprised slightly over 3 percent of recipients of Federal SSI benefits, and persons who qualified on the basis of age comprised 52 percent. The remaining 45 percent represented adults ages 18 and over who qualified due to blindness or disability.

While the program always has served people of all ages, over time there have been changes in the makeup of the caseload. The portion of beneficiaries who qualify on the basis of disability has been increasing over the years. Projections for FY '93 show that those receiving benefits on the basis of age will comprise slightly less than 25 percent of those who receive Federal benefits. Children are expected to represent 12 percent of the total. Blind and disabled adults are expected to make up 63 percent of the population served. (Note: Approximately 550,000 persons who came on the rolls on the basis of blindness or disability have reached age 65 but continue to qualify as blind or disabled. Thus, while the number of people under 65 has increased greatly, the total number of those ages 65 and over has been holding steady at a little more than 2 million since 1982.)

BILLING CODE 4190-29-M

SSI RECIPIENT ELIGIBILITY, DECEMBER 1975 & 1993 PROJECTIONS



* Includes persons 65 and over who began receiving SSI before age 65.
Disabled includes the blind

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The trend in the caseload composition has been attributed to several different factors: the retirement insurance program under title II of the Social Security Act has reduced poverty among the elderly; outreach efforts have been more successful with respect to younger (disabled) people; and court decisions relating to determinations of disability have expanded the population served on this basis. The Supreme Court decision in *Zebley*, which changed the disability criteria for children, has particular impact with respect to the projections of the increasing number of children on the rolls.

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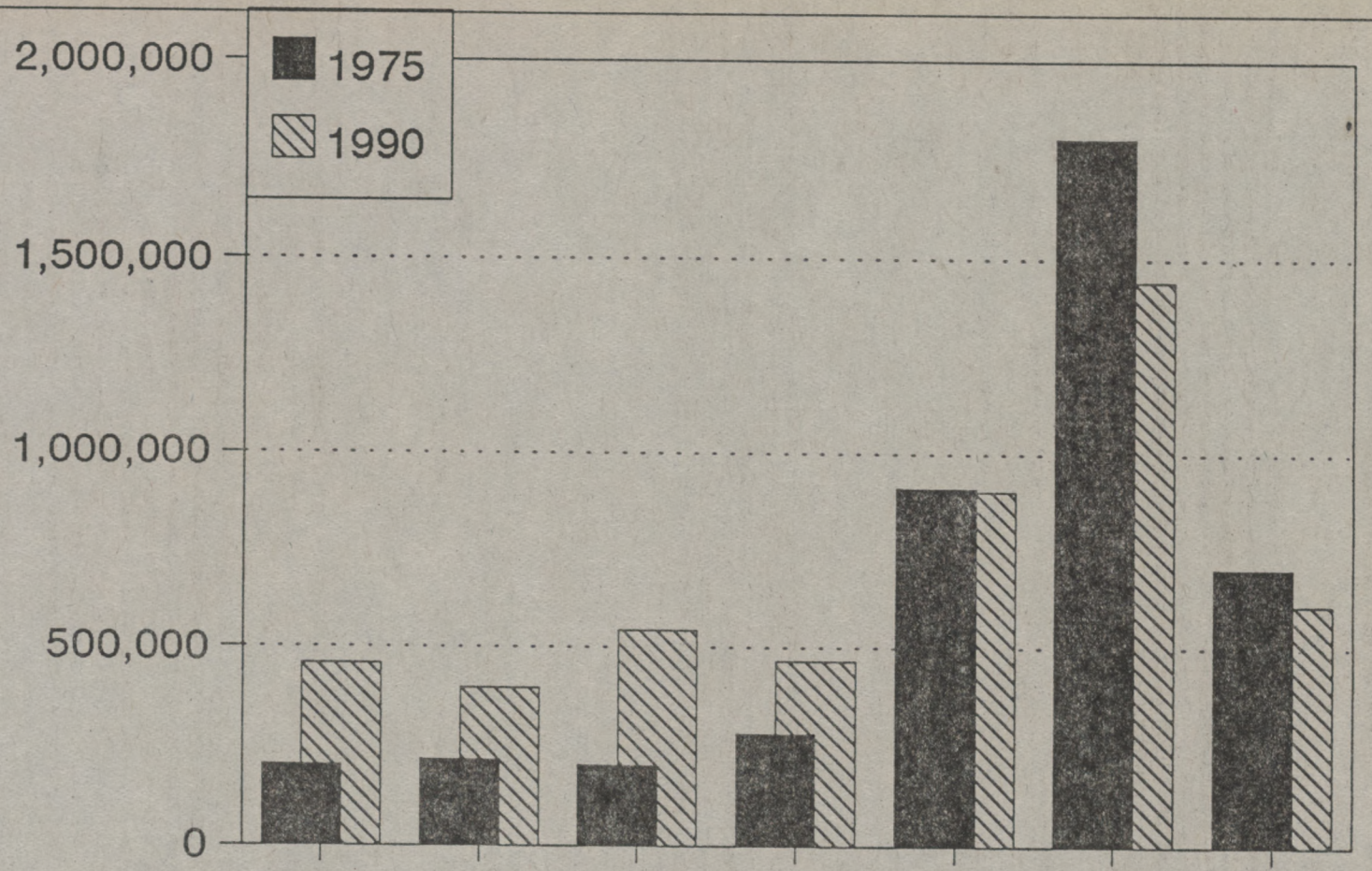
AGE DISTRIBUTION OF SSI RECIPIENTS, DECEMBER 1975 AND 1990



1975	199,757	213,911	201,351	280,887	909,221	1,805,465	703,683
1990	457,525	394,860	542,601	466,491	901,648	1,444,248	609,754

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In terms of program expenditures, the cash value of Federal benefits paid to children in FY '93 is expected to exceed the amount for the elderly; nearly 17 percent of the total is expected to be for children—this compares to 16 percent for the elderly. (Note: The percent for the elderly does not include benefits payable to the 550,000 recipients who are 65 or over, but whose eligibility is based on disability or blindness.) This difference reflects the fact that the elderly on the rolls are more likely to have other income—particularly retirement social insurance benefits.

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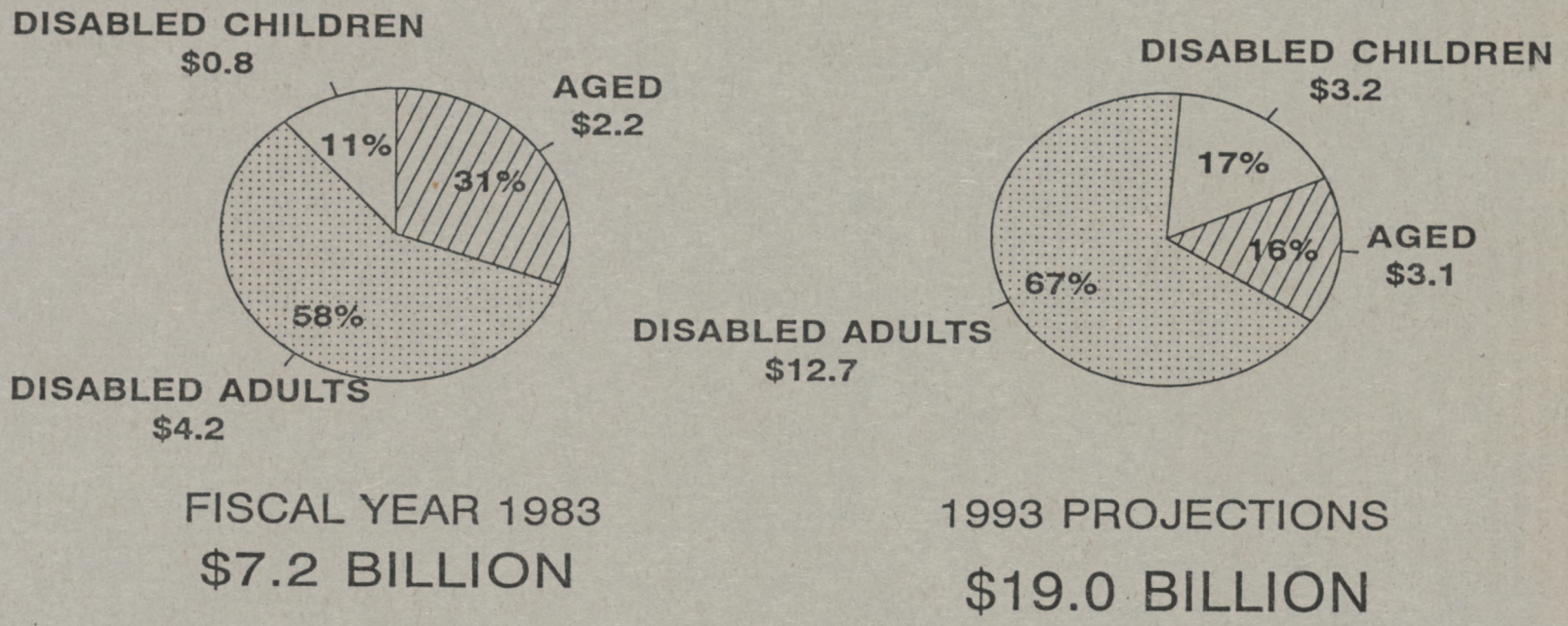
SSI FEDERAL BENEFITS 1983 ACTUALS AND 1993 PROJECTIONS



Disabled includes the blind
Dollars in billions

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SSI—An Essential Supplement

The SSI program has become a vital supplement to the retirement, survivors and disability insurance programs of the social security system. About 65 percent of persons 65 and over receiving an SSI benefit also receive a social insurance benefit. Among the disabled under age 65 who receive SSI, 37 percent also receive a social insurance benefit.

While a smaller portion of the disabled than aged receive a social insurance benefit, approximately 80 percent of those becoming SSI eligible as adults have worked in covered employment. Even among SSI eligible children, about 7.5 percent receive a social insurance benefit and a very high number live with a parent who has worked in employment covered by Social Security.

Thus SSI supplements individual benefits when a lifetime of work produces a low social insurance benefit. It also supplements the overall program for the disabled by taking care of those who have not worked long enough or recently enough to get disability benefits and those disabled children whose parents are still working but at very low income levels.

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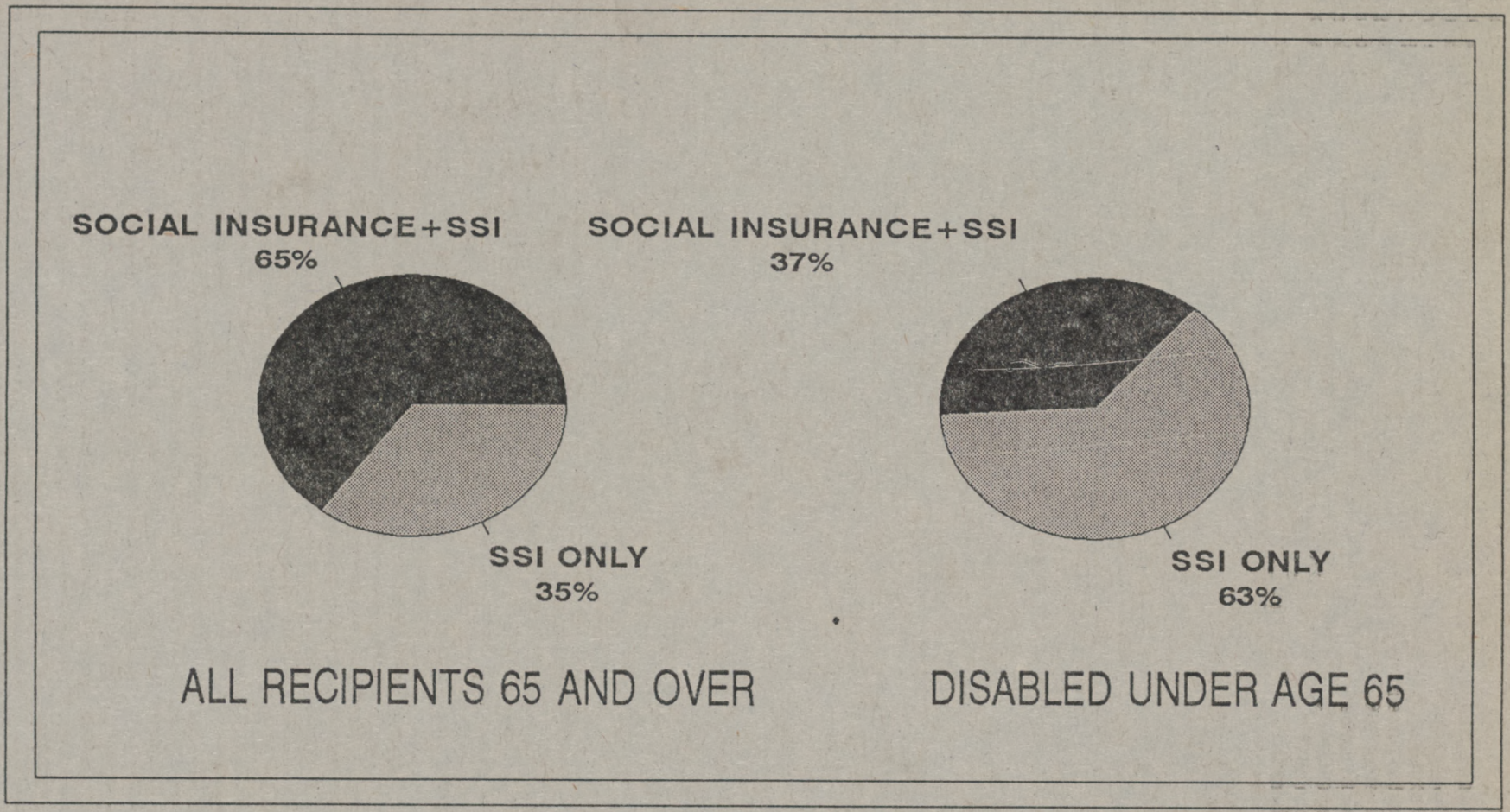
SSI RECIPIENTS RECEIVING SOCIAL INSURANCE BENEFITS FOR RETIREMENT, SURVIVORSHIP AND DISABILITY, DECEMBER 1988



Recipients aged 65 and over includes blind and disabled recipients aged 65 and over.
Disabled recipients under age 65 also includes blind recipients

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B. Project Activities

Commissioner Gwendolyn S. King asked the experts to create a dialogue that would provide a full examination of how well the SSI law, and the policies developed by SSA to implement the law, serve people with very low or no income who are over 65 or blind or otherwise disabled. Their initial goal was to exchange ideas and information about the program and to promote the sharing of ideas. The Project held public meetings in Baltimore, MD; Washington, DC; New York, NY; Chicago, IL; Los Angeles, CA; Montgomery, AL; Atlanta, GA; and Falls Church, VA. During these meetings, the public as well as the experts expressed their individual views and concerns about the SSI program.

From late June 1990 to July 1991 more than 400 individuals, including current and former SSI recipients, representative payees, representatives from professional organizations, advocacy groups, legal services organizations, institutions, private agencies and Federal, State and local governments, provided oral and/or written comments. The Chairman and other representatives from among the experts met with SSA employees in regional offices in all 10 regions of the Department of Health and Human Services across the country. They also met with State disability determination services employees in five States, and with staff in a hearing office.

In addition, there were discussions with others—representatives of non-profit organizations, State agencies, legal aid attorneys, health care providers, and representative payees, as well as field office staff of the Social Security Administration who have to apply program provisions to actual case situations.

C. The Experts' Findings and Priorities

Highlights From What the Experts Heard

The experts were told repeatedly that SSI benefits are not adequate to provide a dignified quality of life. People are forced to make difficult choices whether to pay for food or shelter. Housing costs sometimes absorb most or all benefits, but the program penalizes people for trying to live together to make ends meet.

A health care professional described the situation eloquently: "The SSI eligibility limits and living-expense allowances can be dangerous to health, in my view. The program excludes too many needy persons and gives too little to those it includes * * *. To eat nutritiously, some may scrimp on necessities of life other than food. Some often try to stretch out their drug supplies by taking less than the recommended doses. They live in dangerous housing: accidents are waiting to happen because of poorly maintained structures and poor lighting. At risk of hypothermia, they have trouble paying the bills for cooling and auxiliary heating. They have heart trouble and they live in walk-ups. Taking a bus ride is risky and taxis are too expensive if they need to reach a medical clinic."

One of the experts described results of research completed in the internationally sponsored Luxembourg Income Study which illustrate the inadequacy of assistance programs in the U.S. The study set the poverty line at 40 percent of median income in each country studied. (This was very close to the U.S. poverty line definition.) The study found that, in the mid to late 1980s, the poverty rate for the elderly (those age 65 or over) in the U.S. was 3.8 times the rate in the other countries studied (Australia, Canada, Netherlands, Sweden, France, Germany, and Britain). It attributes this fact to a failure of income security policy in the U.S. compared to policies in the other countries studied which were very different and much more effective at fighting poverty through public programs.

In addition, the experts heard that, as people attempt to establish their entitlement to benefits, they are required to respond to invasive questioning about how they live. Some current provisions of statute work against family members and friends assisting each other. Some have the effect of undermining basic human dignity. Still others deter efforts to save for emergencies, and, therefore, have anti-savings consequences.

The experts believe that, in other areas of public policy, the Federal Government provides incentives for people to live at home with policies that support and encourage self-sufficiency of the household unit. They heard that the SSI program, on the other hand, penalizes people for attempting to do these things.

The Experts' Findings and Priorities

The experts' review resulted in over 50 options for change which a majority believes make good sense and will lead to improved effectiveness of the SSI program. In arriving at these options, the experts noted that: (1) Changes should be consistent with the purpose of the program; (2) the SSI eligibility process should be simplified; and, (3) procedures that are unreasonable, demeaning, and harsh should be eliminated.

Individual experts differ on how far they want to go on changes, and how fast to go. However, most conclude that there are four top priorities of equal importance:

- Increase SSA staffing;
- Increase the Federal benefit standard;
- Stop counting, as income, in-kind support and maintenance; and
- Increase the resources limits, while streamlining the resources exclusions.

Staffing increases. Throughout the hearings, the experts heard repeatedly from claimants and advocates about the need for more face-to-face contact between SSI claimants and SSA staff. Claimants far too often failed to receive the personalized help they needed in pursuing their right to benefits.

In describing the need for improved access to the program, an advocate for the mentally ill stated, "* * * it is almost mandatory that confused or feeble elderly and mentally ill persons have a relative, friend, or other responsible party assist them * * *. When one considers that the mental illness that leads one to be eligible for benefits does so by virtue of the person's inability to concentrate, to problem solve, to tolerate ordinary stresses, it is antithetical to expect such a person to wait hours—often days—in lines and waiting rooms and fill out voluminous forms, produce long lost documents, and answer questions the brain is often too ill to comprehend * * *. It is necessary that specially trained staff be available to interview and assist those unable to tolerate the stresses of application for benefits. Yes, in the short run, we are talking more money in staff increases * * *. Is it equitable that only those persons with family or community support are able to obtain subsistence?"

The experts also became aware of a multitude of situations in which people encounter unwarranted delays in receiving disability benefits to which they are entitled—delays during which, at times, death occurs before an entitled person receives benefits which are due. The experts noted that the Administration's fiscal year 1993 budget proposal will result in a backlog of 1.4 million disability cases (social insurance and SSI) at the end of 1993. (A normal backlog would be 400,000 cases.) Thus, the program will become less accessible to those in need as economic conditions create more and more individuals who are eligible.

Additionally, the experts heard from SSA staff working on the front lines and perceived that staff has deep and sincere concerns for the welfare of the

SSI eligible population. They heard staff describe their frustrations in attempting to meet many needs with limited staff resources to do so, and the need to be constantly on guard so that their high workloads do not have a negative effect on claimants.

The experts stress in Chapter VI that an immediate staffing increase of 6,000 in SSA is necessary. This would constitute a first step in eliminating growing backlogs and enabling the agency to move toward providing the level of personalized services which many of the SSI population so sorely need.

Benefit increases. Recognizing that the goal of the Senate Finance Committee was to bring the income floor for the SSI population to the poverty level, a majority of experts believe that this should be among the top priorities for program improvements. These experts believe that the Federal floor should be increased over a period of five years, and that it should reach 120 percent of the poverty guidelines by the fifth year.

During their public meetings, the experts heard from an extremely large number of people concerning the inadequacy of the present benefit standard. Nearly 14,000 individuals and organizations attested to this in response to their issues and options paper which was published in the **Federal Register**.

The income floor as set by the Federal benefit standard was initially established below the poverty level; and to this day, it has continued below the poverty line. The benefit standard's real (and relative) value remains largely unchanged. In 1992 the standard for an individual is roughly 75 percent of the poverty guideline for an individual and the standard for a couple is roughly 83 percent of the poverty guideline for two people.

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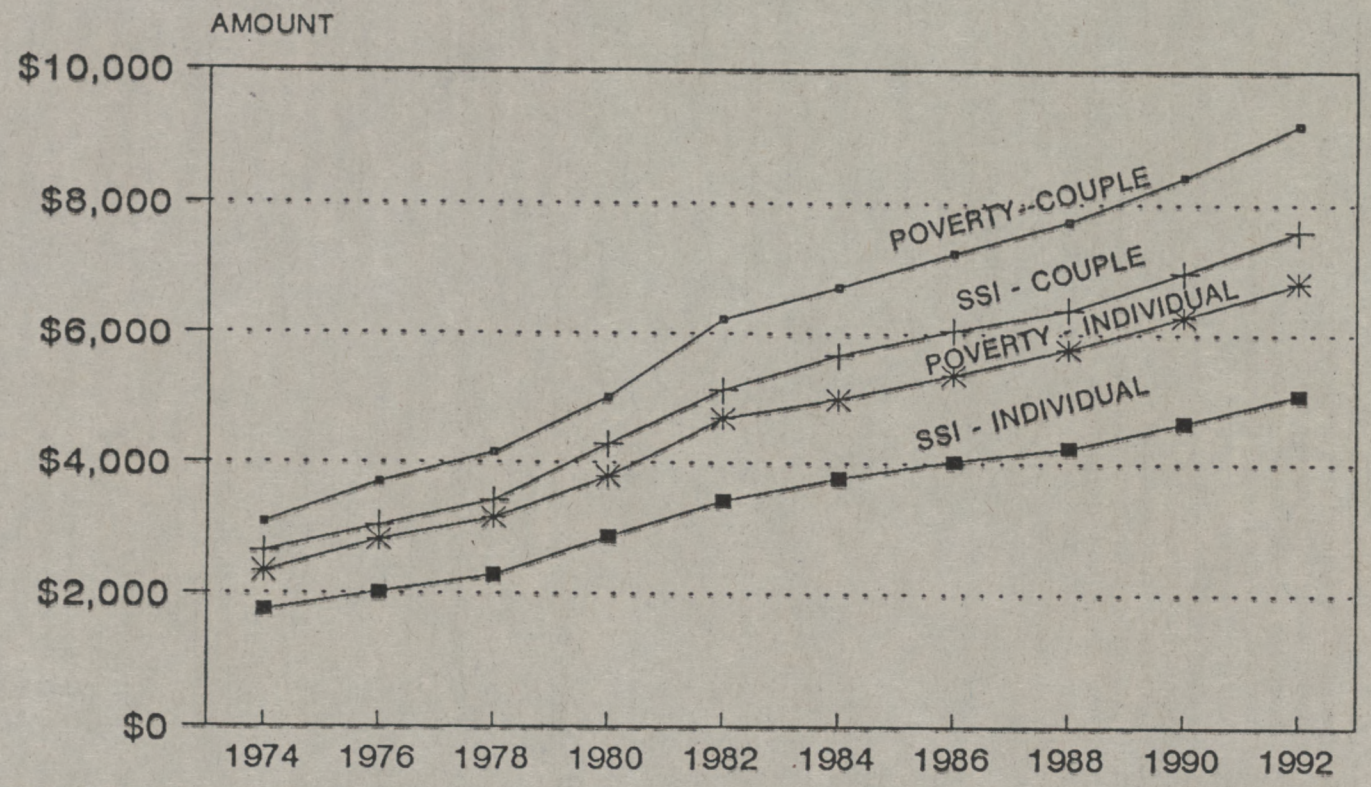
COMPARSION OF THE SSI BENEFIT STANDARDS WITH THE POVERTY INCOME GUIDELINES
FOR COUPLES AND INDIVIDUALS, 1974 - 1992



POVERTY COUPLE	$3,070	$3,700	$4,160	$5,010	$6,220	$6,720	$7,240	$7,730	$8,420	$9,190
SSI COUPLE	$2,628	$3,021	$3,409	$4,284	$5,117	$5,664	$6,048	$6,384	$6,948	$7,596
POVERTY (INDIV)	$2,330	$2,800	$3,140	$3,790	$4,680	$4,980	$5,360	$5,770	$6,280	$6,810
SSI INDIVIDUAL	$1,752	$2,014	$2,273	$2,857	$3,412	$3,768	$4,032	$4,248	$4,632	$5,064

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In addition, a majority of the experts view the existing poverty measures as inadequate and outdated. These experts view it as imperative that benefits be raised to 120% of the outdated poverty level. One expert pointed out that Congress already has lifted the criteria for program access to this level or more for some fifteen programs for the poor. Some experts stated that it is unconscionable that this program which serves all generations is not adequately providing the safety net which was envisioned when it was enacted and that the poorest of the poor among aged, blind and disabled people are still living in poverty.

The experts supporting this option are adamant that the Federal benefit standards must be increased since those in effect leave beneficiaries unable to meet their expenses for food, clothing, and shelter. In recognition of the cost of increasing the benefit standard to 120 percent of the poverty line and their three other priorities, they propose that the increase be phased in over a 5-year period, as set forth in Chapter II.

Treatment of in-kind support and maintenance. Most experts believe that the law which requires that receipt of in-kind support and maintenance (food, clothing, and shelter) must be considered as income is particularly demeaning and should be repealed.

As a direct result of statutory language, if a beneficiary moves into someone else's household and receives in-kind support and maintenance, the benefit is reduced by one-third.

Others who receive food, clothing, or shelter also are subject to benefit reduction under the law, even if they do not live in another person's household. (For more information, see Chapter III.)

All the experts are convinced that experience has too long shown that the actions required (questioning, verification, computations, etc.) to determine whether a person receives such income (and, frequently, the amount to be charged) take up a great deal of staff time and are demeaning to claimants. Many SSA claims representatives alleged that they spend between one-fourth and one-third of their time on this issue. It has grown to be a complex area and the effects of the rules are difficult for people to understand. In fact, the program instructions comprise 150 pages of the manual.

The complexity stems from efforts both by Congress and by SSA to achieve equity, but most experts believe that the effect of considering in-kind support and maintenance as income is in conflict with other national objectives. They believe it is definitely anti-family and contrary to the concept of encouraging voluntary support by others. Even though some beneficiaries are fortunate enough to move into the households of family or friends, they should not be penalized by the Federal Government by having their benefit reduced for this reason. They are still truly needy. Further, almost all of the experts concluded that it is inequitable to count this type of support while others receive similar support at public expense (e.g., housing assistance, energy assistance) with no benefit reduction as a result.

A priority of the experts as set forth in Chapter III is to change the treatment of in-kind support and maintenance. Most experts support the elimination of the receipt of in-kind support and maintenance from consideration under the program. This would remove a harsh and demeaning provision and it would further the goal of simplification.

Resources. Most experts believe that the resources test does not efficiently or effectively identify those who are truly needy; it should be changed from $2,000 for an individual and $3,000 for a couple to $7,000 for an individual and $10,500 for a couple and the exclusions should be streamlined.

Initially, the resource limits were $1,500 for an individual and $2,250 for a couple. Congress has taken action only once to increase these amounts, providing for incremental changes (of $100/$150 for an individual/couple) in each of five years (January 1985 through January 1989). The program currently allows a person to retain a "nest egg" of $2,000 or less ($3,000 for a couple).

Almost all of the experts concluded that a person with little or no income and only $2,100 of countable resources, or a couple with little or no income and only $3,100 of countable resources, is still truly needy. Further, the experts supporting this option concluded it is not appropriate to require an otherwise eligible individual, who has little or no income, to spend down a lifetime of meager savings to $2,000. Needy veterans can qualify for a VA pension and retain $35,000. The Administration has proposed raising the limit for families receiving Aid to Families with Dependent Children (AFDC) from $1,000 to $10,000 "to encourage self-support by families on AFDC * * *."

Therefore, almost all of the experts—adopting a middle ground as described in Chapter III—concluded that the resource limits should be raised to $7,000 and $10,500 for individuals and couples respectively so that people can retain a small, but more appropriate, "nest egg." These experts also said that, concurrent with increasing the resource limits, the resource exclusions should be streamlined. This would make the rules easier for beneficiaries to understand and give them more flexibility in the use of funds while simplifying program administration.

D. Other Considerations

Work Incentives

Most of the experts are in agreement on the absolute necessity of changing the law and regulations to strengthen the provisions for work incentives for persons drawing disability benefits. They believe that it is necessary not only to increase the benefit levels for disability beneficiaries, but also to increase the numbers of persons who leave the disability rolls in order to join the workforce. They also believe that the incentives for work should be extended to older persons who qualify for SSI because of age.

The National Perspective—Needy Children

While the SSI program is growing rapidly in terms of the children it serves, many nondisabled but needy children across the nation are unserved or underserved. The National Commission on Children documented those needs in its final report: Beyond Rhetoric: A New American Agenda for Children and Families.

In 1972, when Congress enacted SSI, it did so after it failed to pass legislation which would have provided all persons, including children, with an income floor. As this nation moves forward to improve the SSI program so that it meets the needs of the poorest of the poor among aged, blind, and disabled people, it must also improve another social security program, namely AFDC, and meet the needs of children it failed to assist in 1972. All the experts expressed their view that one group of needy people should not take priority over another.

Financing Improvements

As the experts completed this review of the SSI program, they recognized that most of their ideas for change would require increased expenditures. Many experts believed that the identification of potential sources of financing program improvements should be under the purview of persons with expertise in public finance; and they, in general, are not such experts. Thus, the Commissioner of Social Security has asked the Chairman to chair a group of public finance experts to develop options for financing the improvements identified in this report and to complete their work in six months.

Additional Views

One expert has provided a statement which addresses the definition of disability and provides suggestions for modernizing the definition for the social insurance disability program as well as for SSI. This statement may be found at the end of the chapter on "Disability & Work Incentives."

Another expert has submitted a statement of personal views concerning priorities and financing. That statement, which includes a cost-neutral proposal for restructuring benefits and improving program administration, appears at the end of this report.

Five experts have submitted a joint statement of "additional views." They express hope that the report will increase significantly the attention given to the SSI program. They also describe their concerns about the need for a balance between the needs of the SSI program and other domestic needs in light of the present fiscal situation. This statement also appears at the end of the report.

Chapter II—Benefit Payment Issues—Including Proposed Increases in the Federal Income Floor

A. Preamble to Chapter

The National Perspective

The SSI program serves a population requiring assistance in obtaining at least the most basic of human needs: food, clothing, and shelter. Some may require only cash assistance while others may require help in getting SSI benefits for which they are eligible and/or in reaching other kinds of help in the form of medical care, nutrition, social services, or management of benefits.

In undertaking their broad-based review of the SSI program, the experts endeavored to make choices that would enable people who are aged, blind, or disabled to live their lives with dignity. In so doing, the experts saw the need to address a number of areas which are interrelated and contain issues with respect to payment amounts and the way in which they are determined.

SSI and Poverty

Federal SSI benefits were designed to provide a nationally uniform income floor for people who have little or nothing on which to live. For this reason, efforts to measure the adequacy of benefits and related issues usually focus on such comparisons as poverty measures and benefits provided by other poverty-related programs. With this in mind, the experts were concerned with the effectiveness of SSI benefits in providing an acceptable standard of living.

The September 26, 1972 Report of the Senate Finance Committee stated that the legislation which established the SSI program would "create a new Federal program administered by the Social Security Administration, designed to provide a positive assurance that the Nation's aged, blind and disabled people would no longer have to subsist on below-poverty-level incomes." The initial Federal SSI benefit standard specified that all individual benefits would be determined on the basis of their relationship to a uniform Federal floor. However, the statutory income floor for 1974 was below the poverty line and has been so ever since.

B. Benefit Adequacy

Background Information

Measures of poverty. There are two slightly different versions of the Federal Government's poverty measure. The Census Bureau's proverty thresholds are the official Federal definition of poverty for statistical purposes. The Department of Health and Human Services' poverty guidelines are a simplification of the poverty thresholds for administrative purposes. The guidelines are generally considered easier to use in such programmatic contexts as establishing benefit eligibility. The guidelines are updated annually to reflect changes in prices. However, the thresholds (and, by extension, the guidelines derived from them) have been subject to criticism because they do not take into account changes in consumption patterns over the past several decades.

SSI benefit standards and poverty guidelines. The 1992 Federal benefit standard or income floor for one eligible person (adult or child) is $422 per month while the floor for a couple, both of whom are eligible, is $633 per month. (In December 1991, nearly 10 percent of the adults who received SSI and/or federally-administered State supplementary benefits did so as members of couples.) The following table compares the poverty guideline for a 1-person unit with the annual Federal SSI benefit standard for an individual and the guideline for a 2-person family with the standard for a couple:

1992	Poverty guidelines	SSI standard	Percentage
Individual	$6,810	$5,064	74.4
Couple	9,190	7,596	82.7

Other programs' standards and poverty guidelines. A number of Federal programs use eligibility criteria which involve some percentage of the poverty guidelines. Because of differences in what indicates "need" for various kinds of assistance, 100 percent of the poverty guideline is not always considered adequate. For example, a number of food programs use 130 percent of the poverty guidelines as a cutoff for eligibility while several health service programs use a sliding fee schedule for persons with incomes up to 200 percent of the guidelines. See Appendix i (at the end of this chapter) for some Federal programs using a percentage of the guidelines which is more than 100 percent.

Areas Where Issues Arise

Federal benefit standard for an individual. As indicated above, the 1992 Federal SSI benefit standard for an individual is approximately 75 percent of the poverty guideline. This percentage has remained essentially unchanged since the program began in 1974.

Federal benefit standard for a couple. An eligible individual and his or her eligible spouse are paid based on a benefit standard which is 150 percent (rather than 200 percent) of the standard for an individual. As a result, members of couples receive lower SSI benefits than would two eligible individuals. However, as shown above, the benefit standard for a couple is a higher percentage of the applicable poverty guideline than is the standard for an individual. (See C. below for more information concerning treatment of eligible individuals and their spouses.)

Experts' Discussion of Benefit Adequacy Issues

Adequacy of Federal benefit standard. All of the 20 experts who took a position concerning the benefit standard viewed the current standard as inadequate and said that it should be increased at least to 100 percent of the poverty guideline. While they expressed several viewpoints concerning the amount and timing of an increase, most of them said that increasing the standard should be one of their highest priorities.

Benefit standard for an individual. The experts considered several approaches to increasing the adequacy of an individual's SSI Federal benefit standard (i.e., the national income floor). These approaches ranged from increasing the standard to 100 percent of

the poverty guideline over a 7-year period to increasing it to 120 percent of the guideline over 3 years.

A majority of the experts favored increasing the individual's Federal benefit standard to 120 percent of the poverty guideline because they said the nation's neediest people who are aged, blind, or disabled could not attain a minimally decent standard of living at 100 percent of the guideline. One pointed out that often people with incomes at levels between 100 and 125 percent of poverty suffer the most because they become ineligible for important ancillary benefits such as Medicaid or Food Stamps. However, in order to soften the cost impact in the current fiscal climate, most preferred a 5-year phase-in period to a shorter one or to a significant one-time increase.

Benefit standard for a couple. All but one of the experts expressing a view on the point favored maintaining the couple's benefit standard at the current 150 percent of the standard for an individual. Setting the couple's standard at a percentage of the poverty guideline (as described above for an individual)—even though it would mean increasing the benefit amount—would also have the effect of reducing the couple's standard from 150 percent to 134.9 percent of that for an individual. The majority saw such a result as inequitable since it would ignore all the testimony that people living together cannot share certain expenses, such as food or medicine, and some couples would experience actual decreases in benefits.

Impact of increased benefit standards. It is the experts' understanding that increasing the Federal benefit standards for individuals and couples, as described above, would result in 2,128,000 new Federal SSI recipients by the end of fiscal year 1997.

Measure of adequacy. A number of the experts were concerned over the need to update the indices used to compute the poverty guidelines. They recalled public testimony to the effect that, unless the poverty level were "modernized"(i.e., increased in real terms by being recalculated using post-1950s consumption data), not even 100 percent of that level would be sufficient to provide a proper diet or maintain health. These experts concluded that the poverty guideline understate considerably the true cost of a minimal standard of living. Nevertheless, they accepted the poverty guidelines as a useful benchmark because they are widely recognized and easy to use.

Recapitulation of Experts' Opinions on Benefit Adequacy

Option	Experts supporting
1. Increase the benefit standard for an individual, in equal annual increments, to:	
a. 120 percent of the poverty guideline over 5 years	12
Comment: One of these experts also would support increasing the standard to 100 percent over 5 years if the poverty line were updated.	
b. 120 percent of the poverty guideline over 3 years	2
Comment: One of these experts, while preferring the 3-year phase-in, would also support a 5-year period and is included in the count for a. as well as for b.	
c. 110 percent of the poverty guideline over 3 years	1
d. 110 percent of the poverty guideline over 10 years	1
e. 100 percent of the poverty guideline over 3 years	3
Comment: One of these experts also supports a longer (unspecified) period if required by competing priorities.	
f. 100 percent of the poverty guideline over 7 years	1
General Comment: Several experts, most of whom support increasing the benefit standard beyond 100 percent of poverty, also support reconsideration of other SSI priorities once the standard reaches 100 percent of the poverty guideline.	
2. Keep the Federal benefit standard for a couple at 150 percent of that for an individual.	13
Comment: One expert disagrees, saying that the couple's standard should be set at the same percentage of the two-person poverty guideline as an individual's standard would be of the one-person guideline.	

C. Couples

Background Information

The "couple" as an eligibility unit. The statute distinguishes between eligibility and payment determinations for an eligible individual with an eligible spouse (a "couple" for SSI purposes), and all other eligible individuals, including those with ineligible spouses and those who are children. Being a "couple" means that each spouse is eligible to receive SSI benefits; i.e., each is aged, blind, or disabled and their combined countable income and resources do not exceed limits which are 150 percent of the income and resources limits for an individual.

The couple as an eligibility unit is a concept that carries throughout the program. When both members of a couple apply for SSI, they do so with a single application. In determining eligibility for the members of a couple, SSA deducts their combined countable income from the couple's benefit standard to determine the total payment amount; that amount is then divided equally and paid in separate checks.

When members of a couple separate, they are treated as individuals the month following the month of separation. If the members of a couple separate and reunite frequently, SSA must make adjustments in payment and eligibility status.

When one spouse is ineligible. If an eligible individual has an ineligible spouse, only the former can receive SSI benefits, thus qualifying automatically (in most States) for Medicaid. However, the statute requires that, under certain circumstances, the eligible individual's income and resources be deemed to include the income and resources of the ineligible spouse. This is a carryover of States' "relative responsibility" laws used in the antecedent assistance programs. It says that one spouse has some financial responsibility for the other spouse, even if they are not legally married. (See "Definition of 'spouse' " below.)

The statue sets the resource limit at $3,000 for a person who has a spouse, whether or not that spouse is also eligible. The income limit for a person whose spouse is ineligible can be the same as for a person with an eligible spouse, depending on the results of the deeming formula.

Areas Where Issues Arise

Couple's income and resources standards. Using income and resources standards for spouses which are 50 percent, rather than 100 percent, of those for individuals can be traced to the social insurance programs under which a spouse is entitled to a benefit equal to half the benefit paid to the wage earner. Today's use of such a ratio in the means-tested SSI program also reflects a premise that two people can live together more economically than they could live separately, but only if they are spouses. As a result, an eligible couple receives combined SSI benefits which are less than the benefits payable to two eligible nonspouses (e.g., an aged mother and her disabled son) who may live together.

Couple's income and resources exclusions. Income exclusions apply differently to couples than to individuals. Each individual receives a $20 general income exclusion and a $65 earned income exclusion. In contrast, a couple, as a unit, receives one $20 general exclusion and one $65 earned income exclusion.

With respect to resources exclusions, couples also receive treatment which differs from that given two eligible individuals. For example, a couple can have only one automobile excluded for necessary transportation and have a total of $2,000 excluded in household goods and personal effects. In contrast, two individuals who are not spouses may each have an automobile excluded and may each have $2,000 in excluded personal items even though they live in the same household.

Definition of "spouse". The SSI statute considers a formally married husband and wife to be spouses. However, the statute also requires that two people who are not legally married but who hold themselves out to the community as married be treated as spouses, whether one or both are eligible. This provision is known as "holding out."

Some effects of "couple" rules. When two people, each of whom is receiving disability social insurance benefits as well as SSI benefits, wish to marry, they may face a substantial reduction in combined income. Each remains entitled to the same full disability insurance benefit as before because entitlement to these benefits is not subject to a "means" test. However, marriage could make them both ineligible for SSI benefits and, often, for Medicaid.

Examples of effects of "couple" rules. Betty Barnes and Samuel Short each received $350 in disabled adult child social insurance benefits before marriage and each was eligible as an individual for an SSI payment of $92 (at 1992 standards). When they married, they became subject to the SSI "couple" rules. Since their combined social insurance benefits ($700 less $20 general income exclusion=$680) exceeded the $633 Federal benefit standard for an SSI couple, their total income dropped from $884 a month to $700. Losing their SSI eligibility caused a loss of Medicaid as well.

On the other hand, some people benefit from the "couple" rules. This can happen when a person with significant income is married to someone with little or no income. For example, Mr. Johnson is 63 and receives a social insurance retirement benefit of $550 monthly; however, because of his income, he is not eligible for SSI or Medicaid. He cannot receive Medicare because he is neither age 65 nor disabled. His 57-year-old wife is disabled but does not qualify for a wife's benefit (she would have to be at least 62 or have a child in her care) and has no income. As an individual with an ineligible spouse, Mrs. Johnson is eligible for an SSI monthly cash payment of $103, giving the Johnsons combined cash income of $653. She is also eligible for Medicaid. When Mr. Johnson turns 65, he becomes eligible for SSI and they are an SSI "couple". While there is no change in their combined cash income, Mr. Johnson is now eligible for Medicaid as well as for Medicare.

Experts' Discussion of Couples' Issues

Definition of "spouse". A majority of the experts favored retaining the existing concept of a "spouse" (for both "couple" and spouse-to-spouse deeming purposes) with just one modification. They said that the "holding out" provision should be eliminated so that only legally married persons would be considered spouses. The experts did not view favorably having a Federal statutory provision that considers people to be married simply because they live together. They saw no useful SSI purpose being served through establishing the existence of what is, in effect, a common-law relationship. The experts objected to the SSI "holding out" provision as having adverse and disturbing effects both with respect to claimants' personal privacy and to the administrative process.

The experts discussed briefly, but gave no support to, the possibility of permitting people to choose whether to be treated as spouses or as individuals. One expert remarked that both the Internal Revenue Service and the social security insurance programs give people such a choice. However, all of the experts taking a position on this issue felt that, for SSI purposes, such a choice would be prone to inequities because of the complex program rules and the linkages with programs such as Medicaid.

Income and resources exclusions. Most of the experts favored giving each member of a couple a full set of earned income exclusions. They stated that this would provide a greater incentive for both members of a couple to work, particularly if both are disabled. It would also help compensate for the higher costs generally experienced by members of a couple with both members aged, blind, or disabled as compared with costs for younger, nondisabled couples.

In view of the support for increasing the resources limits (see part D of chapter III), the expert did not entertain any options for changing resources exclusions with respect to couples.

Recapitulation of Experts' Opinions on Couples

Option	Experts supporting
Definitions of "spouse" and "couple"	
1. Eliminate the concept of "holding out"	14
2. Eliminate the concept of "spouse" and treat everyone as an individual	2
3. Treat any two adult individuals who live together as a couple	1
Couple's income exclusions.	
1. Give each member of a couple a full set of earned income exclusions; leave the unearned income exclusions unchanged	18
2. Give each member of a couple a full set of earned and unearned income exclusions	2

D. State Supplementation With an Increased Federal Benefit Standard

Background Information

Federal/State roles with respect to benefit levels. When designing the SSI program, Congress was aware that SSI beneficiaries might have special needs and appreciated the appropriateness of augmenting the Federal benefit level to account for those needs as well as for geographic variations in the cost of living. However, Congress viewed the Federal responsibility as limited to provision of a basic benefit and that benefit has been generally regarded as geared toward meeting a person's basic needs of food, clothing, and shelter. Payments for higher living costs or special needs were left to the States.

The role of State supplementation. States use optional supplementary payments to achieve more nearly adequate benefits for people who are aged, blind or disabled. Supplementary payments allow a State to provide an income "floor" that takes into account geographic differences in living costs and individualized special needs in a manner that is not possible with a nationally uniform Federal benefit standard. In many States, supplementary payments serve as a link to Medicaid eligibility. In March 1992, more than 2.2 million SSI recipients received State supplementation while nearly 3 million did not.

The amount of optional supplementation varies significantly from State to State as do the conditions under which States provide supplementation. For example, California has a number of supplementation levels and supplements nearly all of its SSI recipients in a variety of living arrangements. In that

State, most total benefits, SSI plus State supplement, exceed the Federal poverty level. On the other hand, Texas does not have any supplementation program while several other States supplement only persons in certain protected living arrangements variously known as "domiciliary care" or "board and care". In addition to basic meal preparation and laundry, these living arrangements may provide such services as minimal social supervision or personal care assistance. Outside of this kind of living arrangement, few State supplements increase the benefit standard above the Federal poverty level.

Administration of supplementation programs. States may administer their own supplementation programs or have SSA do so. When SSA administers a State's supplementation program, the Federal Government absorbs all related administrative costs while the State pays only the cash benefit amount. At present, 26 States administer their own optional supplementation programs while SSA does so for 17 States and the District of Columbia. There are 7 States which do not have optional supplementation programs.

Areas Where Issues Arise

Statutory supplementation requirement. Soon after the SSI program began, some States reduced their costs by reducing their optional supplementation when SSI benefits were adjusted for the cost of living. The result was that some recipients were no better off after a Federal benefit increase than they had been before. To avoid this benefit erosion, the SSI statute was amended in 1976 to require States to pass along any SSI increases. That is, States must maintain their supplementary payment levels, or the total amount of supplementation, that they pay from year to year regardless of any SSI benefit adjustments for the cost of living. If a state fails to do so, it loses Federal matching funds under its Medicaid program.

Federal administration of supplementation. Under Federal administration, a State may have up to 18 different payment level variations: 3 based on geographic distinctions, 6 based on living arrangements, and 9 categorical variations such as aged individuals, blind couples, etc. Thus, SSA's agreement to administer such varied supplementary payments entails such administrative difficulties as the need to do additional living arrangement development, maintain State-specific operating instructions which are updated at least annually, provided detailed systems coding, and issue specialized notices to recipients. All this raises the cost of administration borne by the Federal Government.

Experts' Discussion of State Supplementation Issues

Statutory supplementation requirement. The experts discussed possible changes in the role of State supplementation as the Federal benefit standard approaches or exceeds the Federal poverty line. (See B. above on benefit adequacy.) All but one of the experts taking a position on the issue favored giving States greater flexibility in use of funds, particularly considering that some States' costs of living are lower than the national poverty level. These experts concluded that States should be able to use funds, now required for cash supplementation, to provide their SSI populations with assistance in such other areas as social services, medical care, or nutrition once the Federal benefit standard reaches at least 100 percent of the poverty line. These same experts supported requiring States to "grandfather" existing supplementation levels for any beneficiary who would otherwise experience a net decrease in the amount of combined Federal/State benefits.

Alternative uses of supplementation funds. A majority of the experts also said that States should be required, for some period, to spend the amount "saved" on supplementation to provide other services to their SSI populations. One of these experts supported a specific and permanent requirement for States to continue to spend some funds either on supplementation or on other services for their SSI populations; however, the amount so spent would not have to be at the full rate required under current law. Another expert favored continuing to require States to maintain current supplementary payment levels.

None of the experts supported permitting States to reduce or eliminate supplementation levels until the Federal benefit standard increases at least to the poverty line. However, if States were allowed to eliminate supplementation without such an increase, three of them endorsed a variable Federal benefit standard tied to geographic living costs following Bureau of Labor Statistics indices. One of these experts observed that this option should be relatively easy to administer since SSA already administers some geographically variable State supplementary payments.

Simplifying Federal administration of supplementation. A majority of the experts supported simplifying, and reducing SSA's costs for, Federal administration of State supplements by reducing the number of possible State payment level variations. Specifically, they concluded that allowable living arrangement variations should be reduced from 6 to 3 (not counting supplementation of the $30 payment limit) and categorical distinctions from 9 to 6; the b allowable variations would consist of up to 3 for individuals and 3 for couples. Because of the dramatic differences in living costs, even within a State, the experts supported continuation of the existing three permissible geographic variations. Most of them said that, within a specified timeframe, States should be given the choice of limiting their payment level variations as described, paying SSA for administering them, or taking over the administration themselves.

Recapitulation of Experts' Opinions on State Supplementation

Option	Experts supporting
1. Permit States to reduce or terminate supplements once the Federal SSI benefit standard increases to 100 percent of the poverty line. "Grandfather" extant supplementation levels for current beneficiaries (but not new eligibles) who would otherwise experience a net benefit decrease. Require States, for at least 3 years after reduction or termination of supplementation, to spend any "freed up" supplementation funds for other services to their needy residents who are aged, blind, or disabled	18
2. Require States, by July 1, 1995, to do one of the following:	16
a. Have no more than 3 supplementary payment level variations based on living arrangements (in addition to one, if desired, for people subject to the $30 payment limit) and no more than 6 variations based on categorical distinctions: up to 3 each for individuals and for couples; plus the existing limit of 3 variations based on geographic areas; or	
b. Pay SSA for administering their supplements; or	
c. Administer their own supplements.	
Comment: The President's budget for fiscal year 1993 includes a proposal to charge States for the cost of administering State supplementation programs.	

E. Payment Limits for People in Institutions

Background Information

Residents of most public institutions. Individuals who reside in public institutions throughout a month generally are not eligible for SSI. This ineligibility rule applies because Congress has not wanted the Federal

Government to assume the traditional responsibilities of State and local governments for residents of their institutions. Historically, Congress has shown some concern about subsidizing institutions if the Federal Government has no control over the quality of care.

Residents of certain public institutions. There are exceptions to the general ineligibility rule for residents of certain public institutions. Exceptions to the ineligibility rule relate to persons in public emergency shelters for the homeless, publicly operated community residences for 16 or fewer residents, public institutions for educational or vocational training, and, when certain conditions are met, persons in medical or psychiatric facilities, provided they were receiving SSI under the provisions of section 1619 (see part C of chapter IV) or are expected to have stays of limited duration. Also, certain residents of public medical facilities may be eligible but their SSI payments cannot exceed $30 a month (see material on issues below).

Residents of private institutions. There is no statutory rule prohibiting eligibility for residents of private institutions. However, the $30 payment limit may apply to a person in a private medical institution when the Medicaid program is paying a substantial portion of the cost of his/her care.

Supplementation of limited payment. Sixteen States supplement the limited SSI payment in amounts ranging from $5 to $45 for an individual. Nine of these supplements are administered by the Social Security Administration.

Areas Where Issues Arise

Amount of payment limit. Residents of public or private institutions for whom Medicaid is paying more than 50 percent of the cost of care are subject to a monthly Federal payment limit of $30 (minus any countable income). This limited amount is for the purpose of meeting incidental personal needs (e.g., toiletries, soft drinks and entertainment) not met by the institution. The amount of the maximum payment has changed only once since the creation of the SSI program—from $25 to $30. Automatic cost-of-living adjustments are not applicable to the $30 payment limit.

Applicability of payment limit. The payment limit described above applies since most of the individual's subsistence needs are met by the institution, which is being paid by Medicaid, another Federal assistance program. However, in other situations where most of a person's needs are being provided by a third party (e.g., a State or local government, a relative, or private health insurance), that person remains ineligible, if in a public institution, or remains eligible at the full benefit rate, if in a private institution.

Experts' Discussion of Payments to Residents of Institutions

Amount of payment limit. Nearly all of the experts said that there should be an increase in the $30 payment limit for institution residents for whom Medicaid is paying more than 50 percent of the cost of care. There was discussion regarding the appropriate amount and whether an increase should be one time only or yearly, based on cost-of-living increases.

One expert indicated that a one-time raise to $35 a month would eliminate the complications of cost-of-living adjustments and would be less costly than yearly increases. Another expert suggested combining the two approaches; that is, increase the payment limit to $35 initially, and increase the limit yearly thereafter, based on the cost-of-living adjustment. This suggestion received the support of nearly all of the experts.

Applicability of payment limit. The experts discussed the possibility of expanding the applicability of the $30 payment limit to institutionalized individuals for whom cost of care is being paid by any source (e.g., Medicare, private insurance, family members, charitable organizations or State funds) other than the individual's own income or resources. It was explained that this option would remove the prohibition against eligibility for residents of public institutions who otherwise meet the eligibility criteria; payments would be limited to no more than $30. Additionally, some residents of private institutions who are currently eligible for the full SSI payment would become subject to the $30 payment limit.

A few experts expressed the opinion that an expansion of the applicability of the $30 payment limit would not be desirable because, in combination with the rules for computing income, ineligibility could result for some individuals in private institutions who, under current rules, are eligible for benefits without the payment limit. The experts considered a variation of the option which would address only the eligibility of people in public institutions who are now barred from receiving payments. Under the modified option, SSI eligibility would be possible for residents of public institutions without regard to payment for the cost of care; such payments would be limited to $30. This option would allow limited payments to any otherwise eligible person who happened to be residing in a public institution, such as a county home, even though Medicaid is not paying a significant share of the cost. This option would not disadvantage anyone now on the SSI rolls. Neither option appealed to most of the experts.

Recapitulation of Experts' Opinions on Payments to Residents of Institutions

Option	Experts supporting
1. Increase the $30 payment limit to $35, indexing annually thereafter based on the cost of living, and rounding to the next higher dollar	19
Comments: One expert, while supporting this option, prefers an initial increase to $40. Another expert supporting this option also favors computing the cost-of-living adjustment retroactively to the beginning of the program, or at least to July 1, 1988 when the payment was increased from $25 to $30.	
2. Expand the applicability of the $30 payment limit to apply to institutionalized individuals for whom more than 50 percent of the cost of care is being paid by any source other than the individual's own income or resources	1
3. Allow SSI eligibility for residents of public institutions without regard to payment of the cost of care by an outside source, but limit the payment to $30	1

F. Accounting Periods

Background Information

The Federal benefit standard functions as a limit on countable income. Thus, after applying all appropriate exclusions to arrive at countable income, the benefit to be paid is the amount by which countable income falls short of the benefit standard. Actual payment amounts are affected by the accounting period prescribed by statute. From 1974 to 1982, SSI benefits were computed using a quarterly prospective system. That is, income and benefit amounts were estimated prospectively for each calendar quarter and paid in equal increments for each month of eligibility in the quarter. A prospective accounting system makes it possible to respond promptly to changes in income. However, because income and benefits were spread over 3 months, the quarterly aspect of the arrangement also entailed overpayments and underpayments and produced situations which were complicated to explain to recipients.

In 1982, a new statutory provision changed the accounting period and ever since SSI benefits have been determined on a monthly retrospective basis. Generally speaking, the benefit payment is now determined separately for each

month using countable income from 2 months earlier. However, there are special rules for new eligibles and for recipients who lose eligibility for one or more months and then regain it. Certain aspects of the retrospective monthly accounting rules are considered by many observers to be inequitable.

Areas Where Issues Arise

The accounting period. The 1982 change to retrospective monthly accounting was intended to allow time for people to report changes so that benefit payments could be made with greater accuracy. However, retrospective accounting is often less responsive to immediate need since it takes 2 months for payments to change in response to decreases in, or losses of, other income.

Triple counting and termination of income. Under the rules of retrospective monthly accounting, the current month's payment amount is usually based on the beneficiary's income from 2 months earlier. However, when a beneficiary becomes eligible for SSI benefits, either initially or after a period of ineligibility, any countable income received in the first month of new or regained eligibility is used to compute the payment amount for the first, second, and third months. This is true even when income terminates after the first month. In initial eligibility cases, the individual may have to choose between delaying the month of eligibility or taking a reduced benefit for 3 months. There is no way to avoid the benefit reduction in renewed eligibility situations.

Similarly, when a beneficiary with countable income experiences reduction or termination of that income, the SSI payment continues to be reduced for 2 more months. This can leave the person with total income which may be far below the income floor.

Varying numbers of paydays in a month. A beneficiary (or a parent or spouse whose wages are deemed available to the beneficiary) earning wages close to the eligibility limit may be paid every other week or once a week. For two- or four-payday months, income remains under the eligibility limit. However, under a monthly system, the extra earnings in a three- or five-payday month are enough to result in ineligibility. While less common, similar situations can arise with unearned income such as unemployment benefits which may be paid weekly or biweekly.

The most serious consequence of the "extra payday" phenomenon is the loss of Medicaid coverage. Blind or disabled recipients who are working, and would be eligible except for their earned income, continue to be entitled to Medicaid under the provisions of section 1619(b) of the Social Security Act (see part C of chapter IV). However, this protection is not available to a recipient who receives unearned, rather than earned income, nor does it extend to aged beneficiaries.

Monthly verification of wages. Because eligibility is determined monthly and benefits are computed monthly, it is necessary for SSA to know the amount of monthly earnings a claimant received. The law states that "relevant information will be verified from independent or collateral sources * * *." Thus, SSA requests monthly wage information from employers when a worker does not have pay slips.

The verification requirement has proven burdensome, particularly for employers who may not maintain their records in the format needed by SSA. Employers provide wage information to SSA for retirement and survivors insurance and income tax purposes and often resent the need to provide yet a different (monthly) breakout for SSI purposes.

State supplementation payments computation. SSA administers supplementary payments for some States. However, persons whose incomes are too high to receive Federal SSI benefits but low enough to qualify for federally-administered State supplementary payments are not "eligible" for Federal SSI under the law. This can lead to some unusual payment computations that are very difficult to explain either orally or in written notices.

For example, an individual may be receiving both a partial Federal payment and a full State supplementary payment. The individual's income may increase to the point that it exceeds the Federal benefit standard, but is below the combined Federal plus State supplementary payment level. In this instance, the individual will receive no Federal payment because s/he is not eligible for one, but s/he will still receive a full State supplementary payment, because the computation for the State payment is based on income from 2 months ago. Only after 2 months will the State payment be reduced. In this situation, one change in income produces 2 payment changes. Such payment changes result in confusing notices to some people in States where SSA administers the supplement.

Experts' Discussion of Accounting Period Issues

The accounting period. All of the experts who took a position on the accounting period favored keeping a monthly accounting system but making it prospective instead of retrospective. The experts noted that prospective monthly accounting solves the payment computation problems of triple counting, termination of income, and State supplementation. They also concluded that prospective monthly accounting could be more responsive to current needs by making timely adjustments in benefit payments.

Some experts felt that, in theory, annual accounting might solve the problems currently identified with retrospective monthly accounting. However, they acknowledged that annual accounting may result in new problems and adversely impact some beneficiaries. Therefore, they believed that extensive testing prior to seeking enactment of annual accounting would be appropriate. Other experts expressed concern that even testing this option suggests support for it which may not exist.

Varying numbers of paydays in a month. Because of the preference for retaining a monthly accounting system, the experts recognized that there would continue to be certain months in which some people would lose eligibility due to an extra payday. A majority of the experts viewed the principal problem in these situations as the loss of Medicaid eligibility. Therefore, they concluded that Medicaid coverage should continue whenever there is a loss of SSI eligibility due solely to calendar-related income fluctuations.

Monthly verification of income. A majority of the experts said that beneficiaries, employers, and SSA staff would all benefit from some easing of the requirement for income verification. These experts concluded that, when it is not cost-effective, SSA should not be required to verify income.

Recapitulation of Experts' Opinions on Accounting Period

Option	Experts supporting
1. Change from retrospective monthly accounting to prospective monthly accounting	19
2. Continue Medicaid coverage when SSI eligibility is lost solely due to a calendar-related income fluctuation	19
3. Do not require income verification when it is not cost effctive	19
4. Define eligibility for SSI in terms of income below the combined Federal/State payment level for beneficiaries in States for which SSA administers the supplement	16

Option	Experts supporting
Comment: One expert expressed concern that, by supporting minor or "technical" improvements, such improvements might be perceived as sufficient and so blunt the impetus for prospective monthly accounting.	
5. Test one or more methods of annual accounting, beginning with prospective annual accounting, by running a computer simulation of the method or methods proposed	13

G. Options Preferred by a Majority of Experts—Summary and Cost Estimates

Federal Benefit Standards

Nearly all of the 20 experts who took a position on this issue view increasing the Federal benefit standard as one of the program's top priorities. A majority of these experts favors increasing the Federal benefit standard for an individual to 120 percent of the poverty guideline for one person and doing so in five equal annual increments.

At the same time, a majority of the experts also supports keeping the Federal benefit standard for a couple at 150 percent of the standard for an individual. They say that reducing the couple's standard to 135 percent of the individual's standard (the result of using 120 percent of the poverty guideline for a two-person family) would decrease benefits to some couples and ignore testimony concerning the fact that, even though people may live together, they cannot share expenses such as those for food or medicine.

The experts want to see the SSI program live up to the vision of the 1972 report of the Senate Finance Committee. They feel a sense of urgency about assuring those who are aged, blind, or disabled that they will no longer have to live in poverty. The experts agree with public testimony that it is unfair to provide a benefit which keeps such an at-risk population poor and on the brink of homelessness; that it is a national responsibility to provide sustenance to these people who cannot provide it for themselves—and to provide it in a measure that affords dignity and security to each life.

ESTIMATED COST

[In millions]

Fiscal year	SSI program	SSI administrative	Medicaid program
1993	$2,567	$250	$435
1994	7,092	710	1,825
1995	12,706	460	2,950

ESTIMATED COST—Continued

[In millions]

Fiscal year	SSI program	SSI administrative	Medicaid program
1996	19,527	470	4,310
1997	27,707	510	5,995

* * * * *

Couples: Definition of "Spouse"

A majority of the experts supports the existing definition of a "spouse" (for purposes both of couples' determinations and of spouse-to-spouse deeming)—with one exception. They say that the SSI program should not view a person as another person's spouse simply because they hold themselves out to the community as such.

This majority favors continuing the concept of an individual and spouse, eligible or ineligible, as an eligibility unit, using the combined income and resources of both spouses. However, they are concerned that the "holding out" provision represents an unacceptable invasion of people's personal lives and presents administrative complications to no useful end. These experts say that this is an area where SSI should differ from the social insurance programs under which establishing a common-law relationship can be beneficial.

ESTIMATED COST

[In millions]

Fiscal year	SSI program	SSI administrative	Medicaid program
1993	$2	Negligible	Negligible.
1994	3	Negligible	Negligible.
1995	3	Negligible	Negligible.
1996	4	Negligible	Negligible.
1997	4	Negligible	Negligible.

* * * * *

Couples: Income Exclusions

All of the experts who expressed a view on this issue support giving each member of a couple a full set of earned income exclusions. They see this as an important adjunct of providing incentives for people to work, especially in helping compensate for the higher expenses of a working person who is aged, blind, or disabled.

ESTIMATED COST

[In millions]

Fiscal year	SSI program	SSI administrative	Medicaid program
1993	$1	Negligible	$5
1994	2	$10	20
1995	3	Negligible	25
1996	3	None	25
1997	3	Negligible	35

* * * * *

State Supplementation: Reduction/Termination

Nearly all of the experts say that States should be permitted to reduce or terminate their supplemental payments once the Federal benefit standard reaches 100 percent of the poverty guideline; however, this should be coupled with grandfathering any current recipient who would otherwise experience a net benefit reduction. As part of this option, States would be required, for at least 3 years after reducing or terminating supplementation, to use their "freed up" funds to provide other services to their SSI populations.

This large majority says that States should be allowed the flexibility to assume new roles with respect to their needy populations and to use limited funds for purposes other than supplementation of SSI. These experts conclude that, once the Federal benefit standard reaches the poverty line, benefits in some States will move above local costs of living; therefore, other kinds of assistance for needy people may be more helpful than cash supplementation of the Federal benefit.

ESTIMATED COST

[In millions]

Fiscal year	SSI Program	SSI administrative	Medicaid Program
1993	None	(a)	$435
1994	None	(a)	1,825
1995	None	(a)	1,995
1996	None	(a)	2,195
1997	None	(a)	2,410

[a] Unable to estimate.

* * * * *

State Supplementation: Federally Administered Variations

A majority of the experts supports requiring each State whose optional supplementation program is administered by the Federal Government, by July 1, 1995, to: (a) Have no more than 3 living arrangement

variations—not counting a supplementation level for persons subject to the $30 payment limit, no more than 6 categorical variations (3 each for individuals and couples), and up to 3 based on geographic distinctions; or (b) pay SSA for administering the supplementation program; or (c) administer its own program. They view the federally-administered supplementation programs as having become overly complex and costly for Federal administration and say that an increased Federal benefit standard should reduce the need for so many variations.

ESTIMATED COST

[In millions]

Fiscal year	SSI Program	SSI administrative	Medicaid Program
All	None	(*)	None.

* Unable to estimate.

* * * * *

Limited Payment to Residents of Institutions

All of the 19 experts who expressed a view on this issue support an increase in the current $30 payment limit applicable to certain residents of medical institutions. These experts say the payment should be increased to a maximum of $35, followed by annual cost-of-living adjustments rounded to the next higher dollar.

This majority of experts views an initial increase of $5 as necessary recognition of ongoing increases in the costs of the comfort items for which the limited payment was intended. Thereafter, annual adjustments would keep the payment limit in alignment with living costs. They also say that applicability of the payment limit should apply as it does now: to persons experiencing lengthy stays in public or private medical treatment facilities where the Medicaid program pays a substantial part of the cost of their care so that SSI should continue to fill in only in terms of personal incidentals not provided by the institution or Medicaid.

ESTIMATED COST

[In millions]

Fiscal year	SSI Program	SSI administrative	Medicaid Program
1993	$8	None	Negligible.
1994	16	Negligible	Negligible.

ESTIMATED COST—Continued

[In millions]

Fiscal year	SSI Program	SSI administrative	Medicaid Program
1995	20	None	Negligible.
1996	23	None	Negligible.
1997	27	None	Negligible.

* * * * *

Accounting Periods: Prospective Monthly Period

Almost all of the experts support use of a prospective monthly accounting period for purposes of determining SSI eligibility and payment amount. The experts want an SSI accounting period that is as responsive as possible to changes in recipients' financial circumstances, that simplifies program administration, and that produces easily understood results in terms of eligibility and payment amount. They also want to protect Medicaid eligibility for those people affected by variations in the number of regular paydays per month. These experts conclude that, except for calendar-related income fluctuations which can occur under any kind of monthly system, a monthly prospective accounting period would meet all of the criteria more effectively than the present retrospective system.

ESTIMATED COST

[In millions]

Fiscal year	SSI Program	SSI administrative	Medicaid Program
All	(*)	Negligible	(*)

* Unable to estimate.

* * * * *

Accounting Periods: SSI Eligibility Definition

For as long as the existing monthly retrospective accounting period remains in existence, a majority of the experts concludes that SSI eligibility should be defined in terms of the combined Federal/State supplementary benefit level for those States where SSA administers the supplement.

ESTIMATED COST

[In millions]

Fiscal year	SSI Program	SSI administrative	Medicaid Program
1993	$4	Negligible	Negligible.

ESTIMATED COST—Continued

[In millions]

Fiscal year	SSI Program	SSI administrative	Medicaid Program
1994	5	Negligible	Negligible.
1995	5	Negligible	Negligible.
1996	5	Negligible	Negligible.
1997	5	Negligible	Negligible.

* * * * *

Accounting Periods: Annual Period Simulation

A majority of the experts, all of whom support a change to monthly prospective accounting, also favors computer simulation testing of methods of annual accounting, beginning with a prospective annual period. They wish to determine whether an annual period might be justified as simpler and more understandable than a monthly or quarterly one.

ESTIMATED COST

[In millions]

Fiscal year	SSI Program	SSI administrative	Medicaid Program
All	None	(*)	None.

* Unable to estimate.

* * * * *

Accounting Period: Income Fluctuations

Almost all of the experts favor continuing Medicaid coverage when a calendar-related income fluctuation causes loss of SSI eligibility. They see this as consistent with the statutory linkage between SSI and Medicaid, more equitable, and easier for the public to understand.

ESTIMATED COST

[In millions]

Fiscal year	SSI Program	SSI administrative	Medicaid Program
All	None	Negligible	Negligible.

* * * * *

Accounting Period: Income Verification

Nearly all of the experts also favor eliminating income verification in situations when such verification would not be cost-effective. They say that this would be an administrative

simplification with little financial risk attached if the criteria for cost-effectiveness are carefully drawn.

ESTIMATED COST

[In millions]

Fiscal year	SSI Program	SSI administrative	Medicaid Program
All	(a)	(a)	(a)

[a] Unable to estimate.

* * * * *

Chapter II, Appendix i—Other Federal Programs' Eligibility Standards as a Percentage of the Poverty Guidelines

The following Federal programs are chief among those which, by statute (or regulation), use more than 100 percent of the poverty guidelines in establishing income cutoffs for eligibility and/or for offering sliding fee schedules for services.[1]

Program and Poverty Guidelines Percentage

Medicaid: Qualified Medicare Beneficiaries 1991–92: 100%, 1993–94: 110%, and 1995 on: 120%.

Children under 6, infants, and pregnant women—133% but State may go to 185%; 23 States are at 185% and 6 others are between 133% and 185%.

Spousal impoverishment, minimum protected income—1989–91: 122% of amount for 2 people; 1991–92: 133%; 07/92 on: 150% of amount for 2 people.

Food Stamps: 130% for households w/o elderly or disabled member.

Special Supplemental Food Program for Women, Infants, & Children—Set by States but cannot exceed 185%.

Commodity Supplemental Food Program—130% (elderly only).

National School Lunch Program; School Breakfast Program; Child/Adult Care Food Program; Special Milk Program for Children—Free meals: 130%; Reduced-price meals: 130% to 185%.

Food Distribution Program on Indian Reservations—130%.

Food Commodities Program—Set by States. Often 130% but may be higher.

Community Services Block Grants; Community Food and Nutrition—Usually 100% but States may go to 125%.

Low-Income Energy Assistance—Greater of 150% of the guidelines or 60% of State's adjusted median income.

Weatherization Assistance for Low-Income Persons—125%.

Community Health Centers; Migrant Health Centers Grants; National Health Service Corps—Sliding fee schedule for those between 100% and 200%.

Family Planning Services—Sliding fee schedule between 100% and 200% (or 250% in some cases).

Senior Community Service Employment Program—125%.

Foster Grandparent Program; Senior Companion Program—Higher of 125% or of 100% + SSI State supplement.

* * * * *

Note: Benefits for SSI recipients are considerably higher than those for AFDC recipients but are generally lower than benefits provided to retired or disabled workers under the social insurance programs. (AFDC legislation does not refer to poverty guidelines although a few States have chosen to use a less-than-100-percent level of the guidelines.) SSI benefits for children with disabilities are basically the same as benefits for adults.

Chapter III—Needs-Based Issues—Including the Elimination of In-Kind Support and Maintenance and Raising the Resources Limits While Streamlining the Exclusions

A. Preamble to Chapter

Precursors to SSI—the National Perspective.

Historically, one objective of the Social Security Act was to establish a social insurance program as the first line of defense against the future loss of income for persons who work. However, some persons were ineligible for social insurance benefits due to insufficient work history, and some received benefits which were inadequate to provide a basic living. Therefore, the Act provided incentives (in the form of matching funds) to the States to establish and maintain means-tested programs of assistance to persons who were aged, blind, or disabled.

For these Federal/State grant programs, the statute required that a person's income and resources be considered in determining need. However, neither the statute nor Federal regulations provided a definition of income or resources, or specified income levels or resource limits which would apply. Each State specified the amount that represented basic needs and defined those needs. All States recognized food, clothing, shelter, fuel and utilities as "basic" consumption items needed by everyone. Most States also included other items (e.g., personal care items, medicine chest supplies, household supplies, etc.).

The Act mandated certain disregards (exclusions) relating to earned income. States were given options in designing their measures of need; some options were to disregard a limited monthly amount of "any income" and to provide for some form of "relative responsibility."

Federal rules required States to specify the amounts and types of real and personal property, including liquid assets, that might be retained to meet current and future needs. In addition to the home, personal effects, automobile and income-producing property allowed by the State, the amount of real and personal property, including liquid assets, that could be reserved for each individual recipient was limited to $2,000. States also were permitted to allow "reasonable" proportions of income from business or farms to be used to increase capital assets, so that a person's income might be increased.

Needs Tests Under SSI

When the SSI program was enacted, its primary objective was to provide a nationally uniform income floor for persons who are aged, blind, or disabled and have little or nothing on which to live; i.e., those who are "needy." There were efforts to provide objective and nationally uniform rules, to remove the "stigma" of welfare, and to provide individuals with cash which could be used at their own discretion. At the same time, some of the adult programs' basic income and resource schemes carried over to the SSI program in addressing measures of need.

As with the former State programs, the SSI program uses two measures of need: Income and resources. To be sufficiently "needy" to receive SSI benefits, a person must meet both the income test and the resources test. For someone who is eligible, the amount of his/her income also affects the amount of any SSI benefit which may be paid.

The Federal benefit standard functions as a limit on countable income which a person may have and still be eligible to receive Federal SSI benefits. Income which is counted is subtracted from the Federal benefit standard to arrive at the amount payable to an otherwise eligible person. This approach bears some similarity to the approach under the former programs. A discussion of the adequacy of the Federal benefit standard as a measure of income necessary to support a person's needs for food, clothing, and shelter, is provided in part B of chapter II. That chapter also contains information concerning the computation of benefits (in part F).

This chapter addresses basic rules regarding what is considered to be income or resources; how much income should be counted against the Federal benefit standard, and the role of resources in efficiently and effectively identifying those who are needy. Although in-kind support and maintenance is a type of income, it is addressed separately (in part C) since it has unique characteristics and has been

[1] Except for Medicaid, based on excerpts from "Federal Programs Using the Poverty Guidelines * * * as an Eligibility Criterion or to Target Assistance or Services", Gorden M. Fisher, ASPE/DHHS.

frequently identified as one of the most complex and troublesome program areas.

B. Income

Background Information

Meaning of income. For SSI purposes, there is a national definition of "income." In general, "income" means anything a person receives that can provide food, clothing, or shelter. Sometimes income takes the direct form of food, clothing, or shelter. More often, it comes in the form of cash (including checks and electronic funds transfers).

Income, under the statute, is either "earned" or "unearned." Earned income comes from wages, self-employment, and similar sources. Unearned income is every other kind of income. Examples of common types of unearned income are social insurance benefits, veterans benefits, rental and lease income, interest and dividend income, and "in-kind support and maintenance" (food, clothing, and shelter).

Exclusions from income. Income exclusions provide a financial advantage to persons who receive certain kinds of income (see "countable income"). The Social Security Act provides many exclusions from income. In addition, a number of other specific exclusions have been written into statutes governing other programs, such as housing subsidies and earned income tax credits. There are more than 50 income exclusions provided by statute.

Countable income. Countable income is the amount of income remaining after all appropriate exclusions are applied to income. It is the amount actually subtracted from the Federal benefit standard to determine eligibility and to compute the monthly benefit amount.

Areas Where Issues Arise

Earned income exclusions. Some program rules relating to earned income address a program objective other than need: incentives and opportunities for SSI eligible persons who are able to work, or to be rehabilitated, to enable them to increase their independence. In designing the SSI program, the Congress recognized that some needy people, including the aged, would continue to work and attempt to be self-supporting long after others would have stopped. To encourage these attempts, Congress reasoned that those who work should find that their work resulted in a higher level of income than could be had without working. Therefore, the statute provides that, in determining eligibility for and the amount of SSI benefits, significant amounts of a worker's earnings are to be excluded. The experts' individual views concerning the income provisions related to such exclusions are addressed in part C of chapter IV.

The $20 monthly general income exclusion. The first $20 of monthly income does not count. The $20 was set at the beginning of the program. This exclusion was intended to assure that persons who had previously worked in the labor force would receive somewhat higher monthly income than those who had not. It was believed that the exclusion would most often apply to social insurance benefits; however, it could apply to income from any source except need-related income.

The amount of the exclusion has never been increased, although the Federal benefit standard has more than tripled since it was first set in 1972. The $20 is subtracted first from any unearned income a person has. If the person has less than $20 in unearned income (or none at all), any remaining amount of the $20 is subtracted from any earned income.

During the experts' meetings, they heard people state that this exclusion has lost much of its value and should be increased to reflect the increased cost of living since 1972 and it should be indexed for inflation. Some also said that if the exclusion were applied only to unearned income, it would be more understandable to the public.

Interest and dividends. The amounts of interest and dividends received by SSI beneficiaries usually are quite small. (The amounts are limited, in effect, by the program's eligibility limits on the resources that generate such income.) These amounts count as income unless they can be excluded under a provision that allows for exclusion of income that is "infrequent or irregular" or under the $20 monthly general income exclusion.

Often, the "infrequent or irregular" exclusion cannot apply, even when the amount of the interest or dividend is very small. This is because interest and dividends often are received both "regularly" and "frequently." To be considered "infrequent," the income must be received no more than once in a calendar quarter and in an amount not greater than $20.

The experts heard people state that there are inequities in the treatment of interest and dividends because some are excluded under the "infrequent or irregular" exclusion and others must be counted; sometimes the only difference is how often the bank or company chooses to pay its interest or dividends. Some people said that excluding interest and dividends would simplify program administration and it would reward SSI recipients who are thrifty and try to save money.

Income "deemed" from an ineligible spouse or parent. When a married person whose spouse is ineligible applies for SSI benefits, part of the spouse's income may be considered to belong to the applicant. Similarly, if a child applies for SSI benefits, part of the income of an ineligible parent(s) in the household may be considered to belong to the child. This process of considering some of a spouse's or parent's income is called for by statute; it is referred to as "deeming," because the SSI program "deems" part of the relative's income to be available for the support of the applicant or beneficiary. The Secretary of Health and Human Services determines, through regulations, how much of the income of an ineligible spouse or parent(s) to deem as income.

The regulations provide three different formulas for deeming income from a parent(s) to a child. In all three formulas, an amount for each ineligible child in the household is excluded from the parent's income. This recognizes the need for the parent to support such other children. After this exclusion is applied, one of the three formulas is used, depending on whether the remaining income of the parent is earned income, unearned income, or a mixture of earned and unearned income.

Experience has shown that the three formulas do not always produce equitable and reasonable results. Often, a slight change in the nature of the parent's income (e.g., from a mixture of earned and unearned income to only unearned income) can produce a major increase in the amount of income deemed to the SSI child. This happens because of the differences between the formulas used in these two situations.

On July 8, 1991, the Secretary of Health and Human Services published a Notice of Proposed Rulemaking in the **Federal Register** (56 FR 30884) to change the rules so that the formula in use for situations where the parent(s) has both earned and unearned income would apply in all situations. A final regulation has not been published to date.

Other issues related to parent-to-child deeming of income were raised by the public in response to the issues paper which the SSI Modernization Project published in the **Federal Register** on July 31, 1991. People commented that unusual expenses incurred by parents for a disabled child should be deducted before deeming the parents' income to that child. Examples of such special expenses ranged from smaller items, such as disposable diapers needed by a child who is incontinent, to major

investments, such as structural changes to a home to accommodate a child who uses a wheelchair. Money spent on such items is not available for the child's food, clothing, and shelter needs.

Some people also commented that certain types of income received by a parent who is no longer able to work due to disability or unemployment should be treated as earned, rather than unearned, income. Examples mentioned of such types of income are: unemployment compensation, workers' compensation, and disability and survivorship social insurance benefits. It was stated that, despite a substantial loss in household income, a child can actually lose entitlement to SSI, and possibly Medicaid, when wages stop and these other benefits begin. The problem arises because earned income is treated more favorably than unearned income.

Income from individually held Indian trust land. Many Federal statutes provide for the exclusion from income of payments made to members of Indian tribes and groups. There is, however, no specific exclusion that applies to income derived from individually held Indian trust lands.

Individually held Indian trust land is managed by the Bureau of Indian Affairs for the benefit of individual Indian landowners. It may generate income, typically from agricultural leases. Indians receive a portion of the lease income in proportion to the amount of land they own.

The experts were told during the public meetings that the SSI treatment of this lease income creates serious problems for tribal elders because receipt of the income is virtually always unpredictable and it may be received in 6 or 8 different months of the year. It was stated that the program pays monthly benefits based on estimates of such income which (of necessity) are highly unreliable; this too often leaves the tribal elders with little or no income.

Experts' Discussion of Unearned Income Issues

The $20 monthly general income exclusion. Several of the experts cited the historical purpose of the general income exclusion: to reward beneficiaries who receive social insurance benefits. Without such an exclusion, some persons who have worked and earned social security coverage would be no better off than SSI recipients who have never worked.

Some experts questioned whether, with an adequate Federal benefit standard, it would be appropriate to exclude a significant amount of other income and so lift SSI beneficiaries with other income significantly above the benefit standard. These experts pointed out that the need for a high general income exclusion is greater while the benefit standard remains low but diminishes as the benefit standard becomes more nearly adequate.

A number of experts said the cost of increasing the exclusion to one-seventh of the Federal benefit standard (the ratio at the beginning of the program) is prohibitively high, at least in the early years as the higher benefit standard is being phased in. Most experts agreed that achieving the higher benefit standard should take priority over an increase in the general income exclusion.

Several experts spoke in favor of restricting the exclusion to unearned income only. They agreed that this change would simplify the program. If accompanied by an increase in the basic earned income exclusion, the restriction would not cause any recipient to lose SSI benefits.

One expert suggested a different simplification: Replace the general income exclusion and the earned income exclusions with a $200 exclusion for any combination of earned and unearned income. Exclude one-half of the balance; and index the basic ($200) exclusion to the cost of living, increasing the exclusion when a change in the cost of living would raise the exclusion by a $50 increment.

Another expert suggested an immediate increase in the existing exclusion to $30, to be followed by a phased-in increase to one-seventh of the benefit standard only after the benefit standard reaches 120 percent of the poverty line. A majority of the experts, however, expressed a preference for a one-time increase in the exclusion to $30, and restricting it's application to unearned income.

Interest and dividends. Many experts expressed the view that the present requirement to count very small amounts of interest and dividends is undesirable. It discourages beneficiaries who have only modest amounts of savings, and it adds unnecessary complexity to the management of the SSI program.

However, the experts were concerned that a blanket exclusion of all interest and dividends might be inappropriate in an SSI program with a significantly higher limit on assets (see part D). Such an exclusion would benefit most those with the highest assets. In view of this concern, an expert suggested an annual exclusion of $200 of interest and dividends; all additional interest and dividends would be counted. Most of the experts agreed with this suggestion.

Parent-to-child deeming. Most of the experts said that the present three formulas should be reduced to one. They said that the current formula which is used when the parents have both earned and unearned income should be used in all cases, regardless of whether the income is earned, unearned, or a mixture.

A majority also believed that itemized special expenses of the disabled child should be deducted from parental income before income is deemed to the child. This would recognize the need for parents to be able to provide for special needs directly related to the child's disabling condition. These experts also stated that income received by a parent because she is no longer able to work should be treated as earned income so as to avoid a benefit decrease when income drops substantially.

Individual Indian trust income. One expert familiar with the problems of SSI beneficiaries who are Indians stated that, because income from individually held trust lands can be very irregular and unpredictable, the lease payments often cause SSI overpayments. The expert said that some Indians have given up on SSI because of frustration with these overpayments over which they have little or no control.

The same expert explained that proposed legislation (S. 754), which would provide a $4,000 annual exclusion of income from individually held Indian trust lands, is intended to protect the large majority of affected SSI beneficiaries who receive this amount or less each year. Those few who receive more than $4,000 per year would continue to have the excess amount counted for SSI purposes.

Another expert from a State with a large Indian population said that, because many Indians live in communities with non-Indian SSI beneficiaries, an annual exclusion of $4,000 for some SSI beneficiaries might be resented by those who must rely on SSI alone. This expert suggested, as a compromise, an annual exclusion of $2,000, since most income from individually held Indian trust land totals less than $2,000 annually, and the Alaska Native Claims Settlement Act provides for a similar exclusion of up to $2,000 per year of cash for certain Alaskan natives. The experts who supported an exclusion preferred this $2,000 amount.

Recapitulation of Experts' Opinions on Unearned Income

Option	Experts supporting
The $20 general monthly income exclusion:	
1. Increase the exclusion to $30 but apply the exclusion only to unearned income	16
Comment: One expert supporting this option also supports indexing the exclusion for inflation by setting its value at one-seventh of the Federal benefit standard and rounding to the nearest multiple of $10. A second expert supporting this option also supports such indexing, but prefers that the value be rounded to the nearest multiple of $5.	
2. Replace the general income exclusion and the earned income exclusions with a $200 exclusion for any combination of earned and unearned income. Also exclude one-half of the balance. Index the basic ($200) exclusion to the cost of living, increasing the exclusion when a change in the cost of living would raise the exclusion by a $50 increment	1
Interest and Dividends:	
1. Exclude from income an annual amount of $200 of interest and dividends. Count any interest and dividends in excess of this annual amount	17
Comment: One expert supporting this option also supports counting interest and dividends, but only if the resource limits are increased significantly or the Federal benefit standard is increased at least to the poverty line.	
2. Continue to count interest and dividends, as at present, regardless of the resource limit and Federal benefit standard	1
Parent-to-child deeming:	
1. Adopt, for use in all parent-to-child deeming situations, the current formula used when the parents have both earned and unearned income	16
2. Deduct itemized special expenses of the disabled child before deeming parental income to the child	16
3. In parent-to-child deeming, treat unearned income that is intended to replace a parent's earnings (such as unemployment compensation, workers' compensation, and disability and survivorship social insurance benefits) as earned income	16
Individual Indian trust income:	
1. Exclude up to $2,000 per year per individual of income derived from individually held Indian trust land	16
Comment: One expert in favor of this option also supports indexing the $2,000 amount of the cost of living and increasing the exclusion when a change in the cost of living would increase the exclusion by an increment of $500.	
2. Continue to count all income derived from individually held Indian trust land	1

C. In-Kind Support and Maintenance

Background Information

One type of income that the SSI program considers is "in-kind support and maintenance." In-kind support and maintenance is not cash but is actual food, clothing, or shelter that is given to a person or that the person receives because someone else pays for it. Shelter means room, rent, mortgage payments, real property taxes, heating fuel, gas, electricity, water, sewerage, and garbage collection services. There are two rules for valuing in-kind support and maintenance: The one-third reduction rule and the presumed maximum value rule.

One-third reduction rule. The statute provides for reducing the SSI benefit rate by one-third instead of determining the actual dollar value of items received when the individual or couple lives in another's household and receives in-kind support and maintenance from that person. This has been interpreted to mean that a person in the household of another must receive both food and shelter from others in the household before the one-third reduction can apply.

An SSI claimant is not living in another person's household if s/he owns, or has rental liability for, the living quarters or is in a noninstitutional care arrangement such as foster or family care. Such a claimant is not subject to the one-third reduction.

An SSI claimant is not receiving both food and shelter from anyone else in the household if s/he pays a pro rata share of household operating expenses, lives in a household in which all members receive public assistance, or receives food or shelter (but not both). Therefore, such a claimant is not subject to the one-third reduction even if s/he lives in another person's household.

Presumed maximum value rule. When an SSI claimant receives food, clothing, or shelter (from someone with whom s/he lives or does not live) but the one-third reduction rule does not apply, the presumed maximum value rule is used. The value of any food, clothing, or shelter received is presumed to be worth a maximum of one-third the Federal benefit rate plus the amount of the general income exclusion ($20). (This value results in the same benefit which would be payable to a person with no other income and subject to the one-third reduction.)

This amount is unearned income unless the presumed maximum value is higher than the actual value of the food, clothing, or shelter received. In such a case, the actual amount received is unearned income.

Discovering in-kind support and maintenance. When a person applies for SSI, and periodically thereafter when eligibility is redetermined, s/he must answer many personal questions about her/his living arrangements. These include questions about the household operating expenses, the number and relationship of other household members, and any help the household may receive to meet expenses. Questions are also asked of—and statements obtained from—other household members, even though these other people may not be applying for SSI benefits themselves.

Testimony received. Many members of the public provided oral and written statements to the experts concerning the adverse effects of the current program treatment of in-kind support and maintenance. Such testimony came from officials of local government agencies as well as representatives of private non-profit organizations and advocacy groups, and recipients themselves.

Many people reported that the program's attempts to discover, and assign a value to, in-kind assistance provided to an SSI claimant are harsh and demeaning, a disincentive to family members helping each other, and in direct conflict with other government programs which encourage family involvement.

Some said that the application of these provisions discourages caregiving by family members and use of housing alternatives which are beneficial to the individual and to society. One person said, "The poorest and sickest of the elderly live with poor families who assist in caring for them." Another commented, "Informal caregiving provided by friends and relatives provides valuable assistance to the elderly. It is estimated that relatives represent 84 percent of all caregivers * * *. [The provisions] only serve to create further financial hardship for the family of the elderly or disabled and discourages family support * * * [and] encourages institutionalization, which is a much more expensive alternative to home caregiving."

It was stated that the pro-rata share analysis is inequitable since it assumes that all household members consume or otherwise benefit from equal portions of the food and shelter expenses of a household. This does not necessarily correlate to the facts of any given household situation.

A recipient commented, "There are as many reasons as there are people for having to live with [SSI]. No one expects

government to pay them to live in luxury * * * but it would be nice to be able to accept a gift at Christmas or on your birthday without having to report it and have the small check you receive reduced because these things are considered 'in-kind income.' "

Others stated that it is inequitable that in-kind support provided by a nonprofit organization is not counted, but help from within a family reduces the benefit. Similarly, some stated that it is inequitable that those who receive public housing are not charged with income because of it, but those whose family members help with housing costs receive a benefit which is reduced because of that help.

Field office employees reported that the process of gathering information and decisionmaking regarding the existence and value of in-kind support and maintenance is one of the most complex and time-consuming tasks they face. They said that evaluating in-kind support and maintenance is subjective, and even experienced employees have difficulty in making the necessary judgments. They also viewed the provisions as inequitable, time consuming to administer, and error prone. Some also said that it is difficult for recipients to understand why they are being charged the determined amounts. Nearly all stated that an inordinate amount of the time they spend processing SSI claims is devoted to this area.

Other programs. Other income maintenance programs supported by the Federal Government do not require that a person's benefit be reduced due to the in-kind receipt of food, clothing, or shelter. With respect to the Aid of Families with Dependent Children program, States have the option of disregarding in-kind income which is not earned income. While there is no central data source on the matter, it appears that most States, in recognition of the difficulty of valuing it, to disregard such income.

The VA, with respect to its needs-based cash benefit programs, looks to the source and purpose of an in-kind gift. If the purpose of the gift is to provide basic sustenance needs (e.g., food, clothing, and housing), it is not counted as income, even when received from a private party such as a friend or relative.

Experts' Discussion of In-kind Support and Maintenance

None of the experts who addressed this issue was satisfied with the status quo. Each one favored some modification of the in-kind support and maintenance rules. Each also said that modification of these rules should be one of the top priorities.

Nearly all of the experts indicated that, as a result of public testimony and discussions with field office staff, SSI recipients, and others, the only option they felt they could support was to eliminate counting in-kind support and maintenance. They stated that efforts over the years to clarify or change the rules on counting in-kind support and maintenance have not succeeded, and have only made the policy more confusing and troublesome to recipients and SSA employees alike.

One expert stated that the proposal to eliminate counting in-kind support and maintenance would be too costly and, for this reason, the Congress probably would not support such a change to the program. This expert suggested that the better approach would be to replace present rules for addressing in-kind support and maintenance with a provision for a 25 percent reduction in benefits for any person residing in a household with another person who is an adult. The expert also favored including measures which would protect current recipients against a benefit reduction due to the operation of such a provision. This expert believed that this option would result in program savings, and stated that such savings should be used to improve the SSI program, rather than reverting to the general budget. (For more information, see "Additional Views" at the end of this report.)

Recapitulation of Experts' Opinions on In-kind Support and Maintenance

Option	Experts supporting
1. Eliminate consideration of in-kind support and maintenance as income	17
2. For new beneficiaries, eliminate the current provisions regarding in-kind support and maintenance. The benefit for a person living in a household with another person who is an adult (whether or not an SSI beneficiary) would be based on 75 percent of the benefit for an individual living alone	2

D. Resources

Background Information

Resources: Eligibility with respect to resources is determined based on a person's resources as of the first moment of each calendar month and the determination is applicable to the entire month. Thus, a person is determined to be resources eligible or ineligible for an entire month at a time.

If countable resources (see below) do not exceed the applicable limit, the person is resources eligible; there is no effect on the amount of SSI payments. If countable resources exceed the limit, the person is ineligible. A basic premise of the resources test is that people whose resources exceed the applicable limit (currently $2,000 for individuals and $3,000 for couples whether or not both spouses are eligible) should use the excess to meet their needs before becoming eligible for SSI benefits.

Meaning of resources: Resources are cash, other personal property, and real property that an individual owns and has the right to turn into cash to use for his/her own basic needs of food, clothing, and shelter. Not everything a person owns is a resource. A person may own something that s/he does not have the right to turn into cash or use for basic needs. Such things are not resources for SSI purposes.

Certain statutory provisions of the SSI program are based on a presumption that other people share financial responsibility for an individual or couple. Thus, resources of certain other people, particularly an ineligible spouse, or ineligible parent of a child under age 18, are considered to be resources of the individual. This is referred to as "deeming of resources" and is addressed further under "Resources of an ineligible spouse or parent," below.

Excludable and countable resources. The statute provides that certain items shall be excluded from resources when determining whether an individual (or couple) meets the applicable resource limit. These items are referred to as "excludable" resources. This term applies to such things as: the home; household goods and personal effects; an essential automobile; burial spaces and burial funds; life insurance; lump sum retroactive payments of SSI or social insurance benefits (time-limited exclusions); property essential to self-support; and resources set aside as part of a plan for achieving self-support.

Resources that are not excluded count against the statutory limits and are referred to as "countable" resources. Examples of common types of countable resources are cash, nonhome real property, checking and savings accounts, time deposits, stocks and bonds, and property agreements and property rights.

Reasons for resource exclusions. The SSI statute and regulations single out certain resources for special treatment (exclusion). The idea behind the resource exclusions is that certain property is so essential to one's well-being (for example, the home a person lives in) that its owner should not be expected to sell it and use the cash to

meet day-to-day living expenses. In addition, certain funds which are provided for, or set aside for, special purposes are not counted in the SSI program (for example, money paid to a victim of a crime or set aside for burial expenses).

Areas Where Issues Arise

The resources limits and exclusions. The original resources limits established by statute were $1,500 for an individual and $2250 for a couple. These remained the same for 10 years. Effective January 1985, and in each of the next 4 years, the limits were increased by $100 for an individual and $150 for a couple. By January 1989, the limits were $2,000/$3,000 and they have remained at these levels.

Questions frequently arise concerning what should be regarded as a resource, particularly with respect to trusts, and transfers of resources at less than market value.

Treatment of trusts. Money or other property in a trust is treated according to the basic rules concerning what is a resource and which resources count. In order for a trust fund to be considered a person's resource, the person must own the property in the trust and be legally able to access the trust and use the money for support. If the person cannot legally do so, the trust fund is not considered to be a resource. These rules allow a third party to set aside money in any amount in a trust for the benefit of an individual without it being counted as a resource for that individual.

Transfer of resources. If a person gives away something s/he owns, or sells it for less than it is worth, there is no effect on SSI eligibility. (Before July 1, 1988, if a person gave away something or sold it for less than it was worth, the difference between the fair market value and what the person received was counted under the SSI program as the person's resource for 24 months.) However, the Medicaid statute provides that if a person gives away a resource or sells it for less than its value, s/he may not be eligible for Medicaid-covered nursing home services for up to 30 months from the time of the transfer.

During the public meetings, people said that the resources limits are too low and keep people who are very needy from receiving benefits. Some pointed out that the limits prevent people from being able to save sums sufficient to provide for emergencies (e.g., repair of a roof, replacement of a heater or refrigerator, etc.). Others said that the resource exclusions lend complexity to the program—those who understand exclusions are able to make optimal use of the rules to gain eligibility while those who have total resources of equal or lesser value but do not understand (or receive knowledgeable help) are resources ineligible.

Time-limited resources exclusions. Some resources are not counted for a limited number of months, ranging from 1 to 9 months. These time-limited exclusions give people extra time to use the resources before they are counted toward the SSI limit. Examples of time-limited exclusions are: (a) retroactive payments of SSI, and retirement, survivors, and/or disability social insurance payments are excluded for 6 months; (b) payments from a fund established by a State to aid victims of crime, and certain relocation assistance provided by a State or local government, are excluded for 9 months.

Overpayments due to excess resources. When a person's resources exceed the limit at the beginning of a month for which s/he receives an SSI payment, the entire benefit paid for the month(s) represents an overpayment. In such a situation, if the individual requests waiver and is found to be without fault in creating the overpayment, recovery of a portion of the overpayment may be waived. However, the person must repay an amount equal to (a) the difference between his/her total resources and the resources limit or (b) the total overpayment, whichever is less. An exception applies in situations where the resources exceed the limit by $50 or less. In such situations, the person does not have to pay back any amount unless the failure to report the excess resources in a timely manner was willful and knowing.

Resources of an ineligible spouse or parent. The value of all countable resources of an ineligible spouse is added to the value of the eligible individual's own countable resources. As long as the total value of those resources does not exceed the resource limit for a couple (currently $3,000), the individual is resources eligible.

In general, if a child under age 18 lives in a household with both parents, the value of all countable resources of the parents which exceed the resources limit for a couple (currently $3,000) is deemed to be a resource of the child. If only one parent is in the household, the value of all countable resources of that parent which exceed the resources limit for an individual (currently $2,000) is deemed to be a resource of the child. There is no provision for an exclusion(s) for an ineligible child(ren) in the household. (If there is more than one SSI eligible child under age 18 in the household, the deemed parental resources are divided equally among the children.)

The child's countable resources include deemed parental resources in addition to his/her own resources. As long as the child's total resources do not exceed the resource limit for an individual, the child is resources eligible.

Experts' Discussion of Resources Issues

Resources limits and exclusions. Most experts, affirming the views of most public commenters, said that the resources test needs to be changed.

During the course of their public meetings, the experts were concerned with a total review of the asset test to determine whether the test is useful, and if so, whether it effectively and efficiently identifies those who are truly needy. Various experts posed, for discussion purposes, a variety of different approaches to the resources test. One approach would have eliminated the test, creating incentives to place resources in an income producing mode while retaining rules which provide for counting the income. Most experts believed that this would open the program to potential abuse.

Other approaches were to increase the limits to various levels with alternatives as to whether current exclusions would be retained. Some experts introduced, for discussion, concerns over current program rules which: allow money to be set aside in trusts; ignore transfers of resources to others for less than full value; and, in effect, create the need to "pigeonhole" resources in order to take full advantage of the available exclusions.

Many experts said that increased resources limits are needed in order to enable people to set money aside to meet emergencies. Further, some contended that current limits make it impossible for people to save enough money to eventually achieve independence from public assistance. They believed that higher limits would improve the potential for people to do this.

The experts discussed what resources limits would be appropriate, taking into consideration the estimated costs of increasing the limits to various levels, and possible tradeoffs between increases in the limits and elimination of some current exclusions. A few experts expressed concern that the elimination of exclusions for such things as life insurance and burial funds would mean that some recipients would have to dispose of assets in order to remain eligible to receive SSI benefits. However other experts pointed out that adequate increases in the limits would allow beneficiaries with such currently excluded resources to keep them. Eliminating specific exclusions while increasing the limits would simplify the

program and provide people with greater flexibility in their conservation and use of funds.

One expert commented that the need for increases in the resources limits is overshadowed by the need for increased benefit levels and, therefore, the resources limits should remain as they are until benefits are more nearly adequate. Another expert said that the current limits impose restrictions on people which cannot be ignored. This expert stated it would be legitimate to consider some trusts as resources, but not those established by third parties in an effort to provide beneficiaries with things which are not considered to be income.

A majority of the experts supported increasing the resources limits to $7,000 for an individual and $10,500 for a couple and simplifying the resources test by streamlining the exclusions. The home, an essential car, business property essential for self-support, and household goods and personal effects would (continue to) be excluded. All other exclusions, including the exclusions for life insurance and burial funds would be eliminated. Assests not readily convertible to cash, such as real property, would not be counted. However, funds in a trust established with an individual's (or spouse's) own money, and funds in a trust established with judgment payments when the settlement order requires that the funds be made available for general needs, would be counted as resources. The experts did not propose changes to the SSI program regarding transfer of assets, recognizing that this is an issue more for the Medicaid program than for SSI.

Several experts supported the streamlining of the exclusions, as described above, but favored larger increases to the resources limits. They would set the limits at $12,000 for an individual and $15,000 for a couple. Two more experts, while not objecting to increasing the resources limit, believed that other priorities should be addressed first.

In general, most experts supported increases in the resources limits with streamlined exclusions. The experts favored the above approaches over an option to triple the resources limit, without changing the exclusions. They said that streamlining the exclusions would remove present inequities (i.e., differences in how much people can retain, depending on the manner of retention); and it would make the program easier for beneficiaries to understand and for SSA to administer. A majority of experts said that the change in the resource limits, while streamlining the exclusions, should be one of the top priorities.

Another option considered was to set the resources limit for a couple at an amount equal to twice the limit for an individual. However most experts did not choose to pursue this. They also generally declined to support indexing the resources limits for cost-of-living increases, in favor of establishing new, higher limits and streamlining the resources test. One expert stated that the resources limits should be reviewed again in 5–10 years following an increase to determine whether changes in the cost of living had created a need for further increases in the limits.

Time-limited resources exclusions. Most experts concluded that it is reasonable to allow people time to dispose of certain resources, and uniform time limits would make the resources rules easier for the public to understand and easier for field offices to administer. For those exclusions which have time limits, they favored a limit of 12 months.

Treatment of excess resources. The experts discussed concerns over the "notch" effect created by the present resources eligibility test. That is, if resources exceed the limit by as little as one dollar, a person becomes ineligible to receive benefits. This can be troublesome in initial claims as well as for people who are on the rolls. In an initial claim, the person must spend down to become eligible. A person already receiving benefits can be removed from payment status because of a change in resources which is relatively small, such as interest added to a bank account. Several experts spoke in favor of a sliding scale approach such that resources in excess of the limit would, on a graduated basis, reduce the benefit amount (in much the same way as countable income reduces the benefit amount). Most of the experts believed that this would introduce a new complexity to the program and would be of limited value since it would be so hard for beneficiaries to understand.

Most experts believed that they could alleviate the problem related to ongoing eligibility of people on the rolls by changing the method for calculating overpayments that result from excess resources. Under the favored policy change, the amount of an overpayment resulting from excess resources would not be greater than the maximum amount by which the person's resources exceeded the resources limit. This would remove the current onus on the beneficiary to request and justify waiver of recovery of the excess amount.

Parent-to-child "deeming" of resources. Most experts favored a policy change that would provide for a resources exclusion for an ineligible child(ren) in the household, along the lines of the current parent-to-child income deeming rules. Under the favored approach, when the amount of resources to be deemed from a parent(s) to an eligible child was determined, $2,000 for each ineligible child in the household would be excluded.

Recapitulation of Experts' Opinions on Resources

Option	Experts supporting
RESOURCES LIMITS	
A. Increasing the limits:	
1. Increase resources limits to $7,000 for an individual and $10,500 for a couple and simplify the resources test by streamlining the exclusions. The home, an essential car, business property essential for self-support, and household goods and personal effects would be excluded. All other exclusions (except the time-limited exclusions) would be eliminated. Funds in a trust established with an individual's own money, and funds in a trust established with judgment payments when the settlement order requires that the funds be made available for general needs, would be counted as resources	16
Comment: One experts who supports this option also favors increasing the limit for a couple to an amount which would be twice the limit for an individual.	
2. Increase resources limits to $12,000 for an individual and $15,000 for a couple. Streamline the resources exclusions as in option 1 above	3
Comment: Two experts supporting this option also support option 1 above and are included in that count.	
3. Increase resources limits, establishing reasonable levels based on the funds available and other priorities	1
4. Do not change the resources limits until the benefit levels are increased significantly	1
B. Indexing the resources limits:	
1. Index new, higher resources limits to yearly increases in the cost of living	3
Comment: One expert who supports this option also support(s) indexing the current limits to yearly increases in the cost of living.	
2. Index the resources limits to the cost of living when a rise in the cost of living would result in raising the resources limit by an increment of $500	2
Comment: One expert supporting this option would support, as a second choice, indexing the current limits to yearly increases in the cost of living. This expert, while favoring higher limits, does not support indexing such new higher limits.	
TIME-LIMITED RESOURCES EXCLUSIONS	
1. Change the current periods for the time-limited exclusions to 12 months	15

Option	Experts supporting
2. Keep the current periods for the time-limited exclusions	1
TREATMENT OF EXCESS RESOURCES	
1. Change the method for calculating overpayments that result from excess resources. The amount of an overpayment resulting from excess resources would not be greater than the maximum amount that the person's resources exceeded the resources limit	17
2. Implement a "sliding scale" approach. Resources over the limit would reduce SSI benefits in proportion to the amount of excess resources, as opposed to across-the-board ineligibility	3
Comment: The three experts supporting this option also support option 1 above and are reflected in that count.	
PARENT-TO-CHILD DEEMING OF RESOURCES	
1. In determining the amount of resources to be deemed from a parent(s) to a child, exclude $2,000 for each ineligible child in the household	14

E. Options Preferred by a Majority of Experts—Summary and Cost Estimates

In this chapter, the experts have made it clear that a majority favors the elimination of in-kind support and maintenance, including the reduction of benefits by one-third when a beneficiary moves into the household of a family or friend; and a majority favors an increase in the amount of resources people can retain—from $2,000 for an individual and $3,000 for a couple to $7,000 and $10,500 respectively—while streamlining the resources exclusions.

An elaboration of these and other views follows.

The $20 Monthly General Income Exclusion

A majority of experts supports increasing the general income exclusion to $30 and applying it only to unearned income. These experts believe that it will simplify the program to apply this exclusion only to unearned income, and the option to increase the earned income exclusion (see Part C of Chapter IV) will prevent any person from being disadvantaged. These experts also believe that an initial increase in this exclusion will ameliorate the effects of inflation on the exclusion, but further increases are not needed in view of the option to increase the Federal benefit standard to 120 percent of the poverty guideline, as supported by a majority of experts. They stated that it is more important to increase the benefit rate than to exclude additional amounts of income, since the benefit increase will help those with the greatest need—those with no other income.

ESTIMATED COST

[In millions]

Fiscal year	SSI program	SSI administrative	Medicaid program
1993	$203	$150	$260
1994	303	370	935
1995	321	40	1,105
1996	338	30	1,280
1997	355	30	1,475

* * * * *

Interest and Dividends

Most experts support excluding from income an annual amount of $200 of interest and dividends. This would encourage beneficiaries who have modest savings, and it would simplify administration of the program. The cost of this option would be limited by the $200 ceiling on the exclusion; the ceiling also avoids a potential problem of a blanket exclusion which would provide the most help to those with the highest assets.

ESTIMATED COST

[In millions]

Fiscal year	SSI program	SSI administrative	Medicaid program
1993	$3	None	$5
1994	4	Negligible	5
1995	5	None	5
1996	5	None	5
1997	5	None	5

* * * * *

Parent-to-Child Deeming: Income Formula

A majority of experts supports the use of a single formula in all parent-to-child deeming situations. The formula should be that currently used when the parents have both earned and unearned income. This would avoid inequities which now occur due to the use of other formulas in some situations. It would also help to simplify the program and make it more understandable to the public.

ESTIMATED COST

[In millions]

Fiscal year	SSI program	SSI administrative	Medicaid program
1993	$11	Negligible	Negligible.
1994	15	Negligible	Negligible.
1995	15	Negligible	Negligible.
1996	15	Negligible	Negligible.

ESTIMATED COST—Continued

[In millions]

Fiscal year	SSI program	SSI administrative	Medicaid program
1997	16	Negligible	Negligible.

* * * * *

Parent-to-Child Deeming: Special Expense Deduction

A majority of experts supports the option to deduct itemized special expenses of a disabled child before deeming parental income to the child. This would recognize that the parents incur unusual expenses related to the child's disability and money spent on such items is not available for the child's food, clothing, and shelter needs.

ESTIMATED COST

[In millions]

Fiscal year	SSI Program	SSI administrative	Medicaid Program
1993	$10	Negligible	Negligible.
1994	15	Negligible	Negligible.
1995	17	Negligible	Negligible.
1996	18	Negligible	Negligible.
1997	20	Negligible	Negligible.

* * * * *

Parent-to-Child Deeming: New Treatment of Certain Income

A majority of experts supports a change in the treatment of certain types of income received by parents when they are no longer able to work due to disability or unemployment. Such unearned income (e.g., unemployment compensation, workers' compensation, and disability and survivorship social insurance benefits) should be treated as earned income.

ESTIMATED COST

[In millions]

Fiscal year	SSI Program	SSI administrative	Medicaid Program
1993	$18	Negligible	Negligible.
1994	27	Negligible	Negligible.
1995	29	Negligible	Negligible.
1996	32	Negligible	Negligible.

ESTIMATED COST—Continued

[In millions]

Fiscal year	SSI Program	SSI administrative	Medicaid Program
1997	35	Negligible	Negligible.

* * * * *

Individual Indian Trust Income

Nearly all the experts favor excluding up to $2,000 per year (per individual) of income derived from individually held Indian trust land. This would protect those who receive small amounts of income from individually held trust lands on an irregular and unpredictable schedule. The amount protected would be consistent with a similar exclusion of cash under the Alaska Native Claims Settlement Act.

ESTIMATED COST

[In millions]

Fiscal year	SSI Program	SSI administrative	Medicaid Program
All	Negligible	Negligible	Negligible.

* * * * *

In-Kind Support and Maintenance

A majority of experts supports, as a high priority, the elimination of in-kind support and maintenance from consideration as income. They believe the current provisions are harsh, demeaning, inequitable, an invasion of privacy, subject to manipulation, and contrary to principles which most programs endorse (e.g., support of the family unit, encouragement for voluntary assistance, etc.). Additionally, they view the provisions as inordinately complex to administer. Many past efforts to ameliorate the problems have been unsuccessful and, in some cases, have added to the complexities. Elimination of in-kind support and maintenance from consideration as income is one of the four top priorities of most of the experts.

ESTIMATED COST

[In millions]

Fiscal year	SSI Program	SSI administrative	Medicaid Program
1993	$600	$60	$140
1994	1,003	170	510
1995	1,066	0	600
1996	1,122	(4)	695

ESTIMATED COST—Continued

[In millions]

Fiscal year	SSI Program	SSI administrative	Medicaid Program
1997	1,178	(4)	805

* * * * *

Resource Limits

A majority of experts supports increasing the resource limits to $7,000 for an individual and $10,500 for a couple, while eliminating most of the resource exclusions. The home, an essential car, business property essential for self-support, and household goods and personal effects would continue to be excluded. Assets not readily convertible to cash, such as real property, would not be counted. However, funds in a trust established with an individual's (or spouse's) own money, and funds in a trust established with judgment payments when the settlement order requires that the funds be made available for general needs, would be counted as resources.

These experts see these changes as making the program simpler and more equitable. The increased resource limits, with fewer exclusions, would more efficiently and effectively identify the truly needy among persons who are aged, blind, or disabled. Also, the increases in the resource limits would be sufficient to assure that currently eligible persons with resources which are excluded would not be made ineligible due to the elimination of the exclusions. These changes are among the top four priorities of a majority of the experts.

ESTIMATED COST

[In millions]

Fiscal year	SSI Program	SSI administrative	Medicaid Program
1993	$55	$40	$75
1994	191	100	265
1995	215	10	315
1996	236	10	365
1997	257	10	420

* * * * *

Time-Limited Resource Exclusions

Nearly all of the experts who expressed an opinion favor making all of the time-limited exclusions available for 12 months. This would recognize that there are certain situations in which it is reasonable to allow individuals time to dispose of certain resources, and, at the same time, make the program easier for the public to understand and easier for field offices to administer.

ESTIMATED COST

[In millions]

Fiscal year	SSI Program	SSI administrative	Medicaid Program
All	Negligible	Negligible	Negligible.

* * * * *

Treatment of Excess Resources

Most experts support a change in the method for calculating overpayments so that the amount considered overpaid would never exceed the maximum amount that the person's resources exceeded the resource limit. This would alleviate an unreasonable effect of current rules which require that a beneficiary request and justify waiver of an overpayment amount in excess of the amount by which his/her resources exceeded the limit.

ESTIMATED COST

[In millions]

Fiscal year	SSI program	SSI administrative	Medicaid program
1993	$3	Negligible	Negligible.
1994	3	Negligible	Negligible.
1995	3	Negligible	Negligible.
1996	3	Negligible	Negligible.
1997	3	Negligible	Negligible.

* * * * *

Parent-to-Child Deeming of Resources

A majority of experts supports a change in regulations governing deeming of resources from a parent to a child. The change would provide a resource allocation of $2,000 per ineligible child in the household. This would recognize the parents' obligation to provide for needs of other children in the household.

ESTIMATED COST

[In millions]

Fiscal year	SSI program	SSI administrative	Medicaid program
1993	$7	Negligible	(*)
1994	11	Negligible	(*)
1995	12	Negligible	(*)
1996	13	Negligible	(*)
1997	14	Negligible	(*)

(*) Unable to estimate.

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Chapter IV—Disability & Work Incentives

A. Preamble to Chapter

The Historical Perspective

National policy has moved slowly but steadily in the direction of providing broad-based help in solving the problems of people with disabilities—including problems related to employment. This chapter is devoted to changes in practice and law which the experts believe will contribute to the solution of vital problems.

The first Federal step toward assisting those with disabilities came with the 1950 enactment of a Federal-State grant program called Aid to the Permanently and Totally Disabled. This program, under title XIV of the Social Security Act, had a minimum age limit of 18. Title XIV was followed in 1956 by enactment of the original title II disability social insurance provisions; those provisions covered only disabled workers who were age 50–64 and had substantial recent work histories, plus coverage for certain disabled adult children.

The following years saw legislation to eliminate the age requirement in the insurance program and eventually to establish SSI. The latter had the effect of joining SSI to the social insurance programs to form a national income maintenance safety net for the aged and blind as well as for those with disabilities. As recently as 1990, the U.S. Supreme Court, by its decision in *Zebley* v. *Sullivan*, ensured inclusion in the SSI program of all needy children with disabilities while Congress' passage of the Americans with Disabilities Act, which prohibits discrimination against persons with disabilities, closed many of the remaining gaps.

The experts have endeavored to express their views in a manner that is consistent with the ever-broadening approach taken in congressional and judicial actions over the years and especially within the past decade.

More Recent Legislative/Judicial Actions and Their Effects

By law, State agencies (called disability determination services), under contract to SSA, make medical determinations of disability. During the Chairman's visit to some of these agencies, their staffs reported significant changes in the adjudication of disability cases. They said that, when the SSI program began in 1974, they were taught to adjudicate claims with the presumption that a claimant was eligible when the preponderance of evidence so indicated. They also reported that subsequently it had become the responsibility of the claimant to establish eligibility beyond any doubt.

It is true that data reflect a decrease in SSI program disability allowance rates between 1977 and 1982. However, in 1982, the allowance rates began to rise and by 1991 were nearly back to their 1977 levels. (See Appendix i to this chapter for actual figures.) Although specific causes of these variations have not been identified with certainty, the continuing upward trend of the period 1982–1991 is consistent with a series of Federal court decisions and congressional actions which took an increasingly comprehensive view of the meaning of disability and of how to arrive at decisions concerning its existence. It is a trend endorsed by a majority of the experts.

The Federal Courts

The period from 1981–1991 saw a number of U.S. district and circuit (appeals) court decisions which had such significant results as legislation on medical improvement; a ruling clarifying agency policy on evidence of pain; new regulations on evaluating disability in children and in widows/widowers; expedited processing of claims based on AIDS/HIV infection; and changes in the way SSA evaluates mental impairments.

Court decisions, combined with legislative history, also resulted in SSA's becoming the first Federal agency ever to publish regulations governing its policies on formal acquiescence with U.S. circuit court decisions which are not consistent with existing national policy. Under regulations signed by Secretary Sullivan, "acquiescence rulings" apply within the circuit(s) involved in the litigation. This can result in different policies in different parts of the country, a situation which can be resolved judicially only if the Supreme Court takes jurisdiction. The situation can also be resolved by the Secretary's declaring that one of the circuit court decisions will become national policy. The experts heard some public testimony on acquiescence and, as a result, it is believed to be important that all concerned understand that a new policy is now in effect. The experts are supportive of all efforts to clarify and formalize SSA's acquiescence policy.

The Congress

Some of the litigation described above was relevant to significant congressional actions over this same decade:

The Social Security Disability Amendments of 1980. Important provisions included work incentives, some of which applied to initial claims (and so may have affected allowance rates) while others were restricted to SSI posteligibility situations. One provision established a new section 1619 of the Social Security Act which allows working SSI recipients to maintain eligibility for SSI and/or Medicaid despite performance of substantial gainful activity. (For more information, see part C below.) The 1980 amendments also modified the requirements for "deeming" parental income and resources to be available to a blind or disabled child and authorized the government to pay for medical evidence and certain travel expenses incidental to required medical examinations.

The Social Security Disability Benefits Reform Act of 1984. These amendments established new requirements relating to cases involving mental impairments, consultative examinations, and medical records. They also established a new medical improvement standard for determining continued disability. In addition, the conference report on these amendments was instrumental in the formalization of SSA's policy on acquiescence, described above under "The Federal courts".

B. Disability

Background Information

Disability caseloads in SSI. The category of "disability" is the largest and fastest growing of the three SSI eligibility categories (the other two being "age" and "blindness"). Since the program began in 1974, there has been an overall growth of approximately 169 percent in its disability caseload. For 1993, the President's budget projects an increase in SSI disability claims of nearly 59 percent just since 1989. It also projects a backlog of 1.4 million SSI and social insurance disability cases by the end of 1993. While the growth began early in the program, there has been a recent surge. One result of that surge is a substantial backlog, due in large part to lack of adequate staff, in many of the State disability determination services which, by law, make medical determinations for SSA for which they are reimbursed solely with Federal funds.

Relationship of SSI disability to disability social insurance. As enacted in 1972, the SSI disability program rested on the same basic concepts which underlay the disability social insurance program enacted nearly two decades earlier. Specifically, it was intended that the "disability test" for

SSI and for the disability insurance program be essentially the same so that SSI payments could more easily serve to supplement income for those persons whose disability insurance benefits, in the absence of significant other income, were low or nonexistent.

Despite the intended overlap, the two disability programs serve what are often significantly different segments of the population with disabilities. The social insurance disability provisions relate to people who have significant work histories. The SSI disability program, on the other hand, assists persons who are disabled and are in need, regardless of their work histories. Therefore, while conformity between the two programs is desirable in many respects, total parallelism may not be appropriate. Nevertheless, as testimony pointed out, differing rules can be confusing, particularly for those who may be eligible under both programs. For example, SSI offers special assistance and incentives to people who work despite being blind or disabled, while work at a substantial level can result in complete loss of benefits under the disability insurance program.

Some characteristics of the SSI population with disabilities. The nature of the SSI population whose eligibility is based on disability (but not blindness) has changed significantly over the program's eighteen years of operation. For example, children under age 18, none of whom would have been eligible under the pre-1974 Federal/State programs unless they were blind, now constitute 13 percent of SSI recipients with disabilities. In addition, more than 2 in 3 of all adult recipients are under age 50 (compared with 1 in 5 in 1976). This means that, on the average, adult recipients under 65 have become younger.

Areas Where Issues Arise

Definitions. The statute defines "disability" as the inability to engage in any "substantial gainful activity" by reason of any medically determinable physical or mental impairment(s) which can be expected to result in death or which has lasted or is expected to last for a continuous period of not less than 12 months.

Note: The SSI statute categorizes the blind separately from those with other disabilities; therefore, discussions of "disability" in the SSI program do not apply to the blind unless specifically stated otherwise.

The Secretary defines substantial gainful activity as any significant physical or mental activity in employment or self-employment. Generally, earnings above a specific amount function to delineate whether a person is able to work and, therefore, whether s/he is disabled. Originally a flat $50 per month, the substantial earnings figure is now $500 after deducting the cost of impairment-related work expenses and disregarding the value of earnings subsidies. For purposes both of disability social insurance and of SSI disability initial claims, work at or above the specified level means that the worker is not disabled. Thus, a person who is working and earning above $500 cannot become eligible in the first place under either program.

Unlike the disability social insurance program, once SSI eligibility has been established on the basis of disability (and assuming medical improvement has not occurred), work has a direct effect on SSI posteligibility situations only from the standpoint of benefit offset due to countable income. That is, SSI payments are offset $1 for every $2 of earned income after applying appropriate income exclusions. However, work can be a sign of medical improvement and may trigger a review of continuing disability.

Disability claims process. Claims for SSI disability benefits are usually initiated through applicant contact with a teleservice center. The teleservice center, in most instances, mails a Disability Report form to the claimant for completion and schedules an interview at the local field office. A field office claims representative conducts the interview in person or by telephone. The interview consists of completing the basic application forms, reviewing them with the claimant, and obtaining permission to contact any treating sources. The claims file then goes to the State disability determination services for review and a determination concerning disability. Although they are State organizations, the disability determination services are funded by SSA and use SSA rules on disability.

Presumptive disability. It is possible to make SSI payments based on a presumption of disability or blindness, even though a formal medical determination has not yet been made, provided the claimant meets all other eligibility requirements. This cannot be done under the social insurance, or title II, provisions of the Act. These payments can be made for no more than 6 months. They do not have to be repaid even if the later formal determination is that the presumption was erroneous and the claimant is not disabled or blind.

A presumption of disability may be made by a field office claims representative when there are readily observable severe impairments such as amputation of extremities. The field offices also have the authority to make a finding of presumptive disability for claimants with HIV infection whose disease manifestations are of a severity listed in the regulations. In addition, presumptive disability findings may be made for any claimants by the examiners in the State agencies when available medical and other evidence indicates a high probability of disability.

Very young children. In establishing medically determinable impairments in very young children, SSA gives greater weight to the functional impact of impairments than to a precise definition or naming of their causes. Some children are too young to be tested formally to establish laboratory findings (e.g., to establish a precise reading of visual acuity), and it may not even be possible to attach a specific diagnosis to a recognized medically determinable impairment. For these children, medical findings are often presented in terms of the child's functioning in relation to age. In these cases, once it is established that there is a medically determinable impairment, SSA makes a disability determination based on all available evidence about the child's development and functioning, on knowledge of the course of the disease or disorder (if a diagnosis has been established), and on informed clinical observation and judgment.

As of May 1992, under new childhood disability regulations (to implement the Supreme Court's decision in *Zebley*), the initial allowance rate for children age 5 and under was 65.1 percent of the applications filed for those in this age group. Children under age 1 (the hardest to test) were being paid at the initial decision level at a rate of 75.6 percent.

Appeal of disability decisions. Each time a decision is made on an initial claim for benefits, or on continued eligibility, a written notice is sent to the individual. An individual who does not agree with the decision has the right to appeal. There are three appeals steps in the administrative review process and an individual usually has 60 days from receipt of a notice to appeal the decision.

1. If dissatisfied with the medical decision made by a State agency, an individual can request reconsideration. This is a review of all available evidence by State employees other than the team who made the initial decision. Reconsideration usually does not involve a personal interview with the individual.

2. An individual who is not satisfied with reconsideration results may request a hearing before an

administrative law judge. Such a hearing does involve a face-to-face interview and may also involve a representative for the individual as well as witnesses and new evidence.

3. The third step for a dissatisfied individual is to request a review of the administrative law judge's decision by the Appeals Council. If the request is granted, the Appeals Council will issue a decision or will remand the case to the administrative law judge. Also, the Appeals Council, on its own motion, may decide to review a hearing decision which is not appealed. Whatever it does, the Appeals Council sends the individual a notice explaining the action. If still dissatisfied, the individual may bring action in Federal district court.

Time limits on disability claims and appeals. There are no statutory time limits applicable to SSA actions with respect to initial disability decisions or to most decisions on claims under appeal. Claimants, who have 60 days to file appeals at each of the three levels described above, may have a long wait for a final decision.

Experts' Discussion of Disability Issues

Definitions. All of the experts who took a position in this area agreed with public commenters that, for SSI purposes, the definition of "substantial gainful activity" should be changed to recognize that persons with disabilities may work and also become eligible for SSI. The experts said that an SSI individual who works by virtue of receiving significant support services should not be viewed as engaging in substantial gainful activity. However, the SSI means tests (limits on income and resources) would remain in place and earnings could result in ineligibility if countable income (or resources) exceeded the limit. While the experts cited on-the-job attendant care and job-related support services as examples of "significant support services", they did not wish to limit the scope of the term by suggesting a specific definition.

One of the experts submitted for consideration an option addressing the definition of "disability" itself. (For more information, see appendix ii at the end of this chapter.) This option urged use of functional measures of mental/physical impairments—not substantial gainful activity—to define disability in both the SSI and the social insurance programs.

The expert offering the option pointed out that this is essentially what SSI already does in determining childhood disability as well as blindness and said it should be viewed as important to have a better parallel between the SSI and social insurance programs in order to deal equitably with the "notch" effect. This effect, which occurs under current rules when a social insurance program beneficiary (under title II) works, is as follows. So long as the beneficiary's earnings are below the substantial gainful activity level, there is no reduction in insurance benefits. However, if the beneficiary completes a trial work period and begins to work at a level that constitutes substantial gainful activity, s/he loses all social insurance cash benefits rather than encountering a gradual reduction as would be the case under SSI.

A number of the experts agreed with the philosophy outlined above but were concerned about the possible impact on the administration of the disability social insurance program. They pointed out that, unlike SSI, the social insurance disability program does not apply any means limitation in the form of an "income" test or other mechanism. Most of them agreed that a feasibility study would be a better course. By way of clarification, one of them noted that it should be made clear that this option does not contemplate relying solely on medical listings to establish disability since that could be a more rigorous test than applies under current policy.

In their discussion, the experts took particular note of repeated testimony concerning the need to update medical criteria used to determine disability of persons with Parkinson's disease. The experts learned that SSA was reviewing its neurological Listing of Impairments and that the export group established for that purpose included a specialist in Parkinsonian syndrome. Therefore, the modernization experts concluded that further consideration on their part was not necessary.

In response to some public comments on the July 31, 1991 **Federal Register** issue paper publication, the experts considered a change in the definition of disability to encompass those not fully functional but not fully disabled. Most of the experts said they were not prepared to endorse such a program. A number of the experts, however, indicated their strong support for a "functional" test of whether or not a person is disabled as contrasted with the continuation of a "work" test.

Disability claims process. The experts acknowledged the many public comments concerning need for specially-trained staff to conduct informed, sensitive initial disability claims interviews in order to provide the State agencies with claims information that is both complete and accurate. The experts said that this kind of specialized staff would contribute significantly to faster, more accurate disability determinations. In this context, the experts considered whether it would be better for such staff to be attached to the SSA field offices or to the State disability determination services and whether the actual interviews should be moved from field offices to State agencies.

A number of the experts expressed the view that the real problem was the budget-driven underfunding of agency operations. This, they concluded, results in a chronic lack of resources necessary to do a quality job. These experts said that, without added resources, lasting improvements are not possible no matter how much effort is directed toward altering administrative processes or reassigning priorities which, in turn, can only reduce backlogs at the expense of other program necessities. (For more information, see chapter VI.)

A majority of the experts favored keeping responsibility for initial disability interviews in the field offices provided funding were made available for intensive trainings of their staffs in disability claims-taking. The experts preferred use of field offices because this would keep intact their traditional responsibility for maintaining a full and continuing relationship with each claimant whereas the State agency responsibility is that of making medical determinations. They pointed out, too, that the greater number of field offices makes them more easily accessible to the public. The experts also noted that, prior to SSA's staff downsizing, field offices had had disability specialists, similar to the kind of staff under discussion, and concluded that a return to such staffing would be the most appropriate route to faster, more accurate disability determinations.

A majority of the experts also said that using State agency staff to perform the interview function, even if those staff were outstationed in SSA field offices, could further overextended State staffs and change their long-standing basic role of making medical determinations. One expert, who preferred the majority view but found use of State agency personnel acceptable, said that the most important thing was having sufficient personnel with adequate specialized expertise, and not whether these staff are assigned to field offices or State units. One expert who disagreed with the majority was concerned that the workload would be too much for field offices to absorb without funding for a new, specialized staff and questioned the need to build the disability determination services'

kind of expertise at some other level of the organization.

Very young children. The experts considered a number of public comments concerning the need for disability criteria that would more easily permit an assumption of disability in very young children, thus providing early access to Medicaid in most States. They recognized that SSA does not necessarily follow the same process used to determine disability in adults because the emphasis for children is on whether their functioning is age-appropriate. A majority of the experts concluded that SSA should develop appropriate criteria for making an assumption concerning the existence of disability in children under the age of 4. They said that payments based on such an assumption should not be limited to the 6-month period allowed under the existing "presumptive disability" provision but, like the existing presumptive payments, they would not be overpayments when and if the children were found not to be disabled based on later testing and diagnosis.

Appeal of disability claims. A number of the experts expressed support for the principle of offering a claimant a face-to-face interview prior to denying a claim based on disability; they also supported the concomitant elimination of the reconsideration level of appeal. These experts were strongly opposed to the current procedures which do not provide claimants with the opportunity to be seen. One expert stated that it was "morally unacceptable * * * that there are people who are eligible for this program who are not getting it simply because the procedures basically freeze them out."

Time limits on disability claims and appeals. A majority of the experts favored establishment of 90-day time limits, not only for completing SSI cases under appeal, but also for making initial determinations on new SSI claims based on disability. They agreed that failure to reach a decision within the prescribed time should mean that SSI payments would begin without a final determination and that any benefits paid on this basis would not later become overpayments even if an individual were later determined not to be disabled.

One expert proposed, and most of the others agreed, that any time limits enacted should be studied after four years of experience with them.

Recapitulation of Experts' Opinions on Disability

Option	Experts supporting
Definitions:	
1. Change the definition of "substantial gainful activity" in the SSI program to recognize that persons who work by virtue of substantial support services (such as on-the-job attendant care, use of a job coach in a sheltered employment situation, or employer accommodations which create a highly specialized environment) are not performing substantial gainful activity and so are still disabled	19
2. Study the feasibility of: (a) Eliminating use of substantial gainful activity for determining disability in both the SSI and the disability insurance programs; and (b) formulating disability criteria in terms of being disadvantaged in participating in major life activities, of which work may be one. This study would be undertaken immediately and completed as soon as possible	17
3. Change the definition of "disability" to cover those neither fully functional nor fully disabled under existing rules	1
Disability claims process:	
1. Use specially trained disability experts assigned to field office staffs to conduct initial disability claims interviews	16
2. Use State disability determination services staff, outstationed in SSA field offices, to conduct initial disability claims interviews. (This would provide claimants with a face-to-face interview as described below in connection with appeals.)	2
Very young children:	
1. Develop appropriate criteria for making an assumption concerning the existence of disability in very young children. Permit continued payment, based on such an assumption, up to the age of 4 without creating an overpayment even if later testing and diagnosis result in a finding that the children are not disabled	14
Appeal of disability decisions:	
1. In both the SSI and the insurance programs: (a) eliminate the reconsideration level of appeal; and (b) provide claimants the opportunity for face-to-face interview with the decisionmaker prior to issuing a denial based on a disability issue	17
2. In both the SSI and the insurance programs, eliminate the reconsideration level of appeal in disability issues but without adding a face-to-face predenial interview	1
Comment: One expert, who did not take a position on this issue, suggested, as a means of controlling backlogs and costs, giving applicants written notice of pending denials and offering the opportunity to present additional medical evidence within a specified timeframe	
Time limits on disability claims and appeals:	
1. Establish 90-day time limits which, if exceeded, would result in benefit payments which would not be considered overpayments even if the recipient were later found ineligible. Study the effects after four years of experience.	
Apply such limits to:	
a. making initial determinations on new SSI claims on the basis of disability	13
b. completing cases at the administrative law judge level of appeal	15
Comment: One expert, who supports a time limit but does not support this option, says that considered action at this level of appeal requires 120 days	
c. completing cases at the Appeals Council level of appeal	15

C. Work Incentives

Background Information

Role of work incentives. Work incentives play a dual role in the SSI program. First, they offer the working individual emotional and psychological reward in the form of a sense of independence and self-worth. In addition, they seek to provide a meaningful net increase in the worker's income, thereby reducing or eliminating reliance on public and private assistance. In order to be successful, work incentives must overcome work disincentives in the form of fear of losing needed assistance before someone is secure in believing that s/he has the capacity for self-support. The beneficiary must also be assured that, if his/her job terminates, s/he will not, in many instances, go through the long process of reestablishing eligibility for disability payments.

While less than 3 percent of SSI recipients (almost none of them disabled) received income from working in 1974, by September of 1991 the figure had risen to more than a quarter of a million representing 6.3 percent of all recipients with disabilities. Of the disabled who were working in 1991, some 50,000 were benefiting from special work incentive provisions passed by the Congress and available figures show a strong upward trend in this area.

Section 1619 provisions. The SSI statute has certain work incentives which do not affect the benefit amount. The most significant of these provisions appear in section 1619 of the Social Security Act and allow working SSI recipients to maintain eligibility for SSI and/or Medicaid. In 1982, the first year in which the provisions were effective,

approximately 5,800 people benefited from them. In September 1991, the number had risen to 40,443—an eightfold increase.

To establish SSI eligibility on the basis of disability, a person cannot be performing substantial gainful activity (see part B above). However, a person who has received at least one month of "regular" SSI benefits can qualify to receive "special" benefits under section 1619(a) when earnings indicate substantial gainful activity—provided s/he has not recovered medically and still meets all other SSI requirements.

If a working SSI recipient's total income becomes too high to allow a payment, the recipient may continue to qualify for Medicaid under section 1619(b). To qualify for Medicaid, the person's unearned income must be low enough that the person would receive an SSI payment if s/he were not working. The person must also need Medicaid in order to work and not have enough earnings to replace certain benefits s/he would receive absent the earnings (i.e., SSI, Medicaid, and publicly-funded attendant care).

Special income and resources provisions. In addition to the SSI work incentives described above, there are many others which take the form of exceptions to the regular income and resource counting rules. Under the work incentive rules, portions of a working recipient's income and resources are excluded. Specifically, the Act allows for exclusion of:

The earned income of a child who is a student, subject to limits set by the Secretary (currently $400 per month and $1,620 per year).

The first $65 of a person's earned income, plus any portion of the $20 general income inclusion not applied to the person's unearned income.

Amounts of the earned income, of a person who is disabled, used to pay for certain work expenses the person has because of the disability. These expenses are known as impairment-related work expenses and may include things like special equipment or certain transportation costs.

Half of a person's remaining earned income after the above exclusions are applied.

Any portion of the earned income, of a person who is blind, which is used to pay expenses related to earning the income. These are called blind work expenses. The expenses do not have to be related to the person's blindness; they only have to be work-related. Examples of these expenses include taxes, dog guide expenses, meals bought during work hours, etc.

Income (earned or unearned) and/or resources, which a person who is blind or disabled, uses to fulfill an approved plan for achieving self-support. This is a plan written specifically for the individual. The plan allows the person to set aside income or resources for a period of time to pay for things needed to reach a job goal. A plan may be used to pay for things like training, education, job coaching, equipment, etc.

Areas Where Issues Arise

State Medicaid rules and 1619. In most states, SSI eligibility, including eligibility under section 1619, automatically makes a person eligible for Medicaid. However, a few States make their own determinations of Medicaid eligibility using criteria that are more restrictive than those used under SSI. In such States, a working recipient could lose Medicaid eligibility because of earnings before those earnings reach the substantial gainful activity level. Such States are only required to continue Medicaid under section 1619 if the person was eligible for Medicaid under State rules in the month prior to attaining 1619 eligibility. Therefore, the 1619 provisions offer only limited protection to residents of those States.

Deeming rules and Medicaid eligibility under 1619(b). In determining continued Medicaid eligibility under section 1619(b), SSA uses the same methodologies that apply to regular SSI and Medicaid eligibility determinations. Therefore, a working person's unearned income is considered to include any income deemed available from an ineligible spouse. In some cases, this means that the worker who is blind or disabled does not qualify for continuation of Medicaid even though his/her own income alone is low enough to meet the requirements.

State supplementation and 1619. States are not required to make supplementary payments to someone who receives benefits under section 1619(a). Currently, most States which supplement regular SSI payments also supplement section 1619(a) payments. Eight do not.

Disability definition and 1619. The discussion of definitions under part B above explains the "notch" effect which occurs when a person's social insurance disability benefits result in too much income for him/her to receive SSI payments. If this person should begin to work at a level considered indicative of substantial gainful activity, s/he would no longer be disabled and would lose all disability insurance benefits. At the same time, s/he could not become SSI eligible because the SSI statute does not permit use of section 1619 provisions in adjudication of initial claims; the provisions apply only in posteligibility situations.

Experts' Discussion of Work Incentives Issues

Need for expanded work incentives: A majority of the experts said that SSA should begin at once to seek legislation authorizing use of expanded work incentives (detailed below under option 1). An even larger majority favored SSA's conducting a national demonstration in order to make the expanded incentives available as quickly as possible. Most of these experts also supported seeking legislation to make the incentives permanent—ideally without any "moratorium" on the incentives between completion of the demonstration and implementation of permanent provisions. They said that demonstration results should be helpful in establishing the value of such legislation.

Recognizing that it may take more time to obtain legislation than would be possible to devote to a demonstration, most of these same experts also favored some kind of "grandfathering" arrangement so that earnings would not cause demonstration participants to lose benefits when the project ended. One expert commented that, without grandfathering, the demonstration cannot truly test the incentive value of the prospect of retaining the incentives.

Time limits for approval of self-support plans. One of the experts said that, all too often, SSA field offices do not make timely decisions on plans for achieving self-support which are submitted for approval. The result can be inordinate delays in eligibility. All of the experts taking a position on work incentives agreed that there should be a 30-day time limit for such decisions and that, lacking a decision, the proposed plan should be deemed approved; i.e., resultant payments, which should begin at once based on application of the plan exclusions, would not become overpayments if the plan were subsequently disapproved.

State rules and Federal "disability" definitions. A majority of the experts expressed concern over, and supported correction of, two technical problem areas involving other programs. One of these problem areas was national while the other was limited to certain States. The areas were: (a) Loss of social insurance disability benefits due to work which also prevents initial SSI eligibility, despite having little or no income; and (b) lack of State

supplementation or Medicaid eligibility for persons who are, or are considered to be, SSI-eligible under section 1619 (a) or (b). All of the experts who expressed a view on work incentives said that efforts to work should be encouraged as much as possible. A majority of them concluded that there was a need for changes in the rules governing interprogram relationships to permit initial SSI eligibility despite performance of substantial gainful activity and to provide Medicaid and State supplementation to eligibles under section 1619.

Nonselected options. The experts considered, but did not support, the idea of establishing a work attempt period during which all of an individual's earnings would be excluded. It was their view that recipients who work should recognize the effect of that work and earnings on their benefits.

There was also discussion of allowing a working recipient to put some earnings in an excluded "independence account" which could be used only for specified purchases, such as a home or a vehicle. Two experts supported this idea but the others who took a position said that it was not necessary in light of the options for increasing the resource limits (see chapter III).

Recapitulation of Experts' Opinions on Work Incentives

Option	Experts supporting
1. Begin at once to seek legislation, where needed, to authorize permanently all of the following work incentives	12
a. Raise the earned income exclusion from $65 to $200 and reduce the SSI benefit by $1 for every $3 (instead of the current $1 for every $2) of earned income over $200.	
The increased exclusion amount would be intended to compensate the recipient for his/her work expenses. Therefore, this exclusion would replace all of the existing earned income exclusions except for the student earned income exclusion and plans for achieving self-support.	
Individuals whose actual work expenses are more than the amount of earnings excluded (i.e., more than $200 plus two-thirds of the remaining income) could have an individual exclusion computed which would consider the person's actual work expenses. All work-related expenses would be excluded, regardless of whether they are disability related, similar to the current blind work expense exclusion, and this exclusion would be available to all working SSI recipients.	
b. Eliminate continuing disability reviews triggered by work activity and defer scheduled medical reviews for working recipients for 3 years after beginning work.	
c. Treat unemployment compensation, workers' compensation, sick pay, and other similar benefits received because of recent work activity as earned income rather than as unearned.	
Comment: Some experts question whether treating these kinds of benefits as earned income would be an incentive to work.	
d. Eliminate the regulatory time limit for completing a plan for achieving self-support.	
e. Make individuals who receive benefits based on age eligible for all work incentives.	
Comment: The experts recognize that, even under present conditions, the nation is confronted with worker shortages in certain occupations which could be filled by older persons. These shortages are likely to increase in the future.	
2. Simultaneous with the legislative effort in option 1, conduct a national demonstration of the work incentives listed in that option. Use the demonstration results to reinforce legislative efforts	18
Comment: Six of those who support a work incentives demonstration are withholding judgment on specific legislative proposals until demonstration results are available. Another expert favors seeking legislation without a demonstration.	
3. Provide a "grandfathering" arrangement for demonstration participants so they can continue to receive benefits upon expiration of the project (assuming that legislation is not yet in place)	14
Comment: Five of the experts who support a demonstration do not support a grandfather provision while another expert, who does not favor a demonstration, views a grandfather provision as essential if a demonstration were to be conducted.	
4. Disregard deemed income of an ineligible spouse when determining continued Medicaid eligibility under section 1619(b)	18
5. Require SSA to make a decision on a plan for achieving self-support within 30 days. Lacking a decision within that time, assume the plan to be acceptable	18
6. Require States which supplement regular SSI payments to supplement payments under section 1619(a)	18
7. Provide Medicaid under section 1619 to all working persons who are blind or disabled in States not using SSI criteria for Medicaid eligibility purposes	17
8. Provide SSI benefits for individuals who lose their social security benefits due to substantial gainful activity	17
9. Do not permit States to count resources set aside under a plan for achieving self-support when determining Medicaid eligibility using their own rules	14

D. Summary of Options Preferred by a Majority of Experts

Many persons who are truly disabled fail to qualify for disability benefits. Many who are on the disability rolls fail to have the opportunity of realizing their highest possibilities in the work force.

The changes in this chapter which are supported by a majority of the experts deal with both problems. They are designed both to add to, and to subtract from, the beneficiary rolls numbers of persons with disabilities.

The options that the experts favor on the definition of disability support both goals.

The experts favor a change in the definition of "substantial gainful activity" which the SSI law requires as a test of disability. This change would recognize that working persons are disabled if they are unable to work without support services such as on-the-job attendant care or job-related support services such as those furnished through transitional employment programs for persons with mental illness.

The experts want to encourage persons with disabilities to work. The present "substantial gainful activity" definition is seen as detrimental to that objective. These experts see it as highly desirable to encourage work, particularly on the part of persons with disabilities so severe that they are able to work only by virtue of special supportive services. The experts want to see these people qualify for, and continue receiving, disability payments until such time as their total income exceeds the SSI standard, assuming there is no medical recovery before that time. Therefore, they support encouraging persons with disabilities to use their abilities to work instead of encouraging them not to work.

In addition to the SSI change described above, a majority of the experts would like to see the Social Security Administration undertake a study of the feasibility of eliminating "substantial gainful activity" as a test of disability in both the SSI and disability insurance programs. In place of ability to work, they wish to see tested a disability standard based on inability to perform certain mental or physical processes in order to participate in major life activities, of which work may be one. Such a change in definition might add some persons to the disability rolls. This study should begin immediately and be completed as soon as possible.

Next, the preferred options deal with a consideration of the manner in which applications from disabled persons are

handled. They are changes which, if adopted, would undoubtedly add persons to the beneficiary rolls.

A majority of the experts supports the view that claims interviews should be conducted initially by trained disability experts who are SSA field office employees rather than by State disability determination services interviewers outstationed in field offices. These experts are convinced that it is sound procedure to equip the 1,300 SSA field offices with trained personnel who are able to deal with the full range of the SSA-administered income maintenance programs.

While conducting initial disability interviews in field offices is the procedure currently in use, the experts are concerned that the lack of adequate staff prevents SSA from conducting in-depth, high quality interviews with individuals who have disabilities.

A majority of the experts favors a requirement for a face-to-face interview before a claim at the initial level can be denied on the basis of disability. Such an interview can prevent the rejection of a claimant who is clearly eligible and would establish an essential step in providing due process.

The same majority of experts has paired the face-to-face interview prior to a denial with the elimination of the reconsideration level of appeal which would no longer serve a significantly useful purpose. An appeal of a denial after a face-to-face interview would go directly to an administrative law judge.

A majority of the experts concludes that SSA should develop appropriate criteria for assuming the existence of disability in a very young child. These experts favor continuing payments based on such an assumption (until the child reaches four or, if sooner, until a formal disability determination is possible) without creating an overpayment. These experts believe that early access to cash benefits and to medical care is essential in helping these children become adults who are, as much as possible, healthy and productive.

The experts are very much concerned with the current backlog of 762,000 disability cases. This is estimated by the President in his budget message for the fiscal year 1993 to be 1.4 million at the end of that year. The experts want to commend Commissioner King for the increase in the processing rate for these cases. However, if the estimate in the 1993 budget proves valid, they see it as a reasonable assumption that a doubling of the backlog would have a material effort on processing time.

The experts are aware that Commissioner King, in testimony before the Congress, has stated that prevention of the projected significant backlog increase would require the processing of an additional 500,000 claims. That, in turn, would take 5,000 workyears at a cost of $500 million. This supports the experts' view (see Part B of Chapter VI) that the Social Security Administration staff should be increased, as a first step, by 6,000 people.

A majority of the experts believes that, if a claim on the basis of disability has not been decided within 90 days of filing, payments should begin. Such payments would not be regarded as overpayments should the applicant ultimately be found ineligible. The 90-day rule would apply to cases at the administrative law judge and Appeals Council levels of appeal as well.

Those favoring this option believe that it would encourage Congress and the Administration to obtain adequate staff, thereby preventing situations such as currently exist with large backlogs leading to significant delays in many claims for disability benefits.

Long delays often occur in appeals that are made to administrative law judges and to the Appeals Council. These delays are frequently due to a lack of resources. The procedures should be examined very closely to see if they can be shortened without affecting the high quality of decisions made by administrative law judges and the Appeals Council. The experts pointed out that justice delayed can be justice denied.

The number of appeals and the time it takes to handle them should be affected favorably by the Secretary's policy on acquiescence. The Chairman has examined the agreement in the *Stieburger* case in New York dealing with the policy of acquiescence. He believes the Department was wise in entering into the court-approved agreement with the plaintiffs. He believes further that the agreement is consistent with the Secretary's policy and could be applied to the rest of the country.

In addition to the change in the definition of disability, experts discussed how people could ultimately earn enough income to leave the rolls by providing an increasing number of the beneficiaries with the incentives they need to join the workforce. Here are some of the options.

A majority of the experts favors beginning at once to seek legislation to provide expanded work incentives in the form of increasing the monthly earned income exclusion to $200 plus two-thirds of dollars earned over $200; eliminating continuing disability reviews triggered by a return to work even on a part-time basis, and deferring scheduled medical reviews for workers for three years after work begins; treating benefits received because of recent work activity (e.g., unemployment compensation, worker's compensation, sick pay, etc.) as earned income rather than unearned income; eliminating the time limit for completion of a plan for achieving self-support and requiring action on a plan within 30 days or else the plan would be assumed to have been approved.

A majority of the experts also favors extending all work incentives to older persons as well as to the blind and disabled.

A larger majority of the experts supports conducting a national demonstration involving the work incentives described above while legislative efforts are under way. Most of the experts also support permitting demonstration participants to retain their demonstration incentives when the project ends if new legislative provisions are not yet in place.

With respect to Medicaid coverage in all States, a majority of the experts supports mandating the disregard of income of an ineligible spouse when determining Medicaid eligibility under section 1619(b). A majority also supports requiring States using more restrictive eligibility criteria than those applicable to the SSI program to disregard resources set aside under a plan for achieving self-support. They also support the provision of Medicaid to all working individuals who are eligible under section 1619.

In addition, there is majority support for required supplementation, by States which supplement benefits to recipients of regular SSI benefits, for those who receive "special" SSI benefits under section 1619(a). Finally, a majority of experts supports provision of SSI disability benefits to workers who lose their social insurance disability benefits due to substantial gainful activity, provided they have not recovered medically and that they meet the SSI income and resources limits.

All of the preceding opinions further reinforce the experts' support of the proposition that it is good public policy to encourage persons with disabilities to work. The disability program should have written into it incentives, not disincentives, for work.

E. Cost Estimates on Options Preferred by a Majority of Experts

Disability: Definitions

1. Change the SSI program's definition of "substantial gainful activity" to

recognize that persons who work by virtue of substantial support services are not performing substantial gainful activity and so are still disabled.

ESTIMATED COST

[In millions]

Fiscal year	SSI Program	SSI administrative	Medicaid Program
All	(a)	(a)	(a)

a Unable to estimate.

* * * * *

2. Study the feasibility of: (a) Eliminating use of substantial gainful activity for determining disability in both the SSI and the disability insurance programs; and (b) formulating disability criteria in terms of being disadvantaged in participating in major life activities, of which work may be one. This study is to be completed as soon as possible.

ESTIMATED COST

[In millions]

Fiscal year	SSI Program	SSI administrative	Medicaid Program
All	None	(a)	None.

a Unable to estimate.

* * * * *

Disability: Claims Process

Use specially trained disability experts assigned to field office staffs to conduct initial disability claims interviews.

ESTIMATED COST

[In millions]

Fiscal year	SSI Program	SSI administrative	Medicaid Program
1993	(a)	(20)	Negligible.
1994	(a)	(20)	Negligible.
1995	(a)	(20)	Negligible.
1996	(a)	(30)	Negligible.
1997	(a)	(30)	Negligible.

a Unable to estimate.

* * * * *

Disability: Very Young Children

Develop appropriate criteria for making an assumption concerning the existence of disability in very young children. Permit continued payment, based on such an assumption, up to the age of 4 without creating an overpayment even if later testing and diagnosis result in a finding that the children are not disabled.

ESTIMATED COST

[In millions]

Fiscal year	SSI Program	SSI administrative	Medicaid Program
1993	$8	$0	$5
1994	31	10	20
1995	35	0	20
1996	38	0	25
1997	42	0	25

* * * * *

Disability: Appeal of Decisions

In both the SSI and the insurance programs: (a) eliminate the reconsideration level of appeal; and (b) provide claimants the opportunity for a face-to-face interview with the decisionmaker prior to issuing a denial based on a disability issue.

ESTIMATED COST

[In millions]

Fiscal year	SSI Program	SSI administrative	Medicaid Program
All	(a)	(a)	(a)

a Unable to estimate.

* * * * *

Disability: Time Limits on Claims and Appeals

Establish a 90-day time limit which, if exceeded, would result in benefit payments which would not be considered overpayments even if the recipient were later found ineligible. Apply this time limit to making initial determinations on SSI disability claims as well as to completing cases at the administrative law judge and Appeals Council levels of appeal.

ESTIMATED COST

[In millions]

Fiscal year	SSI Program	SSI administrative	Medicaid Program
All	(a)	(a)	(a)

a Unable to estimate.

* * * * *

Work Incentives: Legislation

Seek legislation, where needed, to authorize permanently: (1) Increasing the earned income exclusion to $200 plus two-thirds; (2) eliminate continuing disability reviews triggered by work and defer scheduled medical reviews for 3 years after beginning work; (3) treat as earned income unemployment compensation, worker's compensation, sick pay, and similar benefits received because of recent work; (4) eliminate the regulatory time limit for completing a plan for achieving self-support; and (5) extend all work incentives to the aged.

1. Increase earned income exclusion:

ESTIMATED COST

[In millions]

Fiscal year	SSI Program	SSI administrative	Medicaid Program
1993	$149	$80	$140
1994	328	200	510
1995	351	20	605
1996	370	20	695
1997	388	20	805

2. Modify requirements for continuing disability reviews and scheduled medical reviews:

ESTIMATED COST

[In millions]

Fiscal year	SSI Program	SSI administrative	Medicaid Program
All	(a)	Negligible	(a)

a Unable to estimate.

3. Treat certain work-related benefits as earned income:

ESTIMATED COST

[In millions]

Fiscal year	SSI Program	SSI administrative	Medicaid Program
1993	$10	Negligible	Negligible.
1994	14	Negligible	Negligible.
1995	15	Negligible	Negligible.
1996	16	Negligible	Negligible.
1997	16	Negligible	Negligible.

4. Eliminate time limit for completing a self-support plan:

ESTIMATED COST

[In millions]

Fiscal year	SSI Program	SSI administrative	Medicaid Program
All	(a)	Negligible	(a)

a Unable to estimate.

5. Extend all work incentives to the aged:

ESTIMATED COST

[In millions]

Fiscal year	SSI Program	SSI administrative	Medicaid Program
All	(a)	(a)	(a)

[a] Unable to estimate.

* * * * *

Work Incentives: Demonstration

1. Conduct a national demonstration project involving all of the incentives listed above while seeking legislation.

ESTIMATED COST

[In millions]

Fiscal year	SSI Program	SSI administrative	Medicaid Program
All	None	(a)	Negligible.

[a] Unable to estimate.

2. Permit demonstration participants to retain incentives.

ESTIMATED COST

[In millions]

Fiscal year	SSI Program	SSI administrative	Medicaid Program
All	(a)	(a)	(a)

[a] Unable to estimate.

* * * * *

Work Incentives: Additional Legislation

1. Disregard deemed income of an ineligible spouse when determining Medicaid eligibility under section 1619(b):

ESTIMATED COST

[In millions]

Fiscal year	SSI Program	SSI administrative	Medicaid Program
All	None	Negligible	Negligible.

2. Require SSA to make a decision on a proposed self-support plan within 30 days or else assume it is acceptable and begin payments accordingly:

ESTIMATED COST

[In millions]

Fiscal year	SSI Program	SSI administrative	Medicaid Program
All	None	Negligible	Negligible.

3. Require States which supplement regular SSI payments to supplement section 1619(a) payments:

ESTIMATED COST

[In millions]

Fiscal year	SSI Program	SSI administrative	Medicaid Program
All	No Federal program cost and negligible State cost.	Negligible	Negligible.

4. Provide Medicaid under section 1619 to all working persons in States not using SSI eligibility criteria:

ESTIMATED COST

[In millions]

Fiscal year	SSI Program	SSI administrative	Medicaid Program
1993	None	Negligible	$10
1994	None	Negligible	15
1995	None	Negligible	15
1996	None	Negligible	15
1997	None	Negligible	15

5. Provide SSI benefits to those who lose disability social insurance benefits due to substantial gainful activity:

ESTIMATED COST

[In millions]

Fiscal year	SSI Program	SSI administrative	Medicaid Program
All	(a)	(a)	(a)

[a] Unable to estimate.

6. When States determine Medicaid eligibility using their own rules, do not permit them to count any resources set aside under a self-support plan:

ESTIMATED COST

[In millions]

Fiscal year	SSI Program	SSI administrative	Medicaid Program
All	None	(a)	Negligible.

[a] Unable to estimate.

Chapter IV, Appendix i

DISABILITY ALLOWANCE RATES—SSI ONLY

Fiscal year	Percent allowed		
	Initial	Reconsideration	ALJ
1977	47.7	21.1	45.0
1980	32.5	14.4	51.0
1982	29.4	11.2	46.0
1985	37.5	15.3	47.0
1990	41.1	18.9	56.0
1991	44.8	19.2	60.0

Note: The data do not reflect rates applicable to concurrent claims for SSI and disability social insurance benefits.

Chapter IV, Appendix ii

Definition of Disability

by Elizabeth M. Boggs

The July 1991 **Federal Register** issue paper included no specific reference to the disability definition used in the SSI program. However, two of the topics in that paper have direct bearing on the matter: Work Incentives and Substantial Gainful Activity.

In approaching this topic, it is well to recall Commissioner King's request that we review present practice in the light of the original intent of the SSI program. In doing so, a posture similar to that taken toward the Constitution may be helpful: Maintain the principles but interpret them in terms of contemporary conditions.

Principles Underlying 1974 Legislation

Among the relevant principles are:

1. Social insurance programs should increasingly become the basic universal guarantees of income replacement for workers and their dependents when they are not expected to work because of age or incapacity.

2. SSI should supplement social insurance for those among the elderly and disabled for whom social insurance benefits (together with other resources) are insufficient to assure a minimally acceptable standard of living.

3. The supplement should be sufficient to keep recipients out of "poverty". This would be the standard for individuals or couples having no other income.

4. For those retired or disabled workers who have contributed to their own retirements, whether through savings or through a public or private retirement system (including social insurance), a higher allowance would be effected through an unearned income disregard.

5. In principle, SSI was to complete a basic nationally uniform, uncomplicated underlying system of cash benefits (with associated medical benefits), with the States retaining authority and responsibility for fine tuning allocations to meet individual special needs, whether for cash or social services.

At that time and until the 1980s, Federal financial participation (FFP) in the States' costs of social services was closely tied in with eligibility for federally supported means-tested programs; these were locally administered with a substantial targeted Federal subsidy. Such State assistance, whether in cash or in kind (e.g., social or medical services), if based on need as State determined, was not to be counted as income for SSI purposes. In recent years this rule has been generalized so that contributed in-kind goods and services that cannot be applied or converted to food, clothing or shelter are disregarded regardless of source. The block granting of Title XX in the early '80s deprived SSI recipients both of their priority for federally-funded social services and of the open ending that permitted States to expand those services in proportion to evident need in the growing younger population.

Significant Changes Since 1974

Overall, the SSI system as set up in 1974 was designed primarily for people over 65. The manuals were written with them in the forefront. Seniors were then in the majority (58 percent) of all SSI recipients. The disability program was seen as largely composed of people over 50 who had found it necessary to retire early because of chronic illnesses, such as heart disease and arthritis. For them, as for those somewhat older, replacement of income and access to medical care appeared to be the highest priorities.

Today those receiving SSI (including federally-administered State supplements) based on being age 65 or older constitute only 28 percent of the total number of recipients. The median age of adults under 65 on SSI has declined significantly. In 1976 only one in five of all adult recipients was under 50 whereas today more than two in three fall in the younger group. The majority of those under 35 have been disabled since childhood and have little or no work history or credits; they represent an increased survivorship among children with conditions such as spina bifida, traumatic brain injury, and certain syndromes associated with moderate, severe, or profound mental retardation. In addition, the distribution of other etiologies of later onset has shifted significantly, with spinal cord injury and adult traumatic brain injury survivors being more numerous than in 1974. Chronic mental illness among young adults and, more recently, AIDS have further changed the picture. These younger people are not only not looking for nursing home care, they are actively resisting it. They would rather have a relatively small amount of cash in hand with which to purchase supportive social services such as personal assistance than depend on Medicaid for an institutional package. Clearly, stereotypes have to be changed to include new images while recognizing that the traditional populations are still with us.

Modernizing the Definition

The postulates laid down in 1974 required, among other things, that the definition of disability used in the new title XVI (SSI) be the same as that used under title II for Social Security Disability Insurance (SSDI). They have remained very similar but not identical. Although some people believe that the definition of disability should be more liberal for SSI than for SSDI, this discussion recognizes the merits of a single definition and seeks to remedy the dilemmas it creates in either system. When SSI was implemented in 1974, replacing the myriad State definitions with a uniform Federal one, there were already 15 years of Federal experience with the disability insurance (DI) definition and some revisions of it. These years have been followed by a further 15 years of refinement through regulation to interpret the statutory language concerning "physical or mental impairment" and "substantial gainful activity" (SGA). The former has provided us with a viable tool for an alternative definition using functional capacity; the latter (SGA) has become less and less useful as actual gross wages have become more and more distorted as measures of productive capacity.

The inappropriateness of both the concept of SGA and the use of a monetary value as an index has been increasingly apparent in the last decade as attempts have been made to adjust SGA (expressed as dollars of earnings) in the light of various forms of support or wage subsidy or accommodation for a person with a severe continuing disability who (with accommodation) can make a net contribution to the gross national product (GNP). These problems will only become worse as The Americans with Disabilities Act (ADA) is implemented. While the intentions are laudable, the rules for carrying them out have become a jungle, a direct challenge to the "simplicity principle". In addition, the levels of SGA that have been set over the years by a succession of DHEW and DHHS Secretaries have been well below the minimum wage, creating real problems for those who attempt to make a transition from no work to full employment. The disengagement of SGA as a criterion for an individual on SSI who attempts work while continuing to meet the medical criteria has been a major improvement in both principle and practice but it has not gone far enough.

On the other hand, the functional measures of mental/physical impairments now in use (functional limitations plus consideration of age, education and vocational factors—see 20 CFR part 404, subpart P, appendices 1—Listing of Impairments—and 2—Medical-Vocational Guidelines), although necessarily detailed (49 pages) and complex, are based on a relevant body of knowledge that has produced credible indicators of "work disability" derived from the (nonworking) individual's observable ability (or lack of it) to function in major life activities. These concepts have recently been validated in the successful compliance by SSA with the Supreme Court mandate to write the disability criteria for children in a manner equivalent to the "work disability" criteria used for adults. An additional example is provided in section 1614(a)(2) of the Social Security Act (Act) where blindness is considered separately from other disabilities and is defined entirely in terms of explicitly stated functional limitations, omitting any reference to SGA. (For purposes of Title II, earnings of blind beneficiaries are, in effect, limited by the same "retirement tests" that apply to the elderly.)

Recommendations

I propose to build on these findings to redefine disability (for both SSDI and SSI) in a way that will not significantly change the level of severity associated with the SSA programs but will permit and encourage more of the younger men and women with continuing severe impairments who want to work to do so without being worse off than when not working. While continuing on the rolls in some cases, they will draw down reduced benefits.

These incentives are made equally available to SSI recipients and applicants of all ages; however, experience has shown that people over 55 make relatively little use of them.

The effect of the proposal on the SSI program will be minimal in that it will adopt the same standard for initial eligibility as is now in effect for continuing eligibility of an individual who works despite continuing severe functional limitations. The extension of the same definition to initial and continuing eligibility for social security benefits based on disability will require some structural changes in title II as described below.

Basic Change

Eliminate references to "substantial gainful activity" in Title II and in Title XVI; reformulate the criteria for disability in terms of disadvantage in performing or participating in major life activities—of which work may be one. This step has already been taken, in effect, for SSI continuing eligibility purposes and is under consideration for initial award as well.

In order to secure adoption of this concept in the statutory definitions (sections 223(d) and 1614(a) of the Act), it will be necessary to consider the impact on SSDI. In the SSI program, as has already been demonstrated, even in the absence of a specified dollar limitation on SGA, benefits with earnings are self-limiting (by the formula for countable income) at a level that makes for a fairly smooth transition from reliance entirely on benefits to reliance entirely on earnings (or earnings plus other income). This effect is not found for substantial levels of SSDI benefits under title II. One of the major obstacles experienced to date for putting work incentives into title II comparable to those recently enacted for SSI (section 1619 of the Act) has been the recognition that the breakeven point (at which benefits are reduced to zero) for individuals with the highest earnings records would be unacceptably high unless a formula were introduced for gradual reduction in benefits as earnings increase, beginning well below the level protected by the presently specified SGA dollar limit. This would somewhat disadvantage some present SSDI beneficiaries who regularly earn something not far under $500 a month while

concurrently receiving full tax-free SSDI benefits without any reduction; disadvantaging any present beneficiaries is a step which members of Congress consider "off the table". Furthermore, a high breakeven point would tend to produce "induced filers". "Induced filers" are people with disabilities (who may or may not have heavy extraordinary disability-related expenses) who are well situated in good primary jobs where they have already accumulated generous Social Security credits and who (it is assumed) would, in the absence of an SGA limit, be induced to apply for SSDI benefits while continuing to work at the same or a similar job. These cases, although relatively rare, would require rather complex rules of the kind that we seek to avoid imposing on SSA. To come to grips with this issue, it would be necessary to differentiate between gross salary and net disposable income after legitimate disability-related expenses are assessed on an individual basis.

It is suggested that the appropriate place to counter these inappropriate incentives can be found in the IRS environment. A precedent has already been set for taxing some Social Security benefits and for calculating refunds owed to SSA by a retiree who has significant earned income. Annual calculations of individual medical expenses are also an IRS routine and similar protocols could be used to calculate disability-related costs that should be deductible by a disabled taxpayer in order to equalize his net income as compared to his peers. This arrangement could alleviate what is likely to become an increasingly burdensome task for claims representatives: calculating "real" (net) earnings on a monthly basis.

Additional Options

Option 1—Use the disability determination process to gather and record needed data about the nature and extent of functional impairments of individuals who qualify as disabled under title II and title XVI: The processes presently in place for determining the extent and severity of functional impairments associated with specified physical or mental conditions or disorders readily lend themselves to identifying also the extent of need for personal or other ongoing assistance of a nonmedical nature. Following the models used in practice by the US Public Health Service, three levels can be established: (a) Most severe—those requiring ongoing (frequent) assistance of another person in the activities of daily living; (b) very severe—those requiring some personal assistance but less frequently *or* those who require special transportation, special equipment, devices, vehicles, pharmaceuticals, adapted housing, etc., where maintenance and ongoing operation involve expenses substantially in excess of those experienced by nondisabled people; and (c) severe—those meeting the eligibility criteria currently in place as indicators of work limitation but who do not experience extraordinary need for ongoing nonmedical support.

Partly because of the increasing interest in maintaining people with disabilities in their own homes, the National Center for Health Statistics has in recent years given increased attention within its ongoing National Health Interview Survey to ascertainment of the prevalence of impairments in specific "activities of daily living" (ADL), primarily related to personal self care, and "instrumental activities of daily living" (IADL), primarily related to management of money, use of telephone, mobility outside the home and the like among people living in "households". Some of the results have been analyzed by Mitchell LaPlante (1988. Data on Disability from the National Health Interview Survey, 1983–1985. National Institute on Disability and Rehabilitation Research, U.S. Department of Education.) Among those age 18–69 reporting a limitation in amount or kind of work, about 7 percent reported that they needed personal assistance in IADL or ADL. These surveys also show different rates of prevalence of these impairments among persons of working age depending on age and income, along lines that might be anticipated. Clearly people eligible for SSI, being poorer, can be expected to have higher rates of need for personal assistance. An additional supplement to the NHIS, focused on disability, will be included in the 1993 and 1994 waves. Valuable as these surveys are, however, the interpretations that we can put on the results are limited both by the survey methodology and by their reliance on self reporting without clinical verification as to diagnosis or impairment.

On the other hand, there are upwards of 5 million individuals between the ages of 18–64 who are receiving either social security benefits or SSI, or both, based on their own work disability, each of whom has been subject to a professional clinical evaluation as to both the medical condition and the extent of functional impairment. Medical conditions by age are regularly coded and reported, although there are some missing data in older records.

It is recommended that impairments that limit major life activities (including self care, self management, communication, mobility, personal planning and decision making, as well as working) be documented prospectively as they are identified in the course of carrying out the routines now prescribed for disability determinations, and that the data be made available for analysis.

Option 2—Give consideration to establishing a specified Federal supplement (a percentage of the benefit, whether SSI or SSDI/DAC) associated with each of the two higher classifications of need for assistance; i.e., "most severe" and "very severe": The supplement would recognize some part of the incidental extra cost of living experienced by these individuals in the ordinary course of life, without detailed accounting (e.g., the food for a guide dog, the taxi to the station). It is recognized that such a standard supplement (which resembles the federally administered supplement given by some States to SSI recipients who live in boarding homes or similar non-Medicaid residential facilities) will not obviate the need of many recipients for substantial additional social services as indicated in the description of the "most severe" and "very severe" categories. These more costly services would continue to be allowed based on individual need and monitored for quality and cost under State and local supervision.

Chapter V—Definition of "Aged" Issue

A. Preamble to Chapter

The SSI statutory definition of an aged individual as one who is 65 or older perpetuates the age limit used in the Federal/State grant program of Old Age Assistance which was replaced by SSI. It is also currently the age at which full retirement benefits are payable under the retirement and survivors insurance program. The Medicare and Medicaid programs use age 65 as an entrance point for the nondisabled.

In other programs, different ages have a role in eligibility determinations. For example, under the retirement and survivors social insurance program, an insured individual can collect "early retirement" benefits at age 62, and older women and men may begin collecting widow(er)s' benefits at age 60. The Older Americans Act sets age 60 as the point of eligibility for programs it funds. On the other hand, beginning with the year 2000, the age for unreduced social insurance retirement benefits (age 65) will increase gradually until it reaches age 67 in the year 2022.

A review of six other countries (Australia, Austria, Canada, Finland, The Netherlands, and Switzerland) shows that all use age 65 for men as a criterion for entitlement to benefits. However, only three of the six use that age for women: Australia and Austria use age 60 while Switzerland uses age 62. In the United States, people are considered, by a variety of programs, to be "seniors" at points ranging from 50 to 65.

B. Lowering the Age Limit for "Aged" Benefits

Background Information

For SSI purposes, a person must be at least 65 in order to be considered "aged". Being under age 65 means that SSI eligibility is possible only for those who are disabled or blind. If a person who is becoming older, but is not yet 65, files for benefits on the basis of disability, both the SSI and the disability social insurance programs take age into consideration when assessing ability to work. That is, they recognize that age can affect a person's ability to adapt to a new work situation and to work competitively. However, being older does not, of itself, constitute being disabled.

A study of SSI disability applications received in 1989 from people between the ages of 50 and 64 gives some clues to the number of potential eligibles if SSI

had a lower limit for its "aged" population.

Category	Total	Age	
		50–59	60–64
Claimants meeting "means" test	266,748	191,879	74,869
Awarded benefits	158,464	109,091	49,373
Medical denials	108,284	82,788	25,496

Note: The figures above are only pointers, not definitive indicators of potential eligibles. They show only older people who were needy and who considered themselves disabled but did not meet the medical criteria for disability. For example, there could be many more than 25,500 new eligibles age 60–64 since not all needy people in that age group would have filed claims on the basis of disability.

One of the significant differences between eligibility on the basis of age and eligibility on the basis of disability or blindness relates to work incentives. Although employment can be an effective tool in preventing or reducing poverty among older Americans, most of the SSI work incentives apply only to those who are blind or disabled. For this reason, a majority of the experts support extending all work incentives to the aged (see part C of chapter IV).

Experts' Discussion of "Age" Issue

Most of the experts concluded that the age requirement for SSI eligibility should be lower than 65. A majority of them favored lowering the age requirement to 62 although a few experts preferred lowering it to age 60.

The experts who favored lowering the age requirement to 62 did so in order to provide a linkage with the retirement and survivors insurance programs which, in most instances, allow for reduced retirement benefits at age 62—although, for aged widow(er)s the age is 60. They believed an age 62 SSI requirement would provide a better economic safety net.

The same majority of experts favored phasing in the 3-year age reduction, from 65 to 62, one year at a time. They believed that a gradual change would be easier to administer and would permit phasing in the additional program costs.

The experts also discussed making the SSI age requirement as low as 50. They said this might provide a bridge for people, such as displaced homemakers and widows, who have been out of the workforce for a number of years and are unable to find work due to their age or lack of marketable skills. In general, the majority concluded that lowering the age requirement that much might reduce benefits under some State or local government programs. For example, general assistance programs sometimes provide a lower level of assistance to the elderly than to the nonaged. There was also concern that encompassing a larger group of "aged" eligibles might stretch limited funds to the point where, eventually, there would have to be restrictions on future benefits for the frail elderly age 80 and over.

Recapitulation of Experts' Opinions on "Age"

Option	Experts supporting
1. Lower the age requirement to age 62, phased in over 3 years	16
Comment: One expert, who supports this option, expressed a preference for reducing the age to 60 over a 5 to 10 year period, depending on other priorities.	
2. Lower the age requirement to age 60	2
3. Extend the SSI program to low income (unemployed or marginally employed) workers and spouses age 62–65 and widow(er)s age 60–65 who are eligible for a low social security insurance benefit	4

C. Option Preferred by a Majority of Experts Summary and Cost Estimates

Sixteen of the eighteen experts who took a position on the definition of "aged" believe that the age requirement should be lowered from the current 65 to age 62 and that the change should be phased in, 1 year at a time, over 3 years.

This majority of experts sees lowering the age limit as creating greater consistency with the social insurance retirement program and making it possible to provide SSI to older people who, though not technically disabled, have found it necessary to stop working for reasons of health.

ESTIMATED COST

[In millions]

Fiscal year	SSI Program	SSI administrative	Medicaid Program
1993	$40	Negligible	$20
1994	178	$10	115
1995	351	$10	255
1996	481	$10	390
1997	528	Negligible	460

* * * * *

Chapter VI—Agency Services Issues—Including Additional Staffing to Fulfill the Promise to Serve the Needy

A. Preamble to Chapter

The Social Security Administration role has expanded over the years to encompass: identifying individuals potentially eligible for benefits; ensuring their awareness of that potential eligibility; assisting the public by providing information and referral to other agencies for social services; helping the homeless, and recruiting representative payees when needed. This chapter addresses areas requiring additional resources and other necessary improvements to enable SSA to effectively and efficiently fulfill its service delivery role.

Members of the public have consistently stated that SSA's service to the SSI population is inadequate. Some said that this was due to SSA's downsizing over the past 10 years. Commenters said that processing initial applications, especially those based on disability, has taken too long. They also said that improvements are needed in the areas of information and referral, and outreach—including assistance to the homeless.

SSA's field office staff throughout the nation reported the effect downsizing has had on the agency since the early 1980's. Some staff stated that downsizing has hampered the agency's ability to provide consistent and adequate public service on a nationwide basis. Some also said that, while downsizing was taking place, the SSI population in need of services from SSA was constantly growing.

B. Staffing

Background Information

Between 1984 and 1990, SSA underwent a planned staff reduction in excess of 17,000 positions from approximately 80,000 to 63,000 positions. Although increased use of computers provided some basis for downsizing, in the judgment of the Chairman, the 21 percent cut was arrived at in, to use an expression often used by the courts, an arbitrary and capricious manner.

The downsizing ended in 1990 but current staffing levels remain approximately 21 percent below the pre-1984 levels. During the same period, SSA's ongoing workloads increased. SSI claims based on disability, for example, increased by more than 20 percent.

Currently there is a backlog of approximately 762,000 disability cases. For 1993, the President's budget projects a backlog of 1.4 million SSI and social insurance disability cases. On average, a person currently filing a claim for the first time waits up to 4 months to receive benefits.

The Chairman of the House Ways and Means Subcommittee on Social Security asked the Commissioner of Social Security how a staff increase of 6,000 would improve SSA's services. The Commissioner responded that funds for additional staff would be devoted to priority workloads such as processing

additional disability and appellate cases; processing additional workloads generated by provisions of recent legislation; reducing the busy rate on the 800 number service; and increasing time spent in field offices on new claims, postentitlement actions, and continuing eligibility reviews.

Public testimony. Many public commenters familiar with SSA's workload said there is a need for additional SSA staff in order to improve the agency's performance in meeting the public's expectation of service. For example:

> There is an urgent need for the hiring of additional staff at the district office level. * * * we receive complaints from the elderly and disabled regarding the length of time they have had to wait * * * before they were able to meet with a representative. Often times, they were told to come back and were given an appointment for a later date * * *. They rarely have sufficient monies to pay for transportation to and from the district office. If they were lucky enough to obtain transportation via a friend or family member, the latter may not be able to take another day off from work or child care duties so as to provide transportation * * *
>
> Some seniors show up at the office at 6 a.m. so they won't have to wait half a day or more. When you are old or sick, or have arthritis or other disabilities, you can't wait like that. You just give up on applying for benefits you're entitled to.
>
> Many of the staff people who cared the most about helping the needy aged and disabled recipients have become frustrated and disillusioned and moved on to different jobs. The ones who have stayed are stressed out and overwhelmed * * *. We believe the single most important change that can be made to humanize the SSI program is to increase staffing levels.
>
> "* * * the SSI recipient is being deprived of his initial Medicaid card and his benefits because of the [processing] time delay that [is] taking place * * *."

Other areas identified by the public as needing improvement include such things as eliminating delays in processing reports of changes which affect benefit amounts; doing a better job of assisting claimants in pursuing their rights, providing information and referral, conducting outreach, and processing applications which result from effective outreach. They also described the need for more staff training—including sensitivity training—and bilingual staff.

Field office staff members also spoke and wrote to the experts. In addition to addressing specific issues, some addressed the staffing situation:

> Not having enough staff has created low morale and feelings of despair. A workload is consisted of human beings—disabled, blind and aged. Human beings who call the claims representative asking when benefits will start. Many die, become sicker, or become homeless waiting for our agency to make a decision and process the claim * * *. The claims representatives in my office have worked long hours and half days on weekends to keep ahead of workloads. We have one claims representative that has nearly had a nervous breakdown, but she's trying to hang in there * * * I hope * * * she gets better, but in the meantime we all suffer with added workloads because her slot can't be filled.
>
> I beg to differ with the attitude that * * * SSA claims representatives no longer seem to want to help people. * * * In the 5 years I have worked in this district office I have: (a) Given mouth to mouth resuscitation to a heart attack victim in the front end interview area. (b) Assisted a pregnant SR who had collapsed at the public service counter. (c) Assisted a young man who was having an epileptic seizure on the floor of the reception area. I am not discussing these experiences because I want Kudos. I wish to emphasize that, although there are 'burn out' CRs who don't care, there are more of us who will take the extra step * * *. I am responsible to interview, process claims, process a multitude of post-eligibility items, answer phones, etc. But I must also, (a) Try to convince a young woman that life is worth living. (B) Talk to a representative payee about her retarded brother who wants to wander to Colorado. (C) Advocate to get emergency medical stickers for an elderly claimant. (D) Console a woman because her mother just died. (E) Phone the young woman to make sure she is alive. Discuss referrals to local agencies where she might find support/motivation. So, while there is dialogue about how involved we should get as SSI CRs, we are getting involved because our claimants NEED US NOW.
>
> I have thought of quitting many times. I keep telling myself 'who needs it—let someone else do it.' But I see faces. The mother who brought her son in for his redetermination interview. He is dying of aids. As the interview ended she looked at me with tears in her eyes and said 'thank you for being so patient with my questions and showing respect to my son.' Or the young woman in a wheelchair. She is completely disabled and has two disabled children, one who walks and one who lays across her lap. At the end of the interview she looks at me and says, 'thank you for not treating me like I am stupid'. So, I am still an SSI CR. I do not know how long I will stay. I have my bad days when I get cranky and am rude to coworkers and claimants alike. But I do CARE. That is why I stay . . . we need to remember that although this is a battleground—it is war against poverty, illiteracy, disease, apathy, etc.—the SSI CR is WITH the CLAIMANT not against the CLAIMANT."

Experts' Discussion of Staffing Issues

The experts view an improved staffing picture as integral to resolving a variety of the problems discussed in this report. Almost all agreed with the comments during the experts' public meetings that SSA needs more, better-trained staff in order to improve the timeliness and quality of its service to the public.

The subject of staffing arose during the experts' discussions of almost every issue. It was emphasized during every public hearing in connection with the need for more personalized service for many SSI claimants, and especially in connection with the mounting backlogs in the State agencies which make disability determination for SSA.

The experts view the disability backlogs in the State agencies as unacceptable. The average waiting period is up to 4 months, and some claimants and their representatives described much longer delays. The 1993 budget will increase the backlogs.

An expert commented that with the projected backlog increases, the average daily delay may be expected to increase substantially. This expert recalled that when the Commissioner of Social Security was asked recently by the subcommittee on Social Security what she would need to clear up the backlog of disability cases, she replied that it would require 5,000 persons and $500 million.

The experts recognized that behind all statistics regarding backlogs and processing times are hundreds, even thousands, of persons who are suffering. They also recognized that there are also thousands of career civil servants who are blamed for these delays. One expert said, "Now and then the public may have to deal with a callous civil servant. But the overwhelming majority of civil servants are eager to clear up the backlogs and are frustrated because of the shortage of staff."

The experts recognized that the disability backlogs are not the sole problem. One expert said that in the Omnibus Reconciliation Act of 1990, Congress required extensive changes in SSA's operations with respect to representative payees. This included more extensive investigations of potential payees; a variety of studies with reports due by dates specified; and the development of an extensive master file of representative payees which must be in place by October 1, 1992. The expert pointed out that currently, 5 million beneficiaries of social insurance and SSI have representative payees, and while there are fewer than 5 million different payees, creating this system is an enormous task. The expert noted that Congress has never appropriated a single dollar for the design and implementation of this very extensive system.

This same expert described other staffing problems related to SSA's installation of large telephone service

centers to handle an 800 number. The expert reported that the cost of doing this was absorbed by the budgets in the field offices; and when the large telephone service centers became operative, SSA directed phone calls to those centers. Recently the Congress has directed that the local SSA offices should once again publicize and use local phone numbers. The expert said that Congress has not provided resources to restore this service in local offices. The large telephone service centers with their attendant 800 numbers continue in place. The expert pointed out that the result is that local offices have been forced to absorb the costs of creating the telephone service centers and the costs of reestablishing telephone services in local offices.

For these, and other reasons, a majority of the experts also concluded that the restoration of 6,000 staff positions is not enough to do the job being asked of SSA. However, they viewed it as a reasonable and desirable first step.

A majority identified increased staffing as one of the top priorities for modernizing and improving the SSI program. Two experts viewed increased staffing as the single highest priority of all since they concluded it could eliminate, or greatly reduce, many of the other problems discussed.

The experts specified that funds provided for additional staffing must be used to improve staffing in the State disability determination services as well as in SSA. One expert, while agreeing that adding 6,000 positions was reasonable as an initial goal, urged that this number be doubled, at least, over a period of 2 to 3 years. Another urged placing emphasis on the need for near-future increases beyond the initial 6,000.

Nearly all the experts expressed the view that, with additional staff, SSA should place renewed emphasis on restoring more personal contact and individualized assistance to those it is intended to serve. One expert, while agreeing in principle, added that such emphasis should not be considered separately but viewed as an integral aspect of additional staffing.

Recapitalization of Exports' Opinions on Staffing Issues

Option	Experts supporting
1. Increase SSA's administrative budget, as quickly as possible, to provide for at least 6,000 additional positions as a first step toward adequate staffing	19

Recapitalization of Exports' Opinions on Staffing Issues—Continued

Option	Experts supporting
2. With additional staffing, place renewed emphasis on personal contact and individualized service	18

Comment: The one expert who did not favor this option said that the first priority of added staff should be the reduction of processing times in all areas.

C. Funding for Outreach Activities

Background Information

Historically—and especially following enactment of the SSI program—the Social Security Administration has assumed the obligation to provide people with information and other assistance in obtaining benefits for which they are eligible. At times the Agency has been admonished to do more in this regard, but rarely has there been any budgetary recognition that this type of work has an impact on agency resources.

Beginning in 1989, SSA made SSI outreach an ongoing agency priority. SSA has undertaken an outreach campaign through its field offices, working with community-based agencies. For example, offices have used other agencies' lists to send letters to potentially eligible individuals; workers regularly visit homeless shelters, facilities for the elderly, and other sites where needy individuals might be found; and computer matches between SSA and other agencies identify potential recipients. Information and referral agreements with advocacy and service groups have been a key aspect of outreach. However, many groups within the population, including the homeless, the frail isolated elderly, children, and Native Americans, have been underserved. (For additional discussion on this issue, see Parts D and E below concerning "Information and Referral" and "Helping the Homeless.")

In fiscal year 1990, Congress appropriated $3 million for SSI outreach demonstrations. SSA funded 33 outreach demonstration projects operating in 46 sites nationwide which tested or are testing methods of overcoming the barriers that prevent potentially eligible individuals from filing for SSI. In fiscal year 1991, Congress appropriated another $6 million to continue this outreach program. SSA published a grant announcement which closed on November 19, 1991, and SSA will fund additional cooperative agreements based on what has been learned from the first group of projects. The most successful methods from all of the projects will be incorporated into future outreach initiatives.

The experts noted that, although Congress has awarded outreach monies for cooperative agreements to outside organizations, it has not provided additional funds for SSA staff support. Out of necessity, staff support for outreach activities is being absorbed by SSA's existing staff. The experts said that this detracts from other SSA activities, and processing backlogs increase as a result.

Experts' Discussion on Funding for Outreach Activities

A majority of the experts agreed with the majority of public commenters that SSA should continue outreach activities. These experts concluded that many potentially eligible disabled and elderly individuals are not participating in the program.

Most experts agreed that the SSI administrative budget should be increased by some specific percentage and the additional amount should be dedicated to SSA staff outreach activities. Some of the experts were concerned that the option, as previously published, was not specific regarding the percentage of the budget which would be dedicated to outreach activities. They wanted to ensure that outreach activities would not be reduced. They reworded the option to state that the SSI administrative budget should be increased by at least 5 percent, with the increased amount dedicated solely to outreach. One expert commented that 5 percent seemed too high and suggested that 2.5 percent would be preferable with the remaining 2.5 percent allocated to increase personnel, and service improvement.

RECAPITULATION OF EXPERTS' OPINIONS ON FUNDING FOR OUTREACH ACTIVITIES

Option	Experts supporting
1. Establish specific funding for outreach by increasing the SSI administrative budget by at least 5 percent	16

Comment: Two of the experts indicated that SSA should not establish specific funding for outreach, but instead should use the 5 percent to invest in more staff and better service.

D. Information and Referral

Background Information

When Congress established the SSI program, it separated responsibility for income maintenance from that for social services. The new program placed responsibility for cash assistance payments delivery in SSA, and social service assessment and delivery in the hands of State and local governments and private nonprofit agencies. This separation of payment delivery and social service delivery was consistent with the historic operation of most States programs prior to the 1974 implementation of SSI.

SSA initiated information and referral activities to help link SSI claimants and beneficiaries with other public and private agencies which could meet other needs. This had previously been done for claimants and beneficiaries of the social insurance programs.

The Social Security Act requires SSA to provide referral to vocational rehabilitation programs for certain categories of SSI and disability social insurance beneficiaries. Also, the food stamp law requires SSA offices to inform SSI claimants that they may be eligible for food stamps and that food stamp application forms can be obtained at SSA offices; also, SSA staff is required to assist certain claimants in applying for food stamps.

SSA has committed to assisting the public in obtaining social services they need. By recognizing the importance of information and referral responsibilities, SSA acknowledges that people have needs beyond those met by SSA programs.

SSA field office staff reported during SSI Modernization Project meetings that, as a result of heavy workloads and inadequate staffing, information and referral is often shortchanged. They said that the public expects SSA to have the capacity to provide support to individuals in need of social services, but with the current level of staffing this is not realistic.

Models for expanded information and referral services which the experts considered are:

Expanded community liaison model. This model would broaden the scope of SSA's referrals to include more in-depth community liaison activities. This activity would provide linkage with community organizations and ensure that individuals receive assistance through other organizations; e.g., the mental health system, local charity or cultural groups and State agencies. SSA field offices would dedicate additional staff resources to contacting community agencies and institutions and to working with them on a continuing basis. The goal would be to use community organizations in concert with local SSA offices. Ongoing dialogue would keep SSA aware of changes in local service agencies. Feedback from the other organizations would help SSA improve its information and referral process.

Case manager model. Case management would further increase SSA's information and referral responsibilities. SSA would make referrals by contacting other organizations on behalf of the individual rather than providing the individual with information regarding whom to contact. SSA would follow up to ensure that referrals were effective and met the needs of the individual.

A still more comprehensive approach to the case manager model would have SSA work face-to-face with beneficiaries, their families and caregivers, taking responsibility for the progress of each person. Case management would provide for an active and ongoing link between people who want or need services and people who provide those services.

Experts' Discussion of Information and Referral

Generally, the experts believed that SSA's information and referral services should be expanded. They said that information and referral services are especially important to SSI claimants, many of whom are vulnerable and require special assistance in order to obtain needed services.

The Chairman concluded, based on his visits to SSA field sites, that there is room for more effective relationships between the telephone service centers and field offices.

A majority of the experts favored the expanded community liaison model for providing information and referral services. This was also favored by a majority of the public commenters who addressed this issue. The experts believed that, even though its use might require increased staffing, this model represents an appropriate increase in the scope of SSA field office responsibility for in-depth community liaison activities.

The experts believed SSA field office staffs could develop referral lists and expertise in identifying the particular resources which would be helpful to individual claimants. They also felt adoption of this model would be rewarding to SSA employees. One expert stated that a background in social services would be helpful to staff engaged in such activity.

Some experts stated emphatically that SSA should not become involved in the case management model. They also noted that case management is very labor intensive and would require a major increase in staff. One expert expressed the view that there would be potential for conflicts of interest and abuse of confidentiality if entitlement agencies were to perform social service functions.

RECAPITULATION OF EXPERTS' OPINIONS ON INFORMATION AND REFERRAL

Option	Experts supporting
1. Adopt the expanded community liaison model	14
2. Adopt the case manager model	1

Comment: An expert, who disagrees with this option, opposes SSA's getting into case management because it "violates the principle of allocating appropriate duties to appropriate levels of government. Federal aid is available to the States for this function through * * * other programs."

E. Helping the Homeless

Background Information

Provisions of law. Certain provisions of the SSI statute are intended to help prevent homelessness. They establish exceptions to provisions of the statute that prohibit SSI eligibility for people in public institutions and set a payment limit (currently $30 per month) with respect to a person who is confined to a medical facility when Medicaid is paying a substantial portion of the cost of his/her care. These provisions address:

Eligibility while in an emergency shelter for the homeless. Although an individual generally is not eligible for SSI benefits for any month throughout which he or she is a resident of a public institution, there is a statutory exception for persons in public emergency shelters. In any 9-month period, a qualified person may be eligible for SSI for any 6 months throughout which s/he resides in a public emergency shelter for the homeless. There is no similar limit on eligibility with respect to a resident of a privately operated shelter.

Continued payments during a medical confinement. Under certain circumstances, full SSI payments can be continued temporarily for individuals who are institutionalized (where payments would otherwise be reduced or suspended). Under one provision, the person must have expenses for maintaining a home, and a physician must certify that his/her confinement

will be for 90 days or less. Under a separate provision, the person need only to have been eligible for SSI under work incentive provisions prior to institutionalization.

Prerelease program. The prerelease program is designed to identify potentially eligible people who are about to be discharged from institutions and assist them in filing for SSI benefits before discharge. The goal is to expedite the processing of the application so that payments can begin as quickly as possible after the person is discharged.

Under the program, SSA offices establish agreements with interested and appropriate public and private institutions. The institution agrees to identify those persons who appear likely to meet the criteria for SSI eligibility and who could be released within 30 days of notification of potential eligibility. The SSA office takes applications from potentially eligible persons and determines each person's potential eligibility and payment amount based on his/her anticipated living arrangement upon release.

Existing procedures. SSA has procedures designed to ameliorate some of the difficulties homeless people encounter in establishing and maintaining their right to receive benefits. These include the following:

Outreach. Many SSA field offices have "homeless coordinators" who work with local service and advocacy group to help homeless persons receive benefits due them. As a result, many local social service agencies, soup kitchens, shelters, churches, etc., screen clients for possible SSA eligibility, refer those with potential eligibility to the local SSA field office, and help them through the system. In some areas of the country, SSA staff persons, sometimes assisted by State disability determination service staff, visit shelters for the homeless, clinics, and hospitals to take applications. SSA is investigating methods of continuous funding for these activities.

No fixed mailing address. SSA does not require a fixed mailing address for issuing a check. Persons who are homeless may pick up their checks at the local Social Security office, at a shelter, or any other location they choose.

Assistance in securing evidence. SSA has a policy designed to ensure that an individual's payments are not inappropriately terminated because of failure to respond to a request for evidence. SSA recognizes that a person's age or medical condition, or homelessness itself, may make it difficult for him or her to respond on a timely basis. Failure to furnish this information does not automatically result in loss of benefits. SSA tries to locate individuals, including contacting homeless shelters, to assist them in obtaining the necessary documents.

Barriers to receipt of benefits. During their public meetings, the experts heard from homeless persons and their advocates concerning the extraordinary barriers which such persons encounter with respect to establishing and maintaining eligibility for SSI. People testified that:

Access problems. Getting access to SSA, in itself, is difficult for a person who is homeless. Frequently, homeless people are not connected to any of the social agencies which routinely refer people to SSA offices. They have no transportation to go to SSA offices. The use of the 800 number also has presented difficulties.

Processing times. After an application is filed, long processing times present problems. Homeless people are in especially tenuous positions in terms of securing food and shelter while awaiting benefits. Some people who are seriously ill wait for SSI eligibility (with its concomitant eligibility for Medicaid) before seeking medical treatment.

No fixed mailing address. Because they have no fixed mailing address to receive notices or requests for evidence, homeless people frequently do not receive notices of appointments for consultative examinations or other notices. Therefore, despite efforts by SSA field office staff to contact them, they are subject to denial of benefits for failure to pursue their claims.

Other. The experts also were told that many mentally ill individuals are receiving SSI and continuing to live on the streets. When this becomes a habit, it is difficult to persuade such people to spend their monthly benefits on housing since it would absorb most of the benefit. (See Part F below regarding Representative Payment.)

Federal Task Force. On March 20, 1992 the Federal Task Force on Homelessness and Severe Mental Illness released a report on a national strategy designed to end homelessness among people with severe mental illness. According to that report, up to 600,000 people are homeless and about one-third of them suffer from severe mental illness. A significant portion of this population may meet requirements for SSI eligibility.

Experts' Discussion on Helping the Homeless

The experts urged SSA to continue expanding its efforts to help those who are homeless and prevent homelessness, as it has committed to do. This report contains numerous specific suggestions which would assist in helping the homeless as well as others. For example, actions which would shorten processing time and expand outreach in general would improve program access for the homeless. Improvements to the representative payee system would help to assure that, once eligibility is established, benefits are used to meet food and shelter needs. In addition, the experts have identified certain action items designed specifically to help prevent homelessness.

Emergency payments. Nearly all of the experts stated (as did the majority of public commenters) that emergency SSI payments should be provided to individuals who are homeless, as defined by the Stewart B. McKinney Homeless Assistance Act, and who, in the judgment of a qualified mental health professional, exhibit symptoms of severe mental illness. The McKinney Act defines a homeless person as someone without a fixed, adequate nighttime residence or whose primary nighttime residence is a shelter, a temporary holding place for individuals intended to be institutionalized, or a place not intended as sleeping accommodation for human beings.

These experts believed that applications from such persons should be processed for a final decision within 30 days or benefits continued until a final decision is reached. They said that the payments should not be considered overpayments if it is decided that these individuals are not disabled or blind.

One expert commented that these provisions are needed because severely mentally ill and homeless persons are not likely to stay in one location and pursue their claims through the normal adjudication period.

Continued benefits for people in medical facilities. Almost all of the experts concluded that there is a need to modify the provision which permits continued SSI payments for certain hospitalized individuals. They concluded that restrictions regarding a physician's certification and the requirement to provide evidence that the eligible individual needs continued payments to maintain his or her living arrangement should be removed for those entering hospitals. They believed that the requirements could be retained for those entering other medical institutions. An expert noted that many individuals, especially those suffering from mental impairments, are not able to provide the information required. This modification would help all SSI recipients who are hospitalized to maintain living arrangements in the

community to which they can return, reducing the likelihood of homelessness.

Benefits for people in public emergency shelters for the homeless. Nearly all of the experts stated that residents of public emergency shelters for the homeless should be eligible for SSI indefinitely, without the current restriction that eligibility is limited to any 6 months in any 9-month period. There was some discussion concerning the fact that residents of private shelters are not subject to this restriction on eligibility, and it was noted that the public shelter issue is localized in that in some areas there are no public emergency shelters.

Barriers to benefits. Almost all of the experts favored the expansion nationwide of outreach services currently being tested by SSA. Almost all of the experts concluded that SSA should develop a "backup" mailing address for homeless or mentally ill individuals. There was some discussion explaining that this provision refers to establishing a secondary address at the time of application, and not merely a post office box.

Recapitulation of Experts' Opinions on Helping the Homeless

Option	Experts supporting
1. Provide emergency payments to homeless persons with severe mental illness	16
Comment: One expert indicated that emergency payments should be left to State/local governments and private agencies	
2. Provide continued payment protection for all hospitalized individuals	18
3. Pay SSI benefits to individuals in public emergency shelters for the homeless without any time limit	17
Comment: One expert favored a 90-day eligibility rule for both public and private shelters. Another expert suggested that the current 6-out-of-9 month rule be extended to private shelters	
4. Expand nationwide the outreach services now being tested	15
5. Create backup mailing address locations for homeless and/or mentally ill persons	17

F. Representative Payment

Background Information

Most people entitled to social insurance or SSI benefits receive their payments directly. When a beneficiary cannot manage or direct the management of monthly payments because of severe mental or physical limitation, SSA appoints a representative payee to use the payment in the beneficiary's best interest.

Each month, SSA pays benefits to about 43 million SSI and social insurance beneficiaries. Of these, about 5 million are paid through representative payees who receive more than $1.6 billion monthly. Representative payments are made for about 27 percent of the SSI population.

Representative payees are required for beneficiaries who are children under 18, legally incompetent adults, and disabled persons receiving SSI payments because of alcoholism or drug addiction. In other cases, SSA determines that a beneficiary is incapable of managing funds based on evidence from the beneficiary's doctor and/or reports of persons who are familiar with the beneficiary's day-to-day activities.

Payee responsibility. A representative payee is required to use benefits in the best interests of the beneficiary, and to act on behalf of the beneficiary in dealing with SSA. For example, a payee must report changes which may affect the person's entitlement or benefit amount, and s/he must decide whether to appeal SSA decisions. In addition, a payee must account, annually, to SSA for the benefits received.

Payee recruitment. Most beneficiaries who need representative payees are served by family members or close friends. If a beneficiary does not have family or close friends, SSA must look to the community for a suitable payee. A custodial institution such as a nursing home or State hospital may be appointed as payee. State and private social service agencies likewise may be appointed. However, in some States, social service agencies are precluded by law or policy from serving as payees. In others, budget constraints prevent agencies from serving. When other sources are not available, SSA has the often difficult task of finding a volunteer payee. Persons most often in need of volunteer payees include those who are severely mentally ill, substance abusers, and the homeless.

Payment for services. Beginning July 1, 1991, the law permits certain nonprofit community-based social service organizations to collect fees for expenses incurred in performing payee services. Such organizations may deduct from a beneficiary's social insurance and/or SSI monthly payment the lesser of 10 percent of that payment or $25. This is a first-time authority to collect fees of any kind for payee services. It is a temporary authority which expires on July 1, 1994.

Payee monitoring. Certain State institutions are subject to onsite reviews of their payee functions by SSA representatives. All other payees are required to submit an annual accountability report. There is no routine audit of these reports and there are questions about their effectiveness in preventing and detecting misuse. However, use of sampling techniques to audit use of funds by payees has shown little misuse.

When a payee misuses a beneficiary's funds, the payee is liable to the beneficiary for restitution. Restitution of misused benefits is always sought from the payee who caused the misuse. In these cases, SSA usually appoints a new payee and tries to recover the misused funds from the former one. Effective November 1990, Federal legislation provides that SSA is liable for restitution of benefits in cases of misuse where it is determined that there was negligent failure by SSA to investigate or monitor a representative payee and the payee misuser has not refunded the misused benefits. Misuse cases may be referred for prosecution but referral and conviction levels are low.

Study. SSA commissioned the Administrative Conference of the United States, an independent Federal agency, to study procedural aspects of the representative payee program. The study findings were published in the **Federal Register** on July 24, 1991. Congress had addressed some of the procedural issues reviewed by the study as part of the Omnibus Budget Reconciliation Act of 1990.

Several of the recommendations by the Administrative Conference address issues similar to those discussed by the experts:

1. SSA should develop and promulgate regulatory criteria on monitoring and evaluation of representative payee performance.

2. SSA should search for appropriate representative payees by identifying organizations that offer representative payee services on a volunteer basis. After gaining experience with these organizations as representative payees, SSA should evaluate their performances in comparison with other payees.

3. SSA should evaluate the need for further use of organizations that serve as representative payees on a reimbursed or compensated basis.

4. Congress should authorize SSA to require payees who have misused funds to pay restitution and to impose civil monetary penalties.

SSI Modernization Project public meetings. During the public hearings an expert noted that, over the years, Congress has increased SSA's responsibilities for representative payment but has never allocated specific resources for the activities. The Omnibus Budget Reconciliation Act of 1990 enhanced SSA's power to investigate prospective representative payees, but provided no additional funding for the activity.

The growth in the number of SSI beneficiaries with mental illness has led to an increased need for representative payment. Historically, representative payees have been found among beneficiaries' relatives and friends. However, for those disabled by substance abuse or severe mental illness, finding and retaining a suitable representative payee is difficult. During the public hearings, the experts heard from individuals and social service organizations concerning problems encountered representing this group of beneficiaries. Substance abusers and severely mentally ill persons often do not want a payee managing their money; this results in power struggles between the payee and the beneficiary over the benefits. When the payee is a family member, family strife often leads to frequent payee changes. Representative payees described being threatened or attacked by the eligible person in disputes over the use of SSA benefits. Because of these difficulties, the experts say a continuing need for SSA to seek out social service agencies to act as payees when suitable payees are unavailable among family members or close friends.

As of July 1, 1991, the law permits certain nonprofit community-based social service organizations to collect a fee for expenses occurred in performing payee services. This fee is deducted from the beneficiary's check. During the public hearings, social service organizations and representative payees indicated that fees for representative payee services should come from the administrative budget rather than from the beneficiary's check.

Members of the public emphasized the importance of monitoring representative payees. Instances of abuse, both physical and financial, were described. When a representative payee misuses funds or fails to report changes to SSA, the beneficiary suffers and is responsible for repaying any overpayments which may occur, even though s/he may never have received use of the funds. People said that when a change in payee occurs, overpayment notices are sent to the new payee and SSA makes little or no attempt to recover the overpaid monies from the previous payee. Public commenters urged that there be stricter monitoring of representative payees by SSA, and that payees provide documentation to support their accounting for the use of funds. It was stated that SSA should have the ability to recover misused funds from the responsible payee.

Experts' Discussion of Representative Payment Issues

Some experts stressed in particular that payments for representative payee services should be made from SSA's administrative budget and should not be deducted from beneficiaries' checks. Most experts also agreed that there would need to be a special appropriation for the fees.

Also, most experts preferred that a fee should be paid only to a payee who is neither a relative of the beneficiary nor a custodial institution. One expert stated that if the benefit rate is raised to 120 percent of the poverty level, the $25 fee should come from the beneficiary's payment.

During the discussions one expert expressed the view that prosecution of a payee for misuse of funds should be left to the discretion of SSA.

Most experts supported the development of legislation which would mandate a specific program of recruitment, training, and monitoring of representative payees and authorize the appropriation of funds to implement the program. The legislative proposal would provide for: (a) Payments of reasonable compensation by the Federal Government to nonrelative and noncustodial representative payees for their services out of administrative budget funds rather than from beneficiaries' checks; (b) contracting by SSA with agencies at Government expense when suitable volunteers are not available (alternatively, if an SSI beneficiary were required to pay some or all the cost of the fees of a representative payee, s/he would be reimbursed); (c) requiring payees, other than parents with custody of minor children, to provide periodic documentation to support their annual accountings; (d) recovery of misused funds by SSA from the monthly payment of any representative payee currently receiving benefits in his or her own right; and (e) prosecution of representative payees who have misused funds, regardless of the amount.

RECAPITULATION OF EXPERTS' OPINIONS ON REPRESENTATIVE PAYMENT

Option	Experts supporting
1. Develop legislation which mandates recruitment, training and monitoring of representative payees and authorizes the appropriation of funds to implement the program. This legislation should provide reasonable compensation to nonrelative, noncustodial representative payees from administrative funds; contracting by SSA with agencies when suitable payees are not available; periodic documentation by payees to support annual accounting; recovery of misused funds from the monthly check of representative payees receiving benefits in their own right; and prosecution of representative payees who misuse funds	19
Comment: An expert who did not support this option expressed the view that representative payees' fees should be paid from social insurance benefit checks. However, with respect to beneficiaries receiving only SSI, the fee should be paid from the administrative budget.	

G. Options Preferred by a Majority of Experts—Summary and Cost Estimates

Staffing: Adequacy

All of the experts who took a position on this issue stated that one of their top priorities is an increase in SSA's administrative budget to permit additional staff positions and related support (e.g., training and equipment). These experts view an immediate increase of 6,000 positions as a reasonable first step toward adequate staffing. The experts believe that an increase in staffing would help to alleviate backlogs and allow SSA to better serve the public.

ESTIMATED COST

[In millions]

Fiscal year	SSI program	SSI administrative	Medicaid program
1993	None	$280	None.
1994	None	297	None.
1995	None	315	None.
1996	None	335	None.
1997	None	356	None.

* * * * *

Staffing: Services

A majority of the experts believes that SSA should renew emphasis on personal contact and individualized service. These experts believe that this is badly needed by a large portion of the population which the SSI program is

intended to serve. This would improve access to the program.

ESTIMATED COST

[In millions]

Fiscal year	SSI program	SSI administrative	Medicaid program
All	None	(*)	None.

(*): Unable to estimate.

* * * * *

Funding for Outreach Activities

A majority of the experts expressing a view on this option favor establishing a specific funding stream to assure continuation of outreach activities. These experts believe that many potentially eligible elderly or disabled persons are not receiving SSI benefits. Outreach activities can help to remove barriers to filing for SSI benefits, and appropriations should provide funds for outreach activities. The experts believe that outreach should have specific funding provided by an increase in the SSI administrative budget of at least 5 percent.

ESTIMATED COST

[In millions]

Fiscal year	SSI program	SSI administrative	Medicaid program
All	(*)	(*)	(*)

(*): Unable to estimate.

* * * * *

Information and Referral.

Most of the experts expressing a view favor SSA's use of the expanded community liaison model. The experts believe that SSA has a responsibility to refer individuals for services available from other agencies and organizations.

ESTIMATED COST

[In millions]

Fiscal year	SSI program	SSI administrative	Medicaid program
1993	None	$100	(*)
1994	None	110	(*)
1995	None	120	(*)
1996	None	130	(*)
1997	None	130	(*)

(*): Unable to estimate.

* * * * *

Helping the Homeless—Emergency payments

A majority of the experts support providing emergency payments to homeless persons who are severely mentally ill. Such payments are needed since these persons are not likely to stay in one place during the normal adjudication period.

ESTIMATED COST

[In millions]

Fiscal year	SSI program	SSI administrative	Medicaid program
1993	$13	$10	$10
1994	45	10	35
1995	50	0	40
1996	55	0	50
1997	60	0	55

* * * * *

Continued Payment Protection for Hospitalized Persons

All the experts expressing a view on providing continued payment protection for hospitalized individuals favor elimination of the statutory requirements for a physician's certification regarding the person's anticipated length of stay and the requirement that the individual have expenses for maintaining a home. The experts support continuation of full payment for 3 months for all SSI beneficiaries who become hospitalized. This would help such beneficiaries to maintain a home or to secure a place to live upon discharge.

ESTIMATED COST

[In millions]

Fiscal year	SSI program	SSI administrative	Medicaid program
1993	$31	Negligible	Negligible.
1994	43	Negligible	Negligible.
1995	46	Negligible	Negligible.
1996	48	Negligible	Negligible.
1997	50	Negligible	Negligible.

* * * * *

Public Emergency Shelters for the Homeless

All but one of the experts expressing a view favor paying SSI benefits to individuals in public emergency shelters for the homeless without a time limit. These experts believe that elimination of the time limit would allow beneficiaries to continue living in emergency shelters and eliminate the need for a beneficiary to choose whether to remain at a shelter or to continue receiving SSI.

ESTIMATED COST

[In millions]

Fiscal year	SSI program	SSI administrative	Medicaid program
All	Negligible.	Negligible	Negligible

* * * * *

Expand Nationwide Outreach Services

Most of the experts expressing a view supporting expanding outreach services. The experts believe that outreach services for the homeless are needed as this population encounters numerous barriers to filing an application and obtaining documentation required to complete the application process and/or to provide necessary medical evidence.

ESTIMATED COST

[In millions]

Fiscal year	SSI program	SSI administrative	Medicaid program
All	(*)	(*)	(*)

(*): Unable to estimate.

* * * * *

Create Backup Mailing Address Locations

All the experts expressing a view believe that when a homeless or mentally ill person files an application for SSI, SSA should ask for a backup mailing address. The experts believe that a backup mailing address would increase the likelihood that the beneficiary will receive his/her benefits.

ESTIMATED COST

[In millions]

Fiscal year	SSI program	SSI administrative	Medicaid program
All	None	Negligible	None.

* * * * *

Representative Payment

A majority of the experts supports development of legislation to strengthen the recruitment, monitoring and training of representative payees. A majority

also stated that fees for representative payee services should be provided when the payee is neither a relative of the beneficiary nor a custodial institution. Such fees should be paid from the administrative budget—needy persons should not have to pay them from monthly benefit.

ESTIMATED COST

[In millions]

Fiscal year	SSI program	SSI administrative	Medicaid program
All	None	(*)	None.

(*): Unable to estimate.

* * * * *

Chapter VII—Linkage of the Supplemental Security Income Program to Medicaid and the Food Stamp Program

A. Preamble to Chapter

The Social Security Act and other Federal statutes mandate certain linkages between SSI and other programs. The nature of these linkages varies widely. For example, the SSI statute requires that SSI applicants file for all other benefits for which they may be eligible. (This includes, for example, retirement, survivors, and disability social insurance benefits.) The SSI law and other Federal statutes provide for income disregards (in whole or in part) which apply to benefits paid under other programs. Other statutory provisions address linkages with certain noncash benefits of other Federal programs, including some which are State-administered. In particular, Medicaid and the Food Stamp Program have eligibility conditions which specifically relate to persons eligible to receive an SSI payment.

The experts reviewed the linkages between the SSI program and Medicaid and the Food Stamp Program, with the view that the SSI benefit package should be considered in the context of the total impact of the three programs. In doing so, the experts noted existing disparities in the benefits and services available to SSI recipients nationwide.

During their public meetings, the experts had discussions with representatives from the Health Care Financing Administration and the Department of Agriculture concerning Medicaid and the Food Stamp Program, respectively. Also, they heard members of the public describe problems people encounter in connection with the relationships between SSI and other programs.

It was apparent to the experts that many SSI claimants are in need of improved access to Medicaid and the Food Stamp Program. This chapter addresses the experts' opinions regarding the appropriate linkages between these programs and SSI.

B. Linkage of the Supplemental Security Income Program and the Medicaid Program

Background

Prior to the SSI program, receipt of cash benefits from the former State administered programs of aid to the aged, blind, or disabled made a person eligible for Medicaid (except in Arizona which did not have a Medicaid program). The Congress recognized that, with the enactment of SSI, more people would become eligible to receive cash assistance payments. Given the potential for increased State Medicaid costs, the legislation which established SSI also permitted States to break the direct link between receipt of cash assistance and Medicaid eligibility.

The statute permits States to use more restrictive Medicaid eligibility criteria than those of the SSI program. States may use more restrictive rules and disregards for income, resources and disability. However, these rules and disregards may not be more stringent than those the State used just before enactment of the SSI program. Also, a State which elects income criteria which are more restrictive than those of the SSI program must deduct medical expenses which a person has incurred for Medicaid covered services from that person's countable income when determining eligibility for Medicaid.

Currently, 12 States elect to use more restrictive criteria. Thirty-eight States, the District of Columbia, and the Commonwealth of the Northern Mariana Islands provide Medicaid to persons who meet the SSI requirements.

These latter jurisdictions have an option to enter into agreements with SSA to use the SSI application as an application for Medicaid and for SSA to make determinations of Medicaid eligibility for persons who receive SSI payments or who are deemed to be receiving payments under section 1619(b). (For information about section 1619(b) see part C of chapter IV.) Thirty-one States and the District of Columbia have these agreements. The remaining 7 States and the Commonwealth of the Northern Mariana Islands use the SSI standards to determine Medicaid eligibility, but require a separate Medicaid application.

Experts' Discussion of Medicaid Linkage Issues

The experts' discussion recognized that much has been happening outside the SSI arena relating to public interest in structural reform to the health insurance system. One expert pointed out that, even if there were legislation to improve health care access for people in general, this would not necessarily cover things which Medicaid now covers for qualified disabled persons. This expert stressed that recognition of the need for all SSI recipients to have Medicaid coverage cannot be postponed on the assumption that there will be broader action to provide health care access. Another expert, in agreement, noted that nearly 450,000 SSI recipients are not covered by Medicaid.

A majority of the experts stated that SSI should be a primary route to Medicaid eligibility, and the linkage of Medicaid and SSI should be strengthened. This affirmed views expressed by the majority of public commenters. Two experts stated that, conceptually, Medicaid is "part and parcel" of the total benefit package that the experts are addressing. If medical coverage is not provided, people have to use their SSI checks to pay for medical care. Those experts believe it is a gross inequity to permit over 400,000 persons in 12 States to be provided a smaller benefit package (i.e., a package which does not include Medicaid) than that provided to others.

Some experts also pointed out that Federal determinations of Medicaid eligibility should be universal. They said that where there is State administration, some people who qualify for Medicaid coverage get lost on their way through the State bureaucracy. These experts think SSI recipients should not have to go through extra steps (e.g., filing a separate application, etc), to obtain the coverage.

Recapitulation of Experts' Opinions on Medicaid Linkage

Option	Experts supporting
1. Require all States to use the SSI eligibility criteria and mandate Federal determinations of Medicaid eligibility	16
2. Retain the current State option to use more restrictive eligibility criteria than those of the SSI program	2

Recapitulation of Experts' Opinions on Medicaid Linkage—Continued

Option	Experts supporting
Comment: One of the experts favoring this option also supports requiring Federal determinations of Medicaid eligibility in all States that use the SSI criteria to determine Medicaid eligibility.	

C. Linkage of the Supplemental Security Income Program and the Food Stamp Program

Background Information

Under the Food Stamp Program, eligibility for benefits is determined for a household (rather than for individuals/couples as in the SSI program) and depends on the household's size, resources, gross income, and net income after certain exclusions and allowable deductions (e.g., dependent care, excess medical and shelter costs, etc.).

Food Stamp law requires SSA offices to inform SSI applicants and recipients that they may be eligible for food stamps and that food stamp application forms can be obtained at Social Security offices. In addition, SSA staff is to assist applicants and recipients who are members of a household in which all members are applicants or recipients of SSI (referred to as a "pure SSI household") in applying for food stamps at Social Security offices.

Members of pure SSI household and/or "public assistance households" (households in which all members receive public assistance; e.g., AFDC, or AFDC and SSI) are automatically ("categorically") eligible to participate in the Food Stamp Program. These households do not have to meet the income or resource limits of the Food Stamp Program.

However, SSI recipients in "mixed food stamp households" (households where at least one member receives SSI but others do not) must file for benefits at the food stamp office. Some SSI recipients in mixed households are not eligible for food stamp benefits depending on household size and the resources and income of others in the household. Mixed households must meet the Food Stamp Program's resource and net income limits in order to be eligible. However, because mixed households contain an elderly or disabled member, they do not have to meet the Food Stamp Program's gross income limits. Also, by law, SSI recipients' resources are excluded in determining whether a household meets the resource limit.

Food stamp offices make eligibility determinations and issue food stamp coupons.

Note: Pursuant to changes in the Food Stamp Act at the time of the implementation of the SSI program, SSI recipients in California do not participate in the Food Stamp Program. Instead, the value of food stamps is included in their State supplementary payments (although consideration is being given to allowing recipients in California to participate).

Experts' Discussion of Food Stamp Linkage Issues

Most of the discussion centered on the experts' observation that the current processes for filing for SSI and food stamps are confusing, duplicative, too time consuming and needlessly complicated. A majority of experts concluded that SSA's completion of a short food stamp application form for each interested SSI claimant would be the preferred way to simplify and improve processing of food stamp applications in Social Security offices. Although the short-form application would be incomplete for determining food stamp eligibility, it would establish the individual's intent to file a claim. One expert pointed out that this option would require SSA to do less than it is currently required to do by statute, but the agency probably would be able to administer this approach more successfully.

One expert proposed that eligibility for food stamps should be phased out when the SSI benefit reaches the poverty level. The experts discussed the possibility of doing this by eliminating categorical eligibility and/or eliminating the $10 minimum allotment for one- and two-person households. A majority of the experts supported eliminating automatic eligibility when the SSI Federal benefit standard reaches the poverty line. A majority of the experts did not favor eliminating the minimum allotment for SSI recipients, since this would be treating SSI recipients less favorably than others.

The experts discussed three other options. One option was to urge that SSA pursue with the Food and Nutrition Service the feasibility of SSA making food stamp eligibility determinations for the SSI population. The second option would allow categorical eligibility for a food stamp allotment, but the food stamp benefit would be cashed out with a flat amount which would be included in the SSI check. There was little support for these two options. Under the third option, the food stamp program would treat all SSI recipients as separate food stamp households which would be categorically eligible for food stamps but would receive a flat food stamp allotment. This could decrease the amount that some recipients currently receive. No expert supported this option.

RECAPITULATION OF EXPERTS' OPINIONS ON FOOD STAMP LINKAGE

Option	Experts supporting
1. Have Social Security offices complete short-form food stamp applications for all interested SSI claimants	16
Comment: One expert supporting this option also favored action by SSA to pursue with the Food and Nutrition Service the feasibility of SSA making food stamp eligibility determinations for the SSI population	
2. Eliminate automatic (categorical) eligibility for food stamps when the SSI Federal benefit rate equals or exceeds the poverty line	13
Comments: One expert supporting this option also supports allowing categorical eligibility, but cashing out the food stamp benefit with a flat amount which would be included in the SSI check	
Another expert, voicing disagreement with the elimination of categorical eligibility, stated that a person does not cease to be needy when the Federal benefit standard reaches the poverty line	

D. Options Preferred by a Majority of Experts Summary and Cost Estimates

Medicaid Linkage

Most experts favor a requirement that all States use both the SSI eligibility criteria and Federal determinations of Medicaid eligibility. They believe that anyone who is eligible for SSI should have Medicaid coverage as part of a total benefit package. They also believe that people should receive this coverage automatically. Mandated use of the SSI criteria with automatic determinations of eligibility would achieve this goal; people would no longer have to work their way through another governmental system in order to be covered for Medicaid.

ESTIMATED COST

[In millions]

Fiscal year	SSI program	SSI administrative	Medicaid program
1993	None	Negligible.	$1,590
1994	None	Negligible.	1,750
1995	None	Negligible.	1,915

ESTIMATED COST—Continued

[In millions]

Fiscal year	SSI program	SSI administrative	Medicaid program
1996	None	Negligible.	2,110
1997	None	Negligible.	2,315

* * * * *

Food Stamps Linkage: Applications

A majority of experts supports having Social Security offices complete short-form food stamp applications for all interested SSI claimants. This would help to assure that all interested persons establish, on a timely basis, their intention to apply for food stamps while simplifying the administrative difficulties which SSA and food stamp applicants encounter under the current process.

ESTIMATED COST

[In millions]

Fiscal year	SSI program	SSI administrative	Food Stamp Program
All	None	(*)	$1

* Unable to estimate.

* * * * *

Food Stamps Linkage: Eligibility

A majority of experts supports eliminating categorical eligibility of SSI recipients for food stamps at such time as the Federal benefit standard for SSI reaches the poverty line. This would eliminate expenses (for the guaranteed minimum food stamp allotment and related administrative costs) which they believe are unreasonable since most SSI recipients would be receiving sufficient cash benefits under the SSI program to enable them to purchase food. At the same time, it would not prevent those SSI recipients with significant excess shelter or medical expenses from qualifying for food stamps under the regular rules of the Food Stamp Program.

ESTIMATED COST

[In millions]

Fiscal year	SSI program	SSI administrative	Food stamp program
1993	None	Negligible.	$(870)
1994	None	Negligible.	(1300)

ESTIMATED COST—Continued

[In millions]

Fiscal year	SSI program	SSI administrative	Food stamp program
1995	None	Negligible.	(710)
1996	None	Negligible.	(740)
1997	None	Negligible.	(780)

* * * * *

Chapter VIII—Program Review Issues

A. Preamble to Chapter

Congress passed legislation to create the SSI program in 1972. Since the first payments in January 1974, the program has provided a valuable lifeline to millions of aged, blind and disabled persons. SSI benefits help provide life's necessities—food, clothing, and shelter—to people who might otherwise be without these basic items.

Society has changed since 1972 but the SSI program remains fundamentally unchanged in structure and purpose. Until now, there has never been a comprehensive review of the program by a group entirely from outside the Federal government.

Provisions for Review of Trust Fund Programs of the Social Security Act.

Shortly after the Social Security Act was established, the Social Security Board and Congress appointed an Advisory Council to examine the advisability of amending the social insurance program to ensure that its financing was sound. The Advisory Council, consisting of representatives of employees, employers, and the general public, met initially in 1937 and periodically thereafter.

In 1969, the Advisory Council's charter was expanded to reflect a broader scope of review, including the scope of coverage of the trust fund programs (old-age and survivors insurance, disability insurance, and hospital insurance and supplementary medical insurance under Medicare); the adequacy of benefits; and all other aspects, including the impact of the programs on public assistance programs under the Social Security Act.

Currently, under the law, a new Council is appointed every four years. Each Council is charged, by the Secretary of HHS, with addressing certain issues (however, the Council is not limited to those issues) and it submits a comprehensive report to the Secretary. Through the years, the various Advisory Councils have provided independent reviews which have enabled the Government to be responsive to the changes in society and the needs of the people.

B. An Advisory Council Level of Review

Background Information

Reviews of SSI. At the time of the statutory mandate for an "Advisory Council on Social Security", the SSI program had not been established, and the Act has never been modified to specify that this Council should review the SSI program. Only one Social Security Advisory Council has ever addressed SSI program issues.

Although the SSI program has undergone numerous refinements and modifications since enactment, the basic structure has not changed. A number of reviews have been conducted over the years, but not on a regular basis. Only one review was comprehensive and involved direct reporting to the Secretary, as is the case with the Advisory Council on Social Security.

Major initiatives to review the operation of the SSI program were done on an ad hoc basis and for a variety of reasons. Some of the early reviews performed in the 1970's were in response to complaints about the programs not living up to expectations and the quality of service. These were done by representatives from both inside and outside the Federal Government. Later studies done in the 1980's focused on achieving administrative simplification. These efforts were mostly internal efforts aimed at improving SSA's field office efficiency and understanding.

This current review of the program was initiated in 1990 by Social Security Commissioner Gwendolyn S. King. She recognized an existing need for a broad-based review to determine how well the program has met, and will continue to meet, the needs of the population it is intended to serve, recognizing current fiscal constraints.

Testimony received. Many commenters expressed support and appreciation for the SSI Modernization Project, remarking that the effort is important and necessary. Additionally, some people stated that the SSI program would benefit from a periodic, independent review, similar to the Social Security Advisory Council process afforded the four trust fund programs. They said that a separate Advisory Council for SSI is desirable because: (1) There are fundamental differences between the SSI program and the social insurance programs; (2) the scope of review would be too great to be manageable if the SSI review were

combined with a review of the social insurance programs; and (3) the issues involved in a review of SSI would require extensive consideration of other social and domestic programs.

Experts' Discussion of Program Review

All of the experts who addressed the subject stated that program review at an advisory council level would ensure a detailed analytical review of the SSI program. This review would achieve a level of visibility equivalent to that afforded the social insurance programs, because recommendations for change made by the Council are brought before the Secretary and Congress. Also, they believed that an advisory council level of review for SSI would establish a formalized process of periodic review by an independent group which would be sensitive to the needs of the SSI population and responsive to changes in society.

Two options for an advisory council were considered. One option would amend the Social Security Act to include SSI in the Social Security advisory Council jurisdiction. While this approach would not guarantee that the SSI program would be reviewed every four years, it would include SSI in the Council's jurisdiction and allow the program to be reviewed singly or jointly with the trust fund programs.

The other option was to establish a separate Advisory Council on SSI. This option would guarantee that the SSI program receives a regular, comprehensive review by an independent group of experts who would report to the Secretary. The mandate would include a broad charter for the examination of the SSI program, such as the SSI relationship with Federal and State income maintenance programs (other than trust fund programs). The separate Advisory Council would be expected to take into account actions of the most recent or existing Advisory Council for the social insurance programs on issues of mutual interest.

A majority of the experts concluded that a separate Advisory Council should be established for the SSI program. This affirmed the views expressed by the public. One expert stated, "The failure to regularly review the program has resulted in creating prolonged hardships for beneficiaries and inefficiency in the SSI program." The majority view was that a separate council would provide a better focus on the SSI program, rather than having SSI issues reviewed along with other Social Security programs and Medicare. However, two experts said they believed that including SSI in the Social Security Advisory Council's jurisdiction would give the SSI program a higher profile.

RECAPITULATION OF EXPERTS' OPINIONS ON PROGRAM REVIEW

Option	Experts supporting
1. Establish a separate Advisory Council on SSI	17
Comment: One of the experts favoring this option supported the option below as a second choice	
2. Include SSI in the Social Security Advisory Council jurisdiction	3

C. Option Preferred by a Majority of Experts—Summary and Cost Estimates

Program Review

A majority of the experts supports SSI program review by a separate Advisory Council. They conclude that such a level of separate review would increase the overall effectiveness of the program.

ESTIMATED COST

[In millions]

Fiscal year	SSI program	SSI administrative	Medicaid program
All	None	(*)	None.

(*): Unable to estimate.

* * * * *

Additional Views

By Michael Stern

In their review and consideration of the Supplemental Security Income program, a majority of the experts gave support to changes affecting virtually all elements of the program. When fully effective, these changes would increase Federal program costs by some $47 billion annually. (Federal program outlays in the current fiscal year are estimated at about $17 billion.)

The experts did not attempt to identify those program changes which they would support if only a specified amount of additional funds were available, such as $300 million or $1 billion annually.

There are a number of important things that could be done within a total limitation of about $300 million.

Staffing increases.—In my view, the most important single need for the Supplemental Security Income program is to increase its staffing. Many of the difficulties the program is experiencing could be eliminated or substantially alleviated simply by having more staff available.

Program simplifications.—The following relatively modest changes in the program hold the promise of improving equity, simplifying program operations and significantly reducing the incidence of overpayments:

1. Change the method for calculating overpayments that result from excess resources; the overpayment would not be greater than the amount the individual's resources exceeded the resource limit.

2. Accounting Issues: (a) Change the computation method from retrospective monthly accounting to prospective monthly accounting; changes that result in a reduction in payment would be effectuated two months later than the month in which the income changed. (b) Continue Medicaid coverage when SSI eligibility is lost solely due to a calendar-related income fluctuation (e.g., when there are five weekly paydays in a month). (c) Do not require income verification when it is not cost-effective.

3. Require Federal determinations of Medicaid eligibility in all States that use the SSI criteria to determine Medicaid eligibility.

4. Develop legislation that would mandate specific recruitment, training, and monitoring of representative payees and authorize the appropriation of funds to implement the program.

5. Increase the monthly payment limit for residents of institutions from $30 to $35 and provide for an annual cost of living adjustment.

6. Change the definition of substantial gainful activity so that, for purposes of establishing initial eligibility for SSI, an individual would be considered to be engaging in substantial gainful activity only if he is earning above the substantial gainful earnings level (generally $500 a month) *without* significant support services. (Wages and self-employment income would still count in terms of evaluating need and determining the benefit amount.)

Perhaps the most complex administrative task in the SSI program is determining in-kind support and maintenance—food, clothing, or shelter that is given to a person or that a person receives because someone else pays for it. Most of the experts assigned a high priority to the elimination of this feature of the program, which would involve an average annual program cost in the area of $1 billion. In my view, the elimination of the in-kind support and maintenance provision with no other program changes would fail to recognize that the needs of a person living in quarters with someone else are lower than those of a person living alone. A proposal for restructuring SSI and eliminating determinations of in-kind support and maintenance is discussed below.

A Cost-Neutral Proposal for Restructuring SSI Benefits and Improving Program Administration

If no additional funds become available for SSI program expansion, consideration could be given to a cost-neutral restructuring of SSI benefits and improvement of program administration consisting of the following elements:

1. Any SSI recipient living in the same quarters as another person who is an adult (whether or not an SSI recipient) would receive a payment based on 75 percent of the standard for an individual living alone. (This rule would apply only to persons who

become recipients after the proposal's effective date.)

In the SSI program, as in the social insurance programs, a couple's benefits are set at 150 percent of an individual's benefits. This recognizes the fact that two individuals living together do not have twice the expenses of an individual living alone. (The current Federal poverty level for a couple is 134 percent of the poverty level for an individual.) Under the proposed change, two SSI recipients living in the same quarters would receive the same combined payment whether or not they are a couple.

2. For new recipients, the SSI in-kind support and maintenance rules would be eliminated.

Under the first element of the proposal, any SSI recipient living with at least one other person who is an adult would receive a payment 25 percent below what he would receive if he were living alone. The principal reason for having an in-kind support and maintenance provision would no longer exist.

3. To assure no reductions in payments for persons already on the SSI rolls at the time the proposal is adopted, and whose payment amounts, but for this provision, would be affected by receipt of in-kind support and maintenance, I propose the following:

a. If the recipient is not living in the same quarters as another person who is an adult, the payment would be based on 100 percent of an individual's standard, and the in-kind support and maintenance reduction would be eliminated.

b. If the recipient is living in the same quarters as another person who is an adult, and if the recipient's in-kind support and maintenance reduction is equal to, or greater than, 25 percent of the Federal benefit standard, the payment would be based on 75 percent of an individual's standard and the in-kind support and maintenance reduction would be eliminated.

c. If the recipient is living in the same quarters as another person who is an adult, and if the recipient's in-kind support and maintenance reduction is less than 25 percent of the Federal benefit standard, the payment would be based on 100 percent of an individual's standard and the in-kind support and maintenance reduction would not be eliminated.

4. It would take some years for the restructuring to be fully effective, since present recipients would be protected from payment reductions. In the first two years, the savings would be applied largely to the staffing increases and program simplifications outlined above.

Beginning in the second year, any program savings that exceed these costs would be devoted to increasing the SSI payment levels beyond the annual cost of living increases and at the same time as those increases. Based on the estimates provided me, the SSI payment levels could be increased about 11 percent over a four year period from FY 1994 to FY 1997. By the end of that time, substantial progress would have been made in increasing SSI payment levels to the Federal poverty level.

ESTIMATED NET SSI PROGRAM SAVINGS

[In millions of dollars]

FY 1993	(85)
FY 1994	(515)
FY 1995	(985)
FY 1996	(1,455)
FY 1997	(1,930)
Total	(4,970)

ESTIMATED BENEFIT INCREASES ABOVE THE COLA'S AFTER DEVOTING $300 MILLION PER YEAR TO OTHER IMPROVEMENTS

	Percent
FY 1993	NA
FY 1994	.8
FY 1995	2.2
FY 1996	3.4
FY 1997	4.4

Additional Views by Kenneth Bowler, Robert Fulton, Arthur Hess, Richard Nathan, and Timothy Smeeding

Commissioner King is to be commended for launching a thorough examination of the Supplemental Security Income (SSI) program. Such a review of the program was long overdue. The Modernization Project experts, under the capable leadership of Dr. Arthur Flemming, have performed an important public service. They have identified, examined, and formulated potential corrective actions for the key problems that inhibit the SSI program's effectiveness, complicate its administration, and create inequities among applicants for, and recipients of, program benefits. The experts' report can help build public awareness of the importance of the SSI program to millions of America's elderly, blind, and disabled citizens and their families. We hope this work will also increase significantly the attention given to the SSI program by policy makers in both the executive and legislative branches of the federal government as well as by analysts and advocates outside government.

We join our colleagues in endorsing many of the changes presented in the report. Nevertheless, we find a number of aspects of the report troublesome. We presented these concerns during meetings with our fellow experts. We present them here in the hope that our perspectives will help persuade congressional committees, the Social Security Administration, and policy officials elsewhere in the executive branch to treat this report as an essential starting point for considering comprehensive reform of the SSI program.

Specific Concerns

1. Cost

The options preferred by a majority of the experts would, by the end of five years, double the cost of the SSI program to the federal treasury. Some of the cost increases would result from addition to the rolls of persons who would become eligible as a result of increased benefit levels, more generous resource limitations, and other liberalizations presented. The changes would also significantly increase payments to persons already receiving SSI benefits. The chances of all these program expansions being effected in the foreseeable future are extremely slim, given the federal budget situation and the many other pressing domestic priorities which are competing for resources.

Moreover, the cost impact would extend beyond the federal government to state and local governments as well. In particular, the impact of the increased numbers of SSI recipients on state and local Medicaid costs deserves much more attention than it received, in view of the prominence of Medicaid cost growth as a source of great budgetary concern throughout the nation.

2. Choice of Priorities Within the SSI Program

The report treats an extremely expensive option on increasing benefits as being on the highest priority level. We advocate a more deliberate approach which would treat increases in benefit levels beyond 100 percent of the poverty guidelines as a longer-range goal and move to the top of the agenda for short-term action lower-cost changes which will improve equity, simplify administration, improve understanding of the program by those already eligible, and promote self-help efforts by recipients and their families.

3. Sensitivity to Other Needs

It is obvious that the response made to the needs of elderly, blind and disabled citizens must take into account other urgent national needs such as health care for the medically uninsured, the economic and social needs of our cities, and improvement of the support and protection of all of America's children. While this broad array of needs was beyond the experts' specific charge, we believe proposals on the scope and phasing of SSI changes must fully take into account their cumulative effect and the fact that other pressing domestic problems also have priority claims on substantial additional resources.

Conclusions

We believe it would be major, and acceptable, progress if the following resulted in the near future from the work of the experts:

(1) The Social Security Administration were provided the staff resources it must have in order to discharge more adequately its responsibilities for the SSI program. It is urgent that SSA receive the approvals and funding necessary for hiring, training, and making fully functional, no more than two years from now, the additional staff seen as vital by nearly all of the experts.

(2) Significant administrative complexities were eliminated and equity and benefit adequacy were improved for many recipients through early approval and implementation of many of the simplifications proposed. Examples of changes which should be effected without delay are: Simplified and more generous treatment of interest income,

raising current resource limits by moderate amounts and reconciling the treatment of different types of resources, providing stronger work incentives, and eliminating benefit reductions due to in-kind support and maintenance.

(3) A plan for gradually increasing benefits and expanding eligibility were developed and implemented. For example, annual increases covering changes in the cost of living plus two percentage points could bring benefit levels close to the poverty line by the early years of the 21st century, while being more realistically accommodated within the federal budget.

These changes would represent a major contribution to the well-being of Americans who are elderly or have disabilities and are dependent on SSI for meeting their basic needs.

SUMMARY OF OPTIONS PREFERRED BY A MAJORITY OF EXPERTS WITH COST ESTIMATES—SSI PROGRAM COSTS, SSA ADMINISTRATIVE COSTS, MEDICAID COSTS, AND FOOD STAMP COSTS

Options		Cost (Millions of dollars)				
		1993	1994	1995	1996	1997
Benefit Payment Issues:						
Benefit Adequacy:						
Increase the Federal benefit standard for an individual, in 5 equal annual increments, to 120 percent of poverty guideline. Keep the couple's benefit standard at 150 percent of that for individuals.	Program	2,567	7,092	12,706	19,527	27,707
	Administration	250	710	460	470	510
	Medicaid	435	1,825	2,950	4,310	5,995
Couples:						
Eliminate the concept of "holding out" in defining a spouse	Program	2	3	3	4	4
	Administration	(*)	(*)	(*)	(*)	(*)
	Medicaid	(*)	(*)	(*)	(*)	(*)
Give each member of a couple a full set of earned income exclusions	Program	1	2	3	3	3
	Administration	(*)	10	(*)	0	(*)
	Medicaid	5	20	25	25	35
State Supplementation:						
Permit States to reduce or terminate supplements once the Federal SSI benefit standard reaches 100 percent of poverty. "Grandfather" extant supplementary levels for current beneficiaries. Require States, for at least 3 years, to spend "freed up" supplementation funds for other services to needy aged, blind, or disabled.	Program	0	0	0	0	0
	Administration	(*)	(*)	(*)	(*)	(*)
	Medicaid	435	1,825	1,995	2,195	2,410
Require States by July 1, 1995, to: have no more than 3 supplementary payment level variations based on living arrangements, 6 based on categorical distinctions, and 3 by geographic area; or pay SSA for the costs of administration; or take over administration of supplementation.	Program	0	0	0	0	0
	Administration	(*)	(*)	(*)	(*)	(*)
	Medicaid	0	0	0	0	0
Payment Limits for People in Institutions:						
Increase the payment limit to $35, indexed annually, and rounded to the next higher dollar	Program	8	16	20	23	27
	Administration	0	(*)	0	0	0
	Medicaid	(*)	(*)	(*)	(*)	(*)
					0	
					(*)	
Accounting Periods:						
Change to prospective monthly accounting	Program	(*)	(*)	(*)	(*)	(*)
	Administration	(*)	(*)	(*)	(*)	(*)
	Medicaid	(*)	(*)	(*)	(*)	(*)
Continue Medicaid coverage when SSI eligibility is lost solely due to a calendar-related income fluctuation.	Program	0	0	0	0	0
	Administration	(*)	(*)	(*)	(*)	(*)
	Medicaid	(*)	(*)	(*)	(*)	(*)
When it is not cost-effective, do not require income verification	Program	(*)	(*)	(*)	(*)	(*)
	Administration	(*)	(*)	(*)	(*)	(*)
	Medicaid	(*)	(*)	(*)	(*)	(*)
Define SSI eligibility in terms of income below the combined Federal/State payment level in States with federally-administered supplements.	Program	4	5	5	5	5
	Administration	(*)	(*)	(*)	(*)	(*)
	Medicaid	(*)	(*)	(*)	(*)	(*)
Test method(s) of annual accounting, beginning with prospective annual accounting, by running computer simulation(s).	Program	0	0	0	0	0
	Administration	(*)	(*)	(*)	(*)	(*)
	Medicaid	0	0	0	0	0
Needs—Based Eligibility Issues:						
Unearned Income:						
Increase the general income exclusion to $30 and apply it only to unearned income	Program	203	303	321	338	355
	Administration	150	370	40	30	30
	Medicaid	260	935	1,105	1,280	1,475
Exclude from income up to $200 annually of interest and dividends	Program	3	4	5	5	5
	Administration	0	a	0	0	0
	Medicaid	5	5	5	5	5
Adopt the current "earned and unearned" income formula for use in all parent-to-child deeming situations.	Program	11	15	15	15	16
	Administration	(*)	(*)	(*)	(*)	(*)
	Medicaid	(*)	(*)	(*)	(*)	(*)
Deduct itemized special expenses of a disabled child before deeming parental income	Program	10	15	17	18	20
	Administration	(*)	(*)	(*)	(*)	(*)
	Medicaid	(*)	(*)	(*)	(*)	(*)
In parent-to-child deeming, treat as earned income benefits intended to replace a parent's earnings (e.g., unemployment, worker's compensation, and disability and survivorship social insurance benefits).	Program	18	27	29	32	35
	Administration	(*)	(*)	(*)	(*)	(*)
	Medicaid	(*)	(*)	(*)	(*)	(*)
Exclude up to $2,000 per year of income from individually-held Indian trust land	Program	(*)	(*)	(*)	(*)	(*)
	Administration	(*)	(*)	(*)	(*)	(*)
	Medicaid	(*)	(*)	(*)	(*)	(*)
In-Kind Support and Maintenance:						
Eliminate consideration of in-kind support and maintenance as income	Program	600	1,003	1,066	1,122	1,178
	Administration	60	170	0	(4)	(4)
	Medicaid	140	510	600	695	805

SUMMARY OF OPTIONS PREFERRED BY A MAJORITY OF EXPERTS WITH COST ESTIMATES—SSI PROGRAM COSTS, SSA ADMINISTRATIVE COSTS, MEDICAID COSTS, AND FOOD STAMP COSTS—Continued

Options		Cost (Millions of dollars)				
		1993	1994	1995	1996	1997
Resources:						
Increase resource limits to $7,000 and $10,500 with fewer resource exclusions	Program	55	191	215	236	257
	Administration	40	100	10	10	10
	Medicaid	75	265	315	365	420
Change all periods for time-limited resource exclusions to 12 months	Program	(a)	(a)	(a)	(a)	(a)
	Administration	(a)	(a)	(a)	(a)	(a)
	Medicaid	(a)	(a)	(a)	(a)	(a)
Change the calculation of overpayments resulting from excess resources	Program	3	3	3	2	2
	Administration	(a)	(a)	(a)	(a)	(a)
	Medicaid	(a)	(a)	(a)	(a)	(a)
In deeming parental resources, exclude $2,000 for each ineligible child	Program	7	11	12	13	14
	Administration	(a)	(a)	(a)	(a)	(a)
	Medicaid	(b)	(b)	(b)	(b)	(b)
Disability and Work Incentive Issues:						
Disability: Definitions:						
Redefine "substantial gainful activity" in the SSI program to recognize that persons who need substantial support services in order to work are not performing substantial gainful activity.	Program	(b)	(b)	(b)	(b)	(b)
	Administration	(b)	(b)	(b)	(b)	(b)
	Medicaid	(b)	(b)	(b)	(b)	(b)
Study the feasibility of: (a) eliminating use of substantial gainful activity in both the SSI and the disability insurance programs; and (b) formulating disability criteria in terms of being disadvantaged in participating in major life activities.	Program	0	0	0	0	0
	Administration	(b)	(b)	(b)	(b)	(b)
	Medicaid	0	0	0	0	0
Disability: Claims Process:						
Use specially trained field office disability experts to conduct initial disability interviews	Program	(b)	(b)	(b)	(b)	(b)
	Administration	(20)	(20)	(20)	(30)	(30)
	Medicaid	(a)	(a)	(a)	(a)	(a)
Disability: Very Young Children:						
Develop appropriate criteria for assuming the existence of disability in very young children Permit continued payment, based on an assumption, up to age 4, without creating an overpayment.	Program	8	31	35	38	42
	Administration	0	10	0	0	0
	Medicaid	5	20	20	25	25
Disability: Appeal of Decisions:						
In both the SSI and the insurance programs: (a) eliminate the reconsideration level of appeal; and (b) provide opportunity for a face-to-face interview with the decisionmaker prior to issuing a disability denial.	Program	(b)	(b)	(b)	(b)	(b)
	Administration	(b)	(b)	(b)	(b)	(b)
	Medicaid	(b)	(b)	(b)	(b)	(b)
Disability: Time Limits on Claims and Appeals:						
Establish 90-day time limits which, if exceeded, would result in benefit payments not to be considered overpayments. Apply such limits to: initial SSI disability determinations; completing cases at the administrative law judge level; and completing cases at the Appeals Council level. Study the effects after 4 years of experience.	Program	(b)	(b)	(b)	(b)	(b)
	Administration	(b)	(b)	(b)	(b)	(b)
	Medicaid	(b)	(b)	(b)	(b)	(b)
Work Incentives:						
Seek legislation authorizing all of the following work incentives:						
(a) Raise the earned income exclusion to $200 plus two-thirds of any remaining earned income.	Program	149	328	351	370	388
	Administration	80	200	20	20	20
	Medicaid	140	510	605	695	805
(b) Eliminate continuing disability reviews triggered by work; defer scheduled medical reviews for 3 years after work begins.	Program	(b)	(b)	(b)	(b)	(b)
	Administration	(a)	(a)	(a)	(a)	(a)
	Medicaid	(b)	(b)	(b)	(b)	(b)
(c) Treat as earned income: unemployment compensation, workers' compensation, sick pay, and similar benefits related to recent work activity.	Program	10	14	15	16	16
	Administration	(a)	(a)	(a)	(a)	(a)
	Medicaid	(a)	(a)	(a)	(a)	(a)
(d) Eliminate the time limit for completing a plan for achieving self-support	Program	(b)	(b)	(b)	(b)	(b)
	Administration	(a)	(a)	(a)	(a)	(a)
	Medicaid	(b)	(b)	(b)	(b)	(b)
(e) Allow aged individuals to be eligible for all work incentives	Program	(b)	(b)	(b)	(b)	(b)
	Administration	(b)	(b)	(b)	(b)	(b)
	Medicaid	(b)	(b)	(b)	(b)	(b)
Simultaneous with the preceding option, conduct a national demonstration of its work incentives.	Program	0	0	0	0	0
	Administration	(b)	(b)	(b)	(b)	(b)
	Medicaid	(a)	(a)	(a)	(a)	(a)
Grandfather demonstration policies for demonstration participants after expiration of the project.	Program	(b)	(b)	(b)	(b)	(b)
	Administration	(b)	(b)	(b)	(b)	(b)
	Medicaid	(b)	(b)	(b)	(b)	(b)
Disregard deemed income of an ineligible spouse when determining continued Medicaid eligibility under section 1619(b).	Program	0	0	0	0	0
	Administration	(a)	(a)	(a)	(a)	(a)
	Medicaid	(a)	(a)	(a)	(a)	(a)
Require SSA to make a decision on a plan for achieving self-support within 30 days. If there is no decision within that time, assume the plan is acceptable.	Program	0	0	0	0	0
	Administration	(a)	(a)	(a)	(a)	(a)
	Medicaid	(a)	(a)	(a)	(a)	(a)
Require States which supplement regular SSI payments to supplement payments under 1619(a).	Program	0	0	0	0	0
	Administration	(a)	(a)	(a)	(a)	(a)
	States	(a)	(a)	(a)	(a)	(a)
	Medicaid	(a)	(a)	(a)	(a)	(a)
Provide Medicaid under section 1619 to all working individuals	Program	0	0	0	0	0
	Administration	(a)	(a)	(a)	(a)	(a)
	Medicaid	10	15	15	15	15
Provide SSI benefits for individuals who lose their social insurance cash benefits due to substantial gainful activity.	Program	(b)	(b)	(b)	(b)	(b)
	Administration	(b)	(b)	(b)	(b)	(b)
	Medicaid	(b)	(b)	(b)	(b)	(b)

SUMMARY OF OPTIONS PREFERRED BY A MAJORITY OF EXPERTS WITH COST ESTIMATES—SSI PROGRAM COSTS, SSA ADMINISTRATIVE COSTS, MEDICAID COSTS, AND FOOD STAMP COSTS—Continued

Options		Cost (Millions of dollars)				
		1993	1994	1995	1996	1997
Do not permit States to count resources set aside under a plan for achieving self-support when determining Medicaid eligibility using their own rules.	Program	0	0	0	0	0
	Administration	(b)	(b)	(b)	(b)	(b)
	Medicaid	(a)	(a)	(a)	(a)	(a)
Definition of "Aged" Issue:						
Lowering the "Aged" Limit:						
Lower the age requirement to 62, phased in over 3 years	Program	40	178	351	481	528
	Administration	(a)	10	19	10	(a)
	Medicaid	20	115	255	390	460
Agency Service Issues:						
Services:						
Increase staffing (6,000 positions)	Program	0	0	0	0	0
	Administration	280	297	315	335	356
	Medicaid	0	0	0	0	0
Place renewed emphasis on personal contact and individualized service	Program	0	0	0	0	0
	Administration	(b)	(b)	(b)	(b)	(b)
	Medicaid	0	0	0	0	0
Outreach:						
Establish specific funding for outreach by increasing the SSI administrative budget by at least 5 percent.	Program	(b)	(b)	(b)	(b)	(b)
	Administration	(b)	(b)	(b)	(b)	(b)
	Medicaid	(b)	(b)	(b)	(b)	(b)
Information and Referral:						
Adopt the expanded community liaison model	Program	0	0	0	0	0
	Administration	100	110	120	130	130
	Medicaid	(b)	(b)	(b)	(b)	(b)
Helping the Homeless:						
Provide emergency payments to homeless persons with severe mental illness	Program	13	45	50	55	60
	Administration	10	10	0	0	0
	Medicaid	10	35	40	50	55
Provide continued payment protection for all hospitalized individuals	Program	31	43	46	48	50
	Administration	(a)	(a)	(a)	(a)	(a)
	Medicaid	(a)	(a)	(a)	(a)	(a)
Pay SSI benefits to individuals in public emergency shelters for the homeless without any time limit.	Program	(a)	(a)	(a)	(a)	(a)
	Administration	(a)	(a)	(a)	(a)	(a)
	Medicaid	(a)	(a)	(a)	(a)	(a)
Expand nationwide outreach services now being tested	Program	(b)	(b)	(b)	(b)	(b)
	Administration	(b)	(b)	(b)	(b)	(b)
	Medicaid	(b)	(b)	(b)	(b)	(b)
Create backup mailing addresses for the homeless or mentally ill	Program	0	0	0	0	0
	Administration	(a)	(a)	(a)	(a)	(a)
	Medicaid	0	0	0	0	0
Representative Payment:						
Develop legislation mandating specific recruitment, training and monitoring of representative payees; provide reasonable compensation to nonrelative noncustodial payees out of administrative funds.	Program	0	0	0	0	0
	Administration	(b)	(b)	(b)	(b)	(b)
	Medicaid	0	0	0	0	0
Program Linkage Issues:						
Medicaid:						
Require all States to use SSI eligibility criteria and mandate Federal determinations of Medicaid eligibility.	Program	0	0	0	0	0
	Administration	(a)	(a)	(a)	(a)	(a)
	Medicaid	1,590	1,750	1,915	2,110	2,315
Food Stamps:						
Social security offices to complete a short-term food stamp application for all interested SSI claimants.	Program	0	0	0	0	0
	Administration	(b)	(b)	(b)	(b)	(b)
	FdStamps	1	1	1	1	1
	Medicaid	0	0	0	0	0
Eliminate categorical eligibility for food stamps when the SSI benefit standard equals or exceeds the poverty line.	Program	0	0	0	0	0
	Administration	(a)	(a)	(a)	(a)	(a)
	FdStamps	(870)	(1300)	(710)	(740)	(780)
	Medicaid	0	0	0	0	0
Program Review Issues:						
An Advisory Council Level of Review:						
Establish a separate Advisory Council on SSI	Program	0	0	0	0	0
	Administration	(a)	(a)	(a)	(a)	(a)
	Medicaid	0	0	0	0	0
Four Top Priority Issues:						
Increase Staffing: Increase Federal Benefit Standard; Eliminate In-Kind Support and Maintenance; Increase Resource Limits With Fewer Exclusions.	Program	3,539	9,391	15,711	23,346	32,507
	Administration	610	1,237	855	885	946
	Medicaid	610	2,490	3,870	5,545	7,615
All Issues Combined:						
Estimate of combined SSI costs, program and administrative, for all preceding options to which specific dollar amounts have been attributed.		5,281	13,258	19,635	28,539	38,844
Number of New Beneficiaries (in thousands):						
Estimate of total number of people added to the Federal SSI rolls by all preceding options to which specific dollar amounts have been attributed. Annual numbers are cumulative.		489	1,527	2,240	2,965	3,607

(a): Negligible.
(b): Unable to estimate.

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federal register

Friday
September 4, 1992

Part III

Environmental Protection Agency

40 CFR Part 55

Outer Continental Shelf Air Regulations; Final Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 55

[FRL-4200-9]

Outer Continental Shelf Air Regulations

AGENCY: Environmental Protection Agency ("EPA").

ACTION: Final rule.

SUMMARY: The EPA is promulgating new regulations that establish requirements to control air pollution from outer continental shelf ("OCS") sources.

The Clean Air Act ("the Act") requires EPA to promulgate a rule establishing air pollution control requirements for OCS sources. The purpose of the requirements is to attain and maintain federal and state ambient air quality standards, to comply with part C of title I of the Act, and to distribute the burden of achieving these goals more equitably between onshore sources and OCS sources.

The requirements apply to all OCS sources except those located in the Gulf of Mexico west of 87.5 degrees longitude (near the border of Florida and Alabama). New sources must comply with the requirements of this part on the date of promulgation and existing sources must comply within 24 months from promulgation. For OCS sources located within 25 miles of states' seaward boundaries, the requirements are the same as the requirements that would be applicable if the source were located in the corresponding onshore area ("COA"). In states affected by this rule, state boundaries extend three miles from the coastline, except off the coast of the Florida Panhandle, where that state's boundary extends three leagues (approximately 9 miles) from the coastline. Sources located beyond 25 miles of states' boundaries are subject to federal requirements for Prevention of Significant Deterioration ("PSD") promulgated pursuant to part C of title I of the Act. New Source Performance Standards ("NSPS") and National Emissions Standards for Hazardous Air Pollutants Standards ("NESHAPS") apply under section 328 to the extent they are rationally related to protection of federal or state ambient air quality standards and compliance with part C of title I of the Act. EPA will amend its new regulations to incorporate the federal operating permit program and enhanced compliance and monitoring regulations when they are promulgated. The rule establishes procedures for EPA to delegate implementation and enforcement of the requirements of this part to state and local agencies. Beyond 25 miles from states' seaward boundaries, the OCS program requirements will be implemented and enforced solely by EPA. The new regulations also establish procedures to allow the Administrator of EPA ("the Administrator") to exempt any OCS source from a control technology requirement if it is technically infeasible or poses an unreasonable threat to health or safety.

DATES: This rule shall be effective as of September 4, 1992. The incorporation by reference of certain rules listed in the regulation (under § 55.14 of this part) is approved by the Director of the Federal Register Office as of September 4, 1992.

ADDRESSES: *Docket:* This rulemaking is determined to be subject to the requirements of § 307(d) of the Act. Supporting information used in developing the rule is contained in EPA docket A-91-76. This docket is available for public inspection and copying at the following locations: (1) U.S. Environmental Protection Agency Region 9, Air and Toxics Division, 75 Hawthorne Street, San Francisco, CA 94105, and (2) U.S. Environmental Protection Agency, 401 M Street SW, Washington, DC 20460 in Room M-1500. These locations are open to the public Monday through Friday, excluding legal holidays. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Alison Bird, Air and Toxics Division (A-5), U.S. EPA, Region 9, 75 Hawthorne Street, San Francisco, CA 94105.

SUPPLEMENTARY INFORMATION: This rule (40 CFR part 55) was proposed in the **Federal Register** on December 5, 1991 (56 FR 63774). EPA held four public hearings during January 1992 and accepted public comments on the proposal until February 20, 1992. The hearings were held in San Francisco, CA, Los Angeles, CA, Washington, DC, and Anchorage, AK. The hearing testimony, public comments, EPA's response to comments and other support documents are contained in the docket referenced above. This preamble discusses changes made to the proposed rule and responds to the major comments received on the proposed rule. This preamble does not repeat information and policies discussed in the preamble that accompanied the proposed rule. Hereafter, the proposed rule and preamble will simply be referred to as the notice of proposed rulemaking ("NPR"). The reader may refer to the NPR for further background and information on this rule.

This preamble is organized according to the following outline:

I. Discussion of the Final Regulations

A. § 55.1—Statutory authority and scope.
B. § 55.2—Definitions.
C. § 55.3—Applicability.
D. § 55.4—Requirements to submit a notice of intent ("NOI").
E. § 55.5—Designation of the corresponding onshore area ("COA").
F. § 55.6—Permit requirements.
G. § 55.7—Exemptions.
H. § 55.8—Monitoring, reporting, inspections, and compliance.
I. § 55.9—Enforcement.
J. § 55.10—Fees.
K. § 55.11—Delegation.
L. § 55.12—Consistency updates.
M. § 55.13—Applicable federal requirements.
N. § 55.14—Applicable requirements of the COA.

II. Additional Topics for Discussion

A. Relationship between the OCS regulations and state implementation plans.
B. Regulation of non-criteria pollutants.

III. Administrative Requirements

A. Executive Order 12291 (Regulatory Impact Analysis).
B. Regulatory Flexibility Act.
C. Paperwork Reduction Act.

List of Subjects in 40 CFR Part 55

As in the NPR, citations to various sections within commonly referenced documents will not always be followed by a notation of their origin such as "of this preamble" or "of section 328."

Rather, the reader can recognize the origins of the sections by their nature:

- Sections of the preamble begin with a roman numeral
- Sections of the OCS regulations appear as § 55.xx
- Sections of the Act are numbered in the hundreds
- Sections of non-OCS EPA regulations are preceded by 40 CFR

This preamble and the final rule make frequent use of the term "state," usually meaning the state air pollution control agency that would be the permitting authority. Use of the term "state" may also reference a local air pollution permitting agency or certain Indian tribes which can be the permitting authority for areas within their jurisdiction. In some cases, the term "delegated agency" is used and can refer to the state agency, the local agency, or the Indian tribe, depending on the delegation status of the program. The term state may also be used in the geographic sense and in such cases may refer to the state or the geographic area associated with an onshore permitting authority, such as the nearest onshore area ("NOA"), and the COA.

I. Discussion of the Final Regulations

A. § 55.1—Statutory Authority and Scope

In response to several comments, § 55.1 has been revised from the NPR to more accurately reflect the language of section 328 of the Act by stating that the Administrator is required to issue regulations for the OCS, rather than simply authorized to do so.

In addition, language has been added to this section to clarify that the purpose of this rule is to attain and maintain federal and state ambient air quality standards and to comply with the provisions of part C of title I of the Act. This language sets forth the limits of the rulemaking authority given to EPA under section 328 of the Act. As a result, the state and local rules that EPA incorporates pursuant to this rule must be rationally related to this purpose and may not be used expressly for the purpose of preventing exploration and development of the OCS.

B. § 55.2—Definitions

The following definitions were added or amended since the publication of the NPR. The various changes are summarized below and explained as necessary.

Corresponding Onshore Area ("COA")—This definition has been changed to clarify that the COA may be defined in association with a "proposed" source as well as an existing source. Several commenters noted that this will make clear that a proposed OCS source must comply with the preconstruction requirements of the COA. The definition of NOA has been changed in an identical manner for the same reason.

Delegated Agency—Language has been added to the rule to clarify that the delegated agency may be a state or local agency or an Indian tribe, provided that EPA has found that the delegation requirements of part 55 have been satisfied.

Exploratory Source—Language has been added to this definition to clarify that an exploratory source includes an operation conducted during the exploratory phase to determine the characteristics of the reservoir and formation and may involve the extraction of oil and gas.

Existing Source, New Source and Modification—Many commenters expressed confusion as to when the definitions of existing source, new source, and modification apply. These terms have the meaning given in the federal, state, and local requirements incorporated into §§ 55.13 and 55.14, as stated in the NPR. However, for two years following the date of promulgation of this part, the definitions given in section 111(a) of the Act shall apply for the purpose of determining the required date of compliance with this part, as required by section 328 of the Act and set forth in § 55.3 of this part. Language has been added to this section to clarify the applicability of the definitions given § 55.3 and in the requirements incorporated into §§ 55.13 and 55.14.

Nearest Onshore Area ("NOA")—This definition has been changed so that the NOA may be defined in association with a proposed source. This clarifies that proposed sources are subject to preconstruction requirements (see definition of COA). Language was also added to limit application of the NOA definition to OCS sources located within 25 miles of states' seaward boundaries. The definition of NOA is now consistent with the definition of COA.

Onshore Area—This definition has been changed to reflect the fact that the boundaries of areas designated pursuant to section 107 often do not coincide with the jurisdictional boundaries of any one air pollution control agency. When this is the case, the onshore area will have the same boundaries as the air pollution control agency for the purpose of determining the NOA and the COA.

Outer Continental Shelf—This definition was modified so that it will track any changes made to the definition in the Outer Continental Shelf Lands Act (OCSLA). Commenters were divided on whether or not this definition should be made permanent within this rule or allowed to change if OCSLA changes. EPA concurs with the comment that the determination of applicability, implementation, and enforcement could become unnecessarily complicated if the definitions in OCSLA and this rule diverge.

OCS Source—The definition of "OCS source" has been modified to clarify when EPA will consider vessels to be OCS sources. Section 328(a)(4)(C)(ii) defines an OCS source as a source that is, among other things, regulated or authorized under the OCSLA. The OCSLA in turn provides that the Department of the Interior ("DOI") may regulate "all installations and other devices permanently or temporarily attached to the seabed, which may be erected thereon for the purpose of exploring, developing, or producing resources therefrom, or any such installation or other device (other than a ship or vessel) for the purpose of transporting such resources." 43 U.S.C. § 1333(a)(1). Vessels therefore will be included in the definition of "OCS source" when they are "permanently or temporarily attached to the seabed" and are being used "for the purpose of exploring, developing or producing resources therefrom." This would include, for example, drill ships on the OCS.

In addition, when a vessel is physically attached to an OCS facility it will be considered a part of that facility and regulated as such. This is consistent with DOI's regulations, which specifically cover vessels used to transfer production from an offshore facility when the vessel is physically attached to the facility. 30 CFR 250.2. It is also consistent with federal new source review ("NSR") requirements, under which emissions from the stationary source activities of vessels at dockside are considered primary emissions of the marine terminal and are regulated as such. Moreover, under the "same as" requirements of section 328, the OCS platform will have to comply with the same requirements as the marine terminals. It therefore makes sense for vessels to be subject to the same requirements at OCS platforms as they are at marine terminals.

Only the vessel's stationary source activities may be regulated, since when vessels are in transit, they are specifically excluded from the definition of OCS source by statute. In addition, only the stationary source activities of vessels at dockside will be regulated under title I of the Act (which contains NSR and PSD requirements), since EPA

is prohibited from directly regulating mobile sources under that title. See *NRDC v. EPA*, 725 F.2d 761 (DC Cir. 1984). Part 55 thus will not regulate vessels en route to or from an OCS facility as "OCS sources," nor will it regulate any of the non-stationary source activities of vessels while at dockside. Section 328 does not provide authority to EPA to regulate the emissions from engines being used for propulsion of vessels. Any state or local regulations that go beyond these limits will not be incorporated into the OCS rule. If the mobile source emissions of vessels are regulated under future regulations developed pursuant to title II of the Act, the OCS rule will be revised accordingly.

All vessel emissions related to OCS activity will be accounted for by including vessel emissions in the "potential to emit" of an OCS source. Vessel emissions must be included in offset calculations and impact analyses, as required by section 328 and explained in the NPR. Emissions from vessels that service more than one OCS facility will be allocated among all the OCS facilities that the vessel services, to ensure that there is no double-counting of emissions.

EPA received some comments noting that at one point DOI proposed OCS rules that would have regulated vessels. Because the DOI regulations were proposed long before section 328 was enacted and were not developed beyond the stage of a proposal, they were not considered during rule development.

EPA also received comments regarding a development and production plan that DOI approved for an OCS platform named Julius, to be located off the coast of California, which contained requirements for vessels. However, these requirements were not required of the source by DOI, but rather were controls that the source and the state had agreed to. DOI simply incorporated the requirements into the plan as existing controls. Moreover, for the most part, these regulations applied to vessels while at the platform.

State—This definition was added to clarify that state means the state air pollution control agency that would be the permitting authority, a local air pollution permitting agency, or certain Indian tribes which can be the permitting authority for areas within their jurisdiction. In some cases, the term "delegated agency" is used and can refer to the state agency, the local agency, or the Indian tribe, depending on the delegation status of the program. The term may also be used in the geographic sense and then it refers to a state or the area associated with a permitting authority. Usage of this term was described in the NPR and has now been included in the final rule for clarification.

C. § 55.3—Applicability

As discussed in the NPR, this section gives the compliance dates for new and existing sources. Section 328 requires that new sources comply with this part on the date of promulgation, which is the date that the rule is published in the **Federal Register**. Existing sources must comply with this part within 24 months from promulgation. For purposes of compliance with this requirement a "new source" means an OCS source that is a new source within the meaning of section 111(a) and an "existing source" means any source that is not a new source. In brief, section 111(a) defines a "new source" as any stationary source the construction or modification of which is commenced after the publication of the NPR, which for this rule was December 5, 1991.

This section also establishes two separate regulatory regimes, as indicated by the statute and discussed in the NPR. The first applies to OCS sources within 25 miles of states' seaward boundaries. These nearshore OCS sources must comply with all the requirements of this part, including the federal requirements as set forth in § 55.13 and the federal, state, and local requirements of the COA (designated pursuant to § 55.5), as set forth in § 55.14. The second regulatory regime will apply to OCS sources located more than 25 miles beyond states' seaward boundaries. These outer sources must comply with all the applicable requirements of this part, including the federal requirements set forth in § 55.13.

Most of the comments received on this section pertain to the requirements that EPA proposed to incorporate into these two regimes. The reader is referred to sections I.M. and I.N. for a discussion of these comments. The only change made to this section clarifies in § 55.3(c) that sources in the outer regime are not subject to the requirements of the following sections: § 55.6—Requirements to Submit a Notice of Intent; § 55.4—Corresponding Onshore Area Designation; § 55.11—Delegation; § 55.12—Consistency Updates; and § 55.14—Requirements that Apply to OCS Sources Located Within 25 Miles of States' Seaward Boundaries.

D. § 55.4—Requirements To Submit a Notice of Intent ("NOI")

Few comments were received on § 55.4, and the changes, discussed below, are simply to clarify EPA's intent in the NPR in response to comment. As stated in the NPR, the owner or operator of a new OCS source or modification to be located within 25 miles of a state's seaward boundary must submit an NOI to the Administrator through the Regional EPA Office and to the air pollution control agency of the nearest onshore area and adjacent onshore areas. The NOI must include information about the proposed source or modification to determine onshore impacts and the applicability of onshore requirements for the purposes of designating a COA (if necessary) and performing consistency updates as mandated by section 328 of the Act.

The information required to be submitted in the NOI is listed in § 55.4. This information will generally be less extensive than that required by a new source review permit application and will in no way limit the required scope and contents of the permit application or applicable requirements. In response to comments, subsection (c) has been added to the rule to eliminate any confusion in this regard.

Several comments stated that existing sources planning to modify should be required to submit an NOI. In the NPR, modifications that trigger preconstruction requirements were considered new sources as defined by sections 328 and 111(a) of the Act. Section 55.4(a) has been amended to clarify that the NOI requirement applies to new sources and to modifications of existing sources that result in an increase in emissions. The NOI for modifications to existing sources only triggers consistency updates and not the COA procedure, as discussed in more detail in section I.E. below.

In addition, § 55.4(a) has been amended to require that the applicant submit the NOI to the EPA Administrator through the EPA Regional Office and at the same time to the air pollution control agencies of the NOA and onshore areas adjacent to the NOA. This clarification was made in response to comments that sources should submit the NOI to the Administrator and the delegated agency simultaneously.

EPA received several comments that stated that exploratory sources should not be exempt from NOI and emission control requirements. Exploratory sources and modifications to existing sources are exempt only from § 55.4(b)(10), the requirement to submit "such other information as necessary to determine the source's impact in onshore areas." Because the NOA will automatically be designated as the COA for exploratory sources (see discussion section II.D of the NPR) and the COA will not change for modifications to

existing sources, these sources will not be required to submit any information to be used for the purpose of determining the COA (i.e. an impacts analysis). Exploratory sources and modifications to existing sources that result in an increase in emissions will have to submit all other information required for consistency update purposes and will be subject to all the permitting and emission control requirements of the COA. In addition, should exploration lead to development and production, proposed sources will be subject to the full NOI and COA designation processes. Exploratory sources are discussed further in § I.E below.

E. § 55.5—Designation of the Corresponding Onshore Area ("COA")

Under section 328(a)(4)(B), the COA is assumed to be the NOA, but the Act gives the Administrator the discretion to designate a more stringent area as the COA if the area meets certain other criteria.

Proposed Exploratory Sources

The substance of this section of the rule was not changed significantly, but clarifying language was added in response to comments. The added language states that COA designations apply only to exploratory sources that are located within 25 miles of states' seaward boundaries. Another minor change clarifies that exploratory sources are not subject to those requirements of § 55.5 that relate only to the designation of the COA.

The content of this section resulted in several significant comments that are discussed for clarification, although they did not result in changes to the rule. Some commenters objected to EPA's proposal to make presumptive determinations of the COA for exploratory sources. Although exploratory sources are of admittedly limited duration, they emit significant amounts of nitrogen oxides (NO_x) while in operation. Commenters objected that areas possibly affected by emissions from these sources would be deprived of the chance to request COA designation. EPA concluded that this concern was outweighed by the need to prevent overly burdensome regulations. As previously stated in the NPR, EPA has determined that it is unreasonable to require a source that will operate for three or four months to undergo an administrative procedure that may last up to eight months. If the exploratory operation results in a plan to develop the site for production, that proposed source will be subject to all the requirements of § 55.5 for the designation of a COA. The Administrator may reconsider presumptive COA designations for exploratory sources in the future if presumptive determinations appear to be interfering with an area's ability to protect or attain ambient standards or comply with PSD, or if other conditions indicate that a review is warranted.

Many comments were received stating that exploratory sources should not be exempt from regulation and control requirements. In fact, exploratory sources are subject to the requirements of this part. In addition, exploratory sources are required to submit an NOI, thereby initiating the consistency review process. If necessary, a consistency update will be performed and the proposed exploratory source shall then be required to comply with the updated requirements of the NOA.

Requests for Designation

The final rule contains a change to the procedural requirements for COA designation requests. In response to comment, § 55.5(b)(1) has been modified to require the agency requesting COA designation to notify the chief air pollution control officer of the NOA and the owner or operator of the proposed source at the same time the request is submitted to EPA. This change will facilitate information transfer among affected parties.

Section 55.5(b)(1) also contains the first instance of a change that is repeated throughout § 55.5. The words submission and submittal are replaced with receipt and received, respectively. This change lends certainty to the timing of events that are to occur pursuant to this section. In the NPR, every significant date in this section was related to the date the NOI was submitted. As a practical matter, the Administrator cannot know when the NOI is submitted, only when it is received. Thus, this aspect of the change allows EPA to initiate the COA process with certainty. The COA process has the potential to last eight months; it is essential to ensure that it does not last any longer than planned. Another ramification of this word change is that the burden now lies with the requesting area to assure that EPA receives the deliverable items (i.e. COA requests and demonstrations) by the date specified. If the Administrator does not receive a deliverable item, the COA will be designated by default.

If an air pollution control district wants to be designated as the COA, it must submit a demonstration showing that the criteria of § 55.5(b)(2) are met. In the NPR, EPA solicited suggestions to more explicitly define the parameters of the demonstration and criteria. Two of the three statutory criteria use the undefined term "reasonably expected." Because this term can be broadly interpreted, EPA specifically requested comment on possible interpretations. After a thorough review of the comments received, it was determined by EPA that the Administrator must be allowed to exercise discretion in the evaluation of each COA request. In part, the large number and variability of suggestions received contributed to EPA's decision. Each suggestion had merit if applied under specific circumstances, but no single suggestion could be logically applied in every case. The rule applies to a variety of local environments and trying to set rigid criteria for evaluating COA requests limits the flexibility of the requesting area to tailor the demonstration to their situation.

In response to an overwhelming number of comments, § 55.5(c) of the final rule has been revised to allow the delegated agency that is designated as the COA to exercise all delegated authority. The NPR stated that if the COA was not the NOA, EPA would implement and enforce the rule. Commenters argued that permit engineers at the delegated agency would have expertise developed through implementing their own regulations, while EPA's permit engineers would be less familiar with the applicable requirements of the COA. EPA concurs with this argument. If there is no delegated agency in the COA, EPA will implement and enforce the requirements of the rule. EPA may also choose to implement and enforce the requirements of this rule if the NOA and the COA are in different states.

In the NPR, every modification to an existing source that required a preconstruction permit would have triggered the COA designation process. Some commenters requested that EPA consider modifying the rule to stipulate that the COA for each source shall be designated only once in the source's lifetime. Comment to the contrary was also received. The final rule has been modified so that an OCS source will be subject to the COA designation process only once. The rule still requires an NOI to be submitted when an existing platform is modified, but only the consistency update process will be triggered by the NOI. The statute makes no mention of reevaluating the COA, and this approach will ensure a consistent and stable permitting regime, as is the case onshore. Corresponding changes were also made to § 55.4, the section that contains the requirements of the NOI process because it is the NOI

that actually triggers the COA designation process.

Offset Requirements

Section 55.5(d) of the rule has changed significantly as a result of comments received by EPA. The first change is the addition of language that requires all offsets to be obtained in accordance with the requirements of the Act and the regulations thereunder. This is simply a clarification and mirrors the language of the offset requirements in § 55.7, Exemptions.

The substantive requirements of the offset provisions contained at § 55.5(d) have undergone several changes as a result of comments received. As proposed, the rule would not have required any offset penalties or discounting based on the distance between the proposed source and the source of offsets when the offsets were obtained on the landward side of the proposed OCS source. Offsets obtained on the seaward side of the proposed source would have been subject to distance discounting and penalties in the same manner that those requirements are applied onshore. EPA's rationale for this proposal is explained in detail in the NPR. Put simply, EPA believed that onshore emission reductions would yield greater air quality benefits in the onshore nonattainment area than emission reductions on the OCS. Many onshore regulatory agencies agreed that it would be preferable for OCS sources to obtain offsets onshore. However, these agencies expressed concern that complete elimination of distance based penalties could result in OCS sources obtaining onshore offsets that would not provide actual air quality benefits in the affected nonattainment area. Each onshore area has crafted offset requirements with the aim of reducing emissions and impacts in the areas that experience violations of the ambient standards.

Key comments focused on the fact that EPA's proposed offset requirements would not necessarily achieve EPA's goals as described in the NPR. Commenters stated that not all onshore emission reductions have a beneficial effect in the nonattainment area, even if the emissions reductions occur in the same air basin, NOA, or COA. After review of the comments, EPA concluded that the offset requirements in the NPR were inadequate to consistently achieve the desired result of producing a net air quality benefit in the onshore nonattainment area.

The offset requirements of the final rule have been revised to allow the offset requirements of the COA to be applied to OCS sources in a manner consistent with the underlying goals and technical rationale used by the COA to determine its offset requirements. The revisions, discussed below, address the concerns of most commenters and still provide incentive for OCS sources to obtain their offsets from the landward side of the OCS source. The changes reflect EPA's position that distance discounting and penalties serve a useful purpose when they are applied in a manner consistent with the assumptions upon which they are based.

The offset provisions of the final rule create three geographic zones, each with different requirements for the purpose of applying distance penalties. The first zone lies seaward of the OCS source, the second zone lies between the OCS source and the state seaward boundary, and the third zone extends from the state seaward boundary inland. In each zone the offset ratio applied shall not be higher than the highest offset ratio required onshore, provided that a net air quality benefit is achieved.

Offsets obtained in the first zone are subject to all the offset requirements of the COA, and any distance penalties are calculated based on the distance between the OCS source and the source of offsets. Offsets obtained in the second zone are obtained at the base ratio required in the COA, and no distance penalties will apply. Offsets obtained in the third zone are subject to the offset requirements of the COA. For the purpose of calculating the distance between the OCS source and the source of offsets, a straight line shall be drawn from the site of the OCS source to the source of offsets. The point at which this line crosses the state seaward boundary shall be treated as the site of the OCS source for the purpose of offset requirements.

No negative comment was received on the application of distance penalties to offsets obtained seaward of the OCS source, and these offset requirements are unchanged from the NPR. The rule does not apply distance penalties to offsets obtained between the OCS source and the state seaward boundary, which avoids creating a disincentive to obtain offsets from the landward side of the OCS source. Finally, when offsets are obtained from within state boundaries, offset penalties apply, but the OCS source is not penalized for the distance between the OCS source and the state seaward boundary. Treating the OCS source as if it were located at the state seaward boundary allows the onshore offset requirements to function in the manner originally intended. This eliminates the concern of EPA and other commenters that application of onshore offset requirements might unintentionally provide an incentive for an OCS source to obtain offsets far from the nonattainment area.

The NPR and the final rule state that an OCS source may obtain offsets from the NOA, the COA, and from OCS sources with the same NOA or COA. The NOA is likely to experience impacts from the OCS source; it is therefore appropriate to allow offsets to be obtained from sources located within the NOA. Since some onshore areas prohibit sources from obtaining offsets outside their area of jurisdiction, it was necessary to include language which supersedes such geographic restrictions. This provision was not meant to contradict or supersede any other requirements of the COA's regulations or of part 55. The rule now clarifies that the OCS source must comply with all other offset requirements of the COA and this part, including distance penalties. The language of the offset requirements has also been modified to make it clear that modifications are subject to offset requirements.

Administrative Procedures and Public Participation

A very large number of commenters expressed concern regarding public participation. In response to these comments, § 55.5(f) now states more clearly that public comment will be taken on preliminary COA designations before they are made final. Another change to this section eliminates the obligation of the Administrator to issue a separate document to respond to comments. This requirement is redundant because the Administrator must prepare a written justification of the COA designation setting forth the reasons for the decision. Since public comment must be considered in making the designation, this justification will address the comments.

Final Designations of COAs

The final rule designates the COAs for existing and proposed OCS sources adjacent to California. No changes have been made from the COA designations proposed in the NPR. EPA is designating the COAs for these sources in order to facilitate their timely compliance with part 55. In making these designations, EPA is not making or implying a decision as to the status of these facilities pursuant to section 111(a) of the Act for the purposes of compliance with the requirements of this part.

The NPR stated that the proposed COA designations would be included in the final rule unless commenters submitted sufficient documentation to

demonstrate that EPA should reconsider the proposed COA for a source. Comments were submitted requesting that EPA change some of the proposed COA designations. Although these comments contained logical justifications for changing the COA for specific sources, none contained a stringency analysis, a key criterion for requesting COA designation. EPA does not have the discretion to designate a COA other than the NOA unless a determination is made that the requesting area has more stringent requirements for the control of air pollution than the NOA. One commenter requested that EPA delay all the COA designations for six months to allow time to prepare a stringency analysis. Existing sources have only two years from promulgation of part 55 to come into compliance with the rule, and a six month delay would jeopardize their ability to meet the compliance deadline. For these reasons EPA is making final designations of the COAs for the existing and proposed platforms adjacent to California, as listed below.

The South Coast Air Quality Management District is designated as the COA for the following OCS facilities: Edith, Ellen, Elly, and Eureka.

The Ventura County Air Pollution Control District is designated as the COA for the following OCS facilities: Grace, Gilda, Gail, and Gina.

The Santa Barbara County Air Pollution Control District is designated as the COA for the following OCS facilities: Habitat, Hacienda, Harmony, Harvest, Heather, Henry, Heritage, Hermosa, Hidalgo, Hillhouse, Hogan, Houchin, Hondo, Irene, Independence (formerly named Iris), the OS & T, and Union A, B, and C.

F. § 55.6—Permit Requirements

Section 55.6 contains requirements to enable EPA or a delegated agency to issue preconstruction and operating permits in accordance with onshore federal, state, and local regulations for OCS sources within 25 miles of states' seaward boundaries and establishes federal permitting requirements for OCS sources beyond 25 miles of states' seaward boundaries. As discussed in the NPR (section II.K.) and section I.K below, the Administrator will retain authority for the implementation and enforcement of the OCS regulations beyond 25 miles of states' seaward boundaries.

Permit Applications

This section requires that approval to construct or permit to operate applications submitted by a new or existing OCS source must include a description of how the source will comply with all the applicable requirements of this part. In response to several comments, this section has been amended to require that the application also identify those requirements that have been proposed by EPA for incorporation into this part. This will ensure that the permitting agency and the applicant have identified all the requirements to which the source will be subject and allows the applicant to identify any control technology requirements that the applicant believes are technically infeasible or will cause an unreasonable threat to health and safety. In addition, to help ensure that the OCS source meets requirements that are consistent with onshore requirements, the condition set out at § 55.6(b)(2) states that the permit application must not be submitted until any consistency update that the Administrator determines is necessary has been proposed. This requirement was included in response to numerous comments received on the proposed consistency update procedures. The consistency update procedures, including the deadlines specified for the Administrator, are discussed in detail in section I.L. below.

Modification of Existing Sources

Section 55.6 of the NPR exempts from preconstruction requirements (new source review requirements and preconstruction permits) those existing sources that undertake modifications solely to come into compliance with part 55 within 24 months of promulgation of this part, providing such modifications do not result in an increase in emissions of any regulated pollutant. Those sources not requiring a preconstruction permit must submit a compliance plan to the permitting agency. Numerous comments were received on how to ensure that existing sources come into compliance within 24 months from promulgation of part 55 in light of EPA's exemption of these sources from preconstruction requirements for modifications required to obtain compliance. The comments ranged from several assertions that all modifications made to come into compliance with the regulation should require NSR or preconstruction permits prior to modification, to a recommendation that only modifications that result in an increase of emissions above some unspecified *de minimus* level should be subject to any compliance review at all. Several commenters stated that sources would make costly modifications to facilities that may not meet onshore requirements and subsequent enforcement would be difficult.

For the most part, commenters agreed with the provision contained in the NPR that NSR requirements (such as best available control technology or modeling) should not be applied to these sources, but they felt that preconstruction permits or enforceable compliance plans should be required. Specifically, several commenters stated that § 55.6 should be modified to require that the applicant submit a compliance plan for approval by the Administrator or delegated agency prior to performing the modification and that the regulation should make provisions for the delegated agency to charge fees for the review and approval of the plan. Other commenters suggested that the regulation give a timeline for agency review of the compliance plan.

EPA is concerned that preconstruction permits or compliance plans that require approval and public comment would not leave existing sources with enough time to come into compliance. In addition, EPA does not believe that compliance plans must be enforceable to be effective. If existing OCS sources do not meet the compliance deadline, they will be in violation of this part and subject to enforcement action. The intent of a compliance plan is to ensure that existing sources make appropriate modifications in a timely manner in order to comply with all the applicable requirements of this part within 24 months of rule promulgation. The compliance plan should facilitate communication between the source and reviewing agency, which should in turn expedite the operating permit review and eliminate costly oversights. EPA maintains that existing sources must meet all applicable requirements of part 55 within 24 months, regardless of the status of the compliance plan, and that sources subject to COA operating permit requirements are required to obtain such permits within 24 months of promulgation of this part.

In response to the above comments, § 55.6(b) has been amended to require that the reviewing agency provide written comments to the source within 45 days of receipt of the compliance plan. The source must in turn respond to such comments as required by the reviewing agency. This will ensure that both the reviewing agency and existing source benefit from the compliance plan and that the intended modification will indeed meet the onshore requirements.

In addition, language was added to § 55.6(b)(8)(iii) to address DOI's concern with the condition that modifications exempt from preconstruction

requirements must not result in an increase in emissions of any regulated pollutant. They believed that onshore agencies would interpret the preconstruction exemption to require that all modifications required to comply with this rule that result in an increase in emissions would be subject to NSR requirements irrespective of any *de minimus* levels that may exist in onshore NSR rules. The applicable definition of modification, however, is that definition given by the applicable federal, state, or local requirements incorporated into this part. Thus, only sources that increase emissions above any *de minimus* levels included in the applicable rules will be subject to preconstruction requirements.

Finally, language was added to this section to require that, as with permit applications, any requests for exemption from control technology requirements must be submitted with the compliance plan. The administrator or delegated agency will act on the exemption request in accordance with the procedures set forth in § 55.7.

Exemptions

Several commenters pointed out that the timeline for the exemption procedure may conflict with mandatory permit issuance requirements of state and local agencies, especially when an exemption request is appealed to the Administrator (see § 55.7). Language has been added to § 55.6(a)(2) to ensure that a final permit will not be issued until a final determination is made on any exemption request submitted with the required permit application.

Administrative Procedures

A few comments were received regarding the NPR's reference to 40 CFR part 124. As stated in the NPR, when issuing preconstruction or operating permits, EPA will use the applicable administrative and public notice and comment procedures of § 55.6 and 40 CFR part 124, Procedures for Decision Making. Part 124 contains regulations on the issuance of EPA permits and will be amended to reference the issuance of federal OCS permits. Where the Administrator delegates the OCS permitting requirements to a state or local agency, that agency must issue permits in accordance with the requirements of § 55.6, except for the administrative and public participation procedures of the federal rule, for which the agency may substitute its own procedures. Comments stated that the applicable procedures that EPA intends to apply from part 124 must be made explicit. Section 55.6 now specifies that until part 124 has been modified to reference permits issued under this part, the Administrator will follow the procedures in part 124 used to issue PSD permits.

During the public comment period, industry expressed the concern that given the complex leasing, owner, and operator relationships on the OCS it would be easy to postulate conditions under which the owner of an OCS source would have no constructive knowledge of the requirements of the permits obtained by an applicant. Once commenter suggested that applicants should be required to inform contractors and sub-contractors of any conditions of the permits issued under part 55 that might affect their equipment or operations. Section 55.6 has been amended to include the above suggestion. Notification of future owners and sub-contractors is often a requirement of federally issued PSD permits.

Several comments were received that recommended the regulation should allow the delegated agency 10 days to send a copy of any preliminary determination and final action to the Administrator. Section 55.6 of the NPR requires the delegated agency to send a copy of any preliminary determination or final permit action to EPA on the date of the determination. By "date of determination" EPA meant the date that the draft or final permit is issued to the applicant or made available for public review and comment. EPA needs simply to receive a copy of all such actions. A delay of 10 days could effectively shorten EPA's review time during the public comment period if such period begins on the date of draft permit issuance. The condition set out in § 55.6(a)(5)(iii) has been modified to clarify this intent.

Transitional Permit Applications

In responding to comments, EPA discovered a discontinuity in the proposed rule for sources that commence construction during the period between proposal of this part on December 5, 1991 and promulgation of this final rule, which is the date of publication of this notice in the **Federal Register**. Section 328(a)(1) of the Act provides that "new OCS sources" must be "in compliance" as of the date EPA's final OCS rules are promulgated. Under section 328(a)(4)(D), a "new OCS source" is defined by reference to CAA section 111(a) (42 U.S.C. 7411(a)). Under that section, a source is new if construction of that source commences after the applicable regulation is proposed in the **Federal Register**. Therefore, an OCS source that is covered by this rule, and that commenced construction after December 5, 1991 (the date this rule was proposed), is a new OCS source that must be "in compliance" on the date of promulgation.

The OCS rule includes, among other things, preconstruction review (NSR and PSD) and other permitting requirements. However, the source can not obtain such permits prior to promulgation of this rule, because the permitting authority does not have the jurisdiction and authority necessary for action until promulgation of the rule. It is thus impossible for the source to be "in compliance" by the date of promulgation to the extent that phrase is interpreted to mean in receipt of final, valid permits.

As the permitting process typically takes several months or longer to complete, the source would potentially be in the position of having to cease all activity for the time it takes to get a permit or continuing to construct and operate in violation of federal law. The situation would occur regardless of whether the source was in compliance with all the applicable air pollution control requirements. Although, in theory, it may have been technically possible for such sources to have prepared a permit application and made preliminary contracts with the projected permitting authority in advance of promulgation, EPA does not believe the necessity or availability of such a course was sufficiently apparent prior to today's final action to require sources to have done so. Moreover, even if an affected source took these actions, a permit likely still could not be issued immediately (e.g., before a PSD or NSR permit may be issued, the public must first be provided an opportunity to comment on the draft permit).

EPA believes that Congress did not intend such a result for these sources. Nothing in the statute or legislative history suggests that Congress intended that OCS sources that have lawfully commenced construction or operation in the period between proposal and promulgation, cease construction or operation while they engage in a potentially lengthy permitting process. Instead, EPA believes that Congress desired that these sources immediately comply with all substantive provisions and that they immediately commence the process of receiving all necessary permits. To this end, provisions for receiving valid permit(s) without unduly or unnecessarily disrupting ongoing activities for these limited number of sources have been included in this final rule.

EPA has determined that, for purposes of permitting only, compliance by

prepromulgation new OCS sources with the transitional permit rules, set forth in § 55.6(e), satisfies the requirements of section 328(a) of the Act. These provisions are designed to assure continuous compliance with all substantive requirements and provide assurance that public health or welfare will not be impaired. In essence, these rules contain the same requirements that the source would have to comply with if it had a valid permit except that the following requirements replace the obligation to have a valid permit on the date of promulgation of this rule:

1. Pursuant to § 55.6(e), within 30 days of promulgation the source must submit to the permitting authority a transitional permit application (TPA). The essential information required in the TPA includes a complete description of the source, a listing of all requirements that apply to the source directly, and, for sources required to perform an air quality analysis (such as under PSD), a screening analysis that demonstrates whether the source has or is expected to cause or contribute to a violation of any ambient air quality standard or exceed any applicable increment;

2. If the source is required to obtain a preconstruction permit, the source must set forth in the TPA, proposed emission limits that reflect utilization of the required control technology, including BACT or LAER. The TPA must demonstrate that the source is in compliance with these proposed emission limits;

3. The TPA must include documentation that source emissions are currently being offset, or will be offset if the source has not commenced operation, at the ratio required under this part, and documentation that those offsets will meet the requirements of this part by the date the final permit is issued;

4. The source must expeditiously complete its permit application; and

5. The source may not operate if the permitting authority determines that the source will cause or contribute to a violation of an ambient air quality standard or would exceed an applicable increment.

EPA believes that 30 days is a reasonable period for filing the TPA; it reflects our determination as to the earliest date affected sources could reasonably be expected to comply with this requirement. This limited period is needed for the source to receive and comprehend the rule once published, accumulate the information called for by the regulations, and conduct the requisite air quality and technology analyses.

Under this scheme, EPA retains the authority to preclude sources from constructing or operating if it finds that the source has failed to fully satisfy its obligations under the regulations. In other words, if the source has filed an incomplete TPA, unduly delayed in completing its permit application, failed to adhere to an applicable control requirement, projected a plainly inadequate BACT or LAER emission limit (or failed to adhere to the limit projected), or if it can be expected to interfere with attainment of an ambient air quality standard or exceed an applicable increment, EPA may take enforcement action.

Response to Comments

Although not requiring modifications to § 55.6, there are several permitting issues that EPA believes merit additional clarification. Comments related to these issues are discussed below. The reader is referred to the Response to Comment document contained in EPA Air Docket A–91–76 for a more detailed discussion of these issues and other comments received on this section.

Section 55.6(b)(4) requires that an approval to construct expire if construction is not commenced within 18 months after receipt of such approval, if construction is discontinued for a period of 18 months or more, or if construction is not completed within a reasonable time. One commenter stated that it is not clear what is meant by "reasonable time" or whether this allows an exception to the 18-month requirement. "Reasonable time" should be read as that continuous construction schedule defined in the permit application and is not an exception to the other criteria. Section 55.6 further allows the 18 month period to be extended if the administrator or delegated agency believes that the applicant has made a showing that the extension is justified. This will provide flexibility for the construction of OCS sources. Sources obtaining extensions are subject to all new or interim requirements and a reassessment of applicable control technology when the extension is granted. It should also be noted that § 55.6(b)(4) does not supersede more stringent requirements contained in applicable federal, state, or local permitting regulations, as this would conflict with the intent of the statute.

Many commenters requested that part 55 specify a deadline by which existing OCS sources must apply for an operating permit. Section 328 and part 55 require that existing sources comply with the OCS rule within 24 months of promulgation of the rule. This includes obtaining, not simply applying for, any operating permits required by the COA. EPA acknowledges the commenters' concerns that existing sources may not allow enough time for the onshore area to process the permit application. However, due to the varying permit processing times of agencies, EPA does not feel it is appropriate, or in the best interest of the permitting agency or applicant, to specify an application date that may conflict with onshore timelines. Existing sources have been put on notice of the onshore requirements and need to plan accordingly to receive required operating permits by the compliance deadline.

Numerous comments stated that the permits should address impacts on non-human species and resources in addition to the protection of onshore ambient air quality standards. Specifically, these commenters stated that the near coastal environment, islands, and plant and animals, must also be protected and biological damage from deposits of surface contaminants should be addressed. These concerns are in part addressed by onshore requirements incorporated into part 55 and in other federal laws that apply independent of part 55. OCS sources subject to the PSD regulations must assess their impacts on ambient air quality, soils, vegetation, and visibility. Impacts on the resources of federal Class I areas (National Parks, Forests and Seashores), including flora, fauna, water, visibility, and cultural artifacts, must also be analyzed. In addition, section 7 of the Endangered Species Act of 1973 requires all federal agencies to ensure that any actions authorized, funded, or carried out by the agency are not likely to jeopardize the continued existence of any listed endangered or threatened species or result in the destruction or adverse modification of their critical habitat. This includes federal actions such as permits, grants, and licenses. Permits issued under the OCS regulation would qualify as such an action. The Minerals Management Service ("MMS") holds formal consultations with the Fish and Wildlife Service and National Marine Fisheries Service up to three times during the life of an OCS project to comply with this requirement. Finally, to the extent that the rule results in improved air quality, non-human species, the near coastal environment, islands, plants and animals may benefit.

A few commenters requested clarification of the term "modification" as it applies to § 55.6. One commenter rquested that part 55 specify *de minimus*

levels of emission increases to determine the applicability of this section. As stated in the NPR, the definition of modification will be that given by the applicable requirements incorporated into §§ 55.13 and 55.14, except for the purpose of determining the date that the modification must comply with this part. For two years following the date of promulgation of this part, the definitions of modification and new source given in section 111(a) of the Act shall apply for the purpose of determining whether the modification shall be treated as a new source, and consequently must comply upon promulgation of this part, or treated as an existing source and must comply within 24 months of promulgation. In brief, a physical change, or change in method of operation, commenced after December 5, 1991 (the proposal date of 40 CFR part 55) that results in an increase in emissions will cause an existing OCS source to be considered a new OCS source. Establishing *de minimus* levels would conflict with the definition of modification required by the statute and the directive that the OCS requirements applying to sources located within 25 miles of states' seaward boundaries be the same as those onshore. *De minimus* levels are set, however, in most of the applicable federal, state and local regulations that have been incorporated into part 55.

G. § 55.7—Exemptions

Section 328(a)(2) allows the Administrator to grant an OCS source an exemption from a specific control technology requirement if the Administrator finds that the requirement is technically infeasible or will cause an unreasonable threat to health and safety.

EPA intends to delegate the authority to make exemption determinations to states with adequate regulations for carrying out this part of the rule. EPA interprets the statue to require delegation of this authority if the state's regulations are adequate, since exemption determinations are simply a part of the implementation and enforcement of the rule, which EPA must delegate under section 328(a)(3). This position is unchanged from the NPR and is implicit in the language of § 55.7. Industry and DOI have both commented that the statute does not allow EPA to delegate the authority to grant and deny exemption requests. Evaluation of an exemption request is simply a control technology determination, very similar to the best available control technology (BACT) and lowest achievable emission rate (LAER) determinations. It would be ineffective to divide what is essentially a single task between two agencies and EPA does not believe that was the intent of Congress. The rule integrates the exemption process into the permitting process, which streamlines the administrative process and is a logical approach to permitting.

Request for Exemption

Concern was expressed by many commenters that the exemption procedures contained in the rule are lengthy at best and have the potential to be extended by many months due to appeals. Because this is an overriding concern for many commenters, several of the times allotted for procedures under the rule have been shortened. A source must now request an exemption within 60 days from the date EPA promulgates a requirement that does not require a permit. This is 30 days fewer than in the NPR. In addition to this change, the section now requires that existing sources that submit a compliance plan shall include all requests for exemption when the plan is submitted. For the purpose of § 55.7, these requests will be treated as requests that do not require a permit.

The final change to this section is in § 55.7(b)(4)(iv), where language has been added to require a source located beyond 25 miles from states' seaward boundaries to consult with the Administrator to identify suitable offsets. There are no analogous, offset requirements for onshore sources, so offsets for these sources must be evaluated on an individual basis. This is also addressed in § 55.7(e), as discussed below.

Delegation

Comments were received on § 55.7(c), the requirement that a delegated agency must reach consensus with the MMS and the U.S. Coast Guard ("USCG") on exemption requests. Some commenters suggested that this requirement represented an illegal delegation of authority to these agencies. These agencies have the primary responsibility for assuring that OCS operations occur in a safe manner and can provide valuable advice to ensure that no control technology believed to be unsafe will be required on the OCS. In regard to the issue of illegal delegation, there is no delegation of authority; MMS and the USCG have no authority to grant or deny a request, and if consensus cannot be reached, the request is automatically referred to the Administrator.

Two clarifying changes were made to this section in response to comments. First, the word "application" has been replaced by "permit application," and exemption requests that do not require a permit are now explicitly included. The second change is that the time allowed for the delegated agency to transmit the request and related materials has been reduced from 15 days to 5 days. This will allow the federal agencies to begin discussion with the delegated agency sooner and will facilitate reaching a consensus decision within the required time frame. If consensus cannot be reached within 90 days from the date the delegated agency received the request or application, whichever is sooner, the exemption request will be referred to the Administrator, and the decision will be more in accordance with the procedures contained in § 55.7(f). This is a change from the NPR, which simply stated that the request would be appealed to the Administrator.

The language contained in the NPR that would have allowed an extension of the consensus process has been deleted in response to comments that the procedures in the NPR were too lengthy. Similarly, to expedite the permit process in the event that an exemption request is referred to the Administrator, language has been added to § 55.7 to allow the delegated agency to issue a preliminary permit determination prior to the Administrator's final decision on the exemption request. This allows the delegated agency to proceed with the public notice and comment phase of their permitting process before the Administrator makes a final decision on the exemption request. The notice must refer to the exemption request and mention that comments related to the request must be made to the Administrator. The rule specifies that the Administrator's final decision must be incorporated into the final permit issued by the delegated agency.

Grant of Exemption

One commenter pointed out an oversight in the offset requirements; no provision was made for OCS sources located beyond 25 miles from states' seaward boundaries to obtain offsets. Language has been added to § 55.7(e) to address the acquisition of required offsets when a source located beyond 25 miles from a state's seaward boundary is granted a technical exemption. The source will be required to consult with EPA to identify suitable offsets. If the source is granted an exemption, the offsets obtained must be adequate to protect state and federal ambient air quality standards and ensure compliance with PSD.

Administrative Procedures and Public Participation

Another change attributable to comments on the NPR is the deletion of § 55.7(f)(1), which allowed the Administrator 30 days to review an exemption request and notify the source of any deficiencies. Instead, the Administrator or the delegated agency will simply proceed with deliberations on the exemption request. If any information from the source is needed, it must be obtained during the review process.

This section has also been revised to clarify the implicit intent of the NPR; an exemption request shall be considered part of the permit application. This is clarified at § 55.7(f)(1), which now specifies that if a permit is required, the applicable procedures to process the permit will be used to simultaneously process the exemption request. EPA will use the procedures at 40 CFR part 124 and a delegated agency will use its own administrative procedures to process a permit.

The majority of § 55.7(f) contains procedures to be used by the Administrator or the delegated agency in the event that an exemption request is submitted that does not require a permit. These procedures have not substantively changed from the NPR. Language has been added to allow the Administrator to use these procedures when an exemption request is referred from the delegated agency. The Administrator must make a preliminary determination on the exemption request within 30 days of referral. The Administrator or delegated agency is allowed 90 days to make this determination when there is no referral.

Language describing the appeal procedure when the Administrator of an EPA regional office ("Regional Administrator") denies an exemption request has been removed in the final rule. This language was redundant because the Regional Administrator's decision may be appealed to the Administrator by petitioning for administrative review in accordance with § 55.7(f)(5).

H. § 55.8—Monitoring, Reporting, Inspections, and Compliance

Section 55.8 adopts the monitoring, reporting and inspection authority of section 114 of the Act. Only one change was made to this section. EPA added language to the final rule clarifying that all monitoring, reporting, inspections and compliance requirements of the Act apply to OCS sources. This will include the upcoming rules for Enhanced Monitoring and Compliance and Certification of Compliance when such rules are promulgated pursuant to section 114 of the Act.

Several commenters emphasized the importance of good monitoring and reporting requirements and requested that EPA ensure that state and local requirements are adequate if authority is to be delegated. EPA agrees that good monitoring and reporting requirements are essential to effective implementation. The statute requires EPA to evaluate the adequacy of the program of the state agency that is requesting delegation. Therefore, EPA will ensure that state and local programs contain effective monitoring and reporting requirements prior to delegation.

I. § 55.9—Enforcement

Section 55.9 restates the requirement set out in section 328 of the Act that all OCS sources shall comply with this part and failure to comply shall be considered a violation of section 111(e) of the Act. The section adopts the enforcement authority of sections 113, 114, 120, and 303 of the Act. Several commenters indicated that section 304 of the Act should be included also. This was an oversight and was corrected in the final rule. EPA also made explicit that all the enforcement authority of the Act applies to OCS sources.

J. § 55.10—Fees

Section 55.10 establishes the requirements under which EPA will collect operating permit fees, as discussed in the NPR. No changes were made to this section of the rule.

K. § 55.11—Delegation

This section sets forth the requirements for a state or local agency to receive delegation to implement and enforce the OCS regulation in accordance with section 328(a). The NPR generated a significant number of comments on this section.

The California air pollution control districts pointed out that they, not the state air pollution control agency (the Air Resources Board), are the state agencies with authority to permit air pollution sources and enforce air pollution regulations. They contend that EPA should delegate implementation and enforcement authority to them and not the state (through the Governor). After considering the air pollution control districts' concerns, EPA maintains that it is more appropriate for the Governor or the Governor's designee to make the request on behalf of the local air pollution control district. This will eliminate the need for EPA to make a state law determination of which agency has the proper authority for implementing and enforcing the OCS regulations, yet allows flexibility for the Governor to designate the local air pollution control district as the designee.

Many commenters wanted the OCS rule to be more explicit as to what authority the state has, after delegation, to use its administrative procedures, such as variances. EPA maintains that a state may use any administrative procedure that it has under state law to implement and enforce the requirements of this part. However, as required by the statute, part 55 will only be delegated to a state or local agency that demonstrates that these administrative procedures are adequate to implement and enforce the requirements of this part (see also the discussion of state administrative procedures in section I.N.). As onshore, a variance will not shield a source form enforcement action by EPA.

A large number of commenters expressed concern with the revocation of delegation procedure in the NPR. Several commenters argued that EPA does not have the authority to revoke delegation, since revocation is not addressed in the statue. EPA disagrees, as revocation of a grant of authority if the delegated agency is not performing adequately is basic to governmental functioning. Many commenters objected to the language in the NPR that stated that EPA would revoke the delegation if "the requirements of this part are being implemented or enforced in an inequitable, arbitrary, or capricious manner." After consideration of the comments, EPA is modifying the language such that the basis of revocation will be inadequate implementation and enforcement. The rule has been adjusted so that the concerns over improper use of OCS regulations are now addressed in § 55.1, as discussed above in section I.A.

Several commenters questioned why EPA was not delegating authority for sources beyond 25 miles from states' seaward boundaries. They pointed out that the statute required EPA to delegate all of its authority under section 328 if the state program was adequate. However, for sources beyond 25 miles, only federal requirements were incorporated into this part. In this situation, EPA believes that it is more efficient to have the federal government retain authority than to have a state agency try to implement and enforce purely federal requirements. The state agency would have to treat sources within 25 miles with one set of rules and procedures and sources beyond 25 miles

with a second set of rules and procedures.

A number of commenters stressed the importance of public comment and requested that EPA ensure that public comment procedures are required and maintained if the program is delegated. EPA modified the criteria for delegation to include a requirement that a delegated agency have adequate procedures for public comment.

L. § 55.12—Consistency Updates

Because onshore requirements may change, section 328(a)(1) requires that EPA update the OCS requirements "as necessary to maintain consistency with onshore regulations." In the NPR, EPA described the criteria it would use to evaluate rules to be incorporated via consistency updates. EPA proposed that state and local rules must be rationally related to the attainment and maintenance of state or federal ambient standards or part C of title I, equitable, and must not be arbitrary or capricious. EPA proposed to update the rule annually, with NOIs also triggering consistency reviews. EPA solicited comment on the appropriate frequency of consistency updates. Most comments that EPA received regarding this portion of the rule concerned the timing and content of the consistency updates and the use of "inequity" as a criterion for screening onshore rules.

The statute mandates that OCS sources be subject to the same requirements that would be applicable if the source were located in the COA. At the same time, the statute does not provide a mechanism by which state law can automatically (and instantaneously) apply on the OCS. Because EPA must incorporate onshore requirements by formal rulemaking, inherent delay is introduced.

Several commenters opined that the consistency update procedure should provide for onshore agency submittal of OCS rules and EPA action in a timely manner. Some had detailed suggestions as to the events which should trigger consistency updates and the frequency with which EPA should do them. Commenters also expressed concern that higher emission levels could be permanently permitted if consistency updates were not done in a timely manner. EPA considered all comments and has revised this section to include more specific procedures and details regarding the timing of consistency updates.

In areas where there is OCS activity, EPA will review onshore requirements at least annually. If the Administrator finds that the requirements of part 55 are inconsistent with those onshore, EPA will update the appropriate portion of part 55. Also, as proposed, EPA will initiate a consistency review upon recipe of an NOI. In the case where the NOI is for a source that does not require a COA designation (a COA was previously determined), EPA will propose a consistency update, if needed, within 60 days of receiving the NOI. If the NOI is for a source that requires a COA designation, EPA will take action, if needed, in accordance with the following schedule:

- If no adjacent areas request to be designated as the COA and the NOA is automatically designated as the COA, EPA will publish a proposed consistency update no later than 15 days after the default COA determination (within 75 days after the NOI is received by EPA).
- If an area other than the NOA requests to be the COA but fails to submit the required demonstration, EPA will publish the proposed consistency update no later than 15 days after the due date for the demonstration has passed (within 105 days after the NOI is received by EPA).
- If an area other than the NOA requests COA designation and submits the required demonstration, EPA will publish the proposed consistency update no later than 15 days after the date of the final COA determination.

In addition, if a state or local district submits an applicable rule to EPA (with proof of adoption) that meets the criteria for incorporation into part 55, EPA will take action on that rule by the end of the following calendar quarter. This approach enables EPA to process rules in batches, thus reducing the time and expense involved in publishing multiple **Federal Register** notices. It also enables EPA to postpone unnecessary rulemaking in areas where there is no activity and thus avoids expending resources on activities that will have no effect on air quality.

An OCS source may not submit its permit application until a consistency review is completed and, if appropriate, an update of part 55 has been proposed. However, sources are only required to comply with those requirements that are adopted into part 55 as of the date the final permit is issued. EPA intends to promulgate the final update prior to the final permit issuance. This puts the consistency update process and the permit review process on a parallel timeline. EPA believes that the approach it has taken to consistency updates will minimize the possibility of sources being permitted under outdated requirements.

The use of the term "inequitable" in the NPR was the cause of considerable concern to many commenters. Commenters stated that the term "inequitable" is vague and undefined and has no basis in the statute. Several suggested that EPA eliminate or objectively define "inequitable." By using the word "inequitable" EPA was attempting to clarify the terms "arbitrary" and "capricious." However, to avoid any confusion, EPA has deleted all references to this term from the rule. Language has been added to § 55.1 to clarify that EPA will not incorporate rules that are designed to prohibit exploration or development of the OCS.

The inclusion of language prohibiting the incorporation of arbitrary and capricious rules was negatively commented on by several parties. Several commenters stated that consistency updates may not consider whether a state or local onshore regulation is arbitrary or capricious. Others said that EPA is already prohibited from adopting arbitrary and capricious rules so the use of these terms is confusing and redundant. A number of commenters recommended that the terms arbitrary and capricious be deleted from § 55.12.

Pursuant to section 706(2)(a) of the Administrative Procedures Act, EPA must consider whether any action it undertakes is arbitrary or capricious. All federal rulemaking is subject to this standard. Inclusion of this language neither expands nor limits EPA's pre-existing authority and obligation. EPA has included this language to emphasize that state or local rules incorporated into the OCS rule must bear a rational relationship to the purposes of the rule, as discussed in section I.A. of this preamble, and may not be designed expressly to prohibit offshore development.

Some commenters objected to EPA incorporating rules via notice and comment rulemaking. They stated that onshore rules should automatically apply. However, the statute requires that EPA update part 55 to maintain consistency with onshore requirements. In consultation with the Department of Justice, EPA has concluded that Congress did not intend that changes in state or local law would automatically change the content of federal OCS law. Therefore, before a state or local rule or regulation may be applied to OCS sources, it must be incorporated into part 55 by federal rulemaking, which includes mandatory notice and comment procedures.

A few commenters stated that if EPA precludes onshore agencies from independently changing the requirements of § 55.14, then EPA must ensure that the rules applied to the OCS are "the same." In contrast, another

commenter stated that only federally approved state implementation plan ("SIP") rules should be incorporated into part 55. The Act clearly specifies that EPA must promulgate requirements to control OCS sources of air pollution that are "the same as" or "consistent with" onshore requirements. If EPA were to rely solely on the federally approved SIP, it would fail to meet its statutory obligation because, in a number of cases, current state or local requirements that would apply to OCS sources have not been incorporated into the SIP. This could be the case for any number of reasons. There is no basis for EPA to exclude from part 55 rules that are not part of a federally approved SIP.

While EPA will update the rule as required by the statute to maintain consistency, EPA cannot guarantee that all requirements will be exactly "the same as" onshore requirements for the following reasons:

1. The Administrator must comply with the general prohibition against arbitrary and capricious rulemaking. (Section 307(d) of the Act or section 706(2)(a) of the Administrative Procedures Act.) Therefore, if EPA finds that inclusion of a state or locally adopted rule would be arbitrary or capricious, EPA will not incorporate it into part 55.

2. Under section 328(a)(1), state and local requirements that apply to OCS sources are limited to those that pertain to the control of pollutants (and their precursors) for which there is a state or federal ambient standard, or pertain to the requirements of part C of title I of the Act. Therefore, state and local requirements that are not related to the attainment and maintenance of ambient air quality standards or part C of title I will not be incorporated into part 55.

M. § 55.13—Applicable Federal Requirements

Section 55.13 contains requirements that apply to all OCS sources. Under § 55.13, PSD, and to the extent they are rationally related to protection of ambient air quality standards or part C of title I, NSPS and NESHAPS apply. When promulgated, EPA will incorporate the requirements of the federal operating permit program (40 CFR part 71) into part 55. When part 55 is amended, part 71 will apply to sources located more than 25 miles beyond states' seaward boundaries. Part 71 requirements will also apply to sources located within 25 miles if the requirements are in effect in the COA. (See section B. for a discussion of the general applicability of the Act.)

Some commenters suggested that some or all of these requirements should not apply to sources located more than 25 miles beyond states' seaward boundaries. Section 328 does not mandate the precise content of the OCS requirements for sources located on the "outer" OCS. However, it does require that EPA "establish requirements to attain and maintain federal and state ambient standards and to comply with the provision of part C of title I." Within these bounds, EPA has latitude to establish requirements that apply under section 328 to sources located more than 25 miles beyond states' seaward boundaries. EPA believes that the requirements incorporated into this part are necessary to fulfill its statutory obligation.

It is possible that additional requirements for "outer" OCS sources may be necessary to protect onshore air quality. This could occur, for example, if the density of OCS sources in a specific area cumulatively caused negative impacts on onshore air quality. As discussed in the NPR, EPA will promulgate such requirements in future rule makings if the Administrator deems such action necessary. EPA has added language to § 55.13 of the rule to clarify this.

NSPS regulations often define a new source as any source that was constructed or modified after the date the NSPS was proposed. Language has been added to the rule to clarify that sources determined to be existing OCS sources pursuant to § 55.3(e) will not be considered new sources for the purpose of compliance with NSPS adopted prior to December 5, 1991. This ensures that existing sources will not be required to meet NSPS intended for new or modified sources.

Sections 55.13 and 55.14 were amended to clarify that language contained in onshore requirements adopted prior to promulgation of part 55 that restricts the applicability of the requirements to onshore sources or sources in state waters, does not apply. This provision was added to ensure that offshore requirements are the same as onshore requirements and to preserve flexibility for states to tailor their future rules to OCS sources and the marine environment, should they so choose.

N. § 55.14—Applicable Requirements of the COA

Section 55.14 contains the requirements that apply to sources located within 25 miles of states' seaward boundaries. Requirements applying to such OCS sources must be "the same as" or "consistent with" onshore requirements, as well as rationally related to the attainment and maintenance of federal or state ambient air quality standards or part C of title I. EPA therefore has little flexibility in establishing requirements under section 328 that apply to nearshore OCS sources.

The format of this section was changed to make it consistent with § 55.13 and to reflect a change in the method of incorporation by reference, as required by the Office of the Federal Register. This change in format is administrative only, and does not alter the requirements of this section.

A few other minor changes have been made to this section of the rule. Language was added to clarify that only those substantive 40 CFR part 52 (federally approved SIP) requirements that are rationally related to ambient air quality standards or part C of title I shall apply to OCS sources. Also, several commenters provided suggestions regarding specific rules that had or had not been listed. EPA's analysis of these rules is contained in the response to comments document. Only a few minor changes were made to the rule list. Typographical errors and mistakes in adoption dates or rule titles were corrected. No rules were added to or deleted from the list. Any rules identified that should be incorporated into part 55 will be proposed in a consistency update. The reader is referred to Appendix A of this part for the complete listing of requirements incorporated by reference into § 55.14.

EPA received comment on several issues related to this section that did not result in changes to the rule. Some commented that administrative and procedural rules should be included in the requirements incorporated in § 55.14. The statute, however, does not require nor is it necessary for EPA to adopt non-control requirements. Upon delegation, the onshore area will be allowed to use its administrative and procedural rules, to the same extent as onshore. The same situation that exists onshore will exist on the OCS; state and local governments can use their administrative procedures, but EPA will disregard any procedures that conflict with federal requirements and can enforce federal law in a delegated program.

Several commenters said that EPA should provide a variance mechanism for OCS sources. Variances are administrative or procedural rules, not substantive requirements, and therefore they are not incorporated into part 55. Upon delegation, districts may grant variances as they would onshore. However, state and local variance procedures are not recognized by federal law because there is no provision in the Act giving the

Administrator such authority. Agencies delegated the OCS program can use administrative tools if they do not result in any violations of federal requirements. Variances do not shield sources from federal enforcement onshore, nor will they shield an OCS source. In those instances where EPA does not delegate authority to implement and enforce part 55, EPA will use its own administrative and procedural requirements to implement the substantive requirements.

Many commenters felt that all state and local rules should be included, and that EPA should not "pick and choose" or screen out rules. Also, some stated that delegated agencies must have unfettered discretion to impose all onshore rules. EPA will incorporate into the OCS rule those state and local onshore rules that comply with the statutory requirements of section 328, are not arbitrary or capricious, and are rationally related to the attainment and maintenance of ambient air quality standards and PSD. The screening criteria that EPA will apply are mandated by the language of section 328 or the general prohibition against arbitrary or capricious rulemaking with which the Administrator must comply in any rulemaking proceeding, either under section 307(d) of the Act or under the Administrative Procedures Act.

Finally, several people commented that it appeared or could be misconstrued that EPA was intending to incorporate only those requirements that were in place at the time of enactment of the Clean Air Act Amendments and would therefore be inappropriately grandfathering sources to pre-1991 control levels. In the NPR, EPA was attempting to point out that rules in place as of the date of enactment were to be considered part of an initial promulgation. Rules adopted subsequent to enactment are incorporated via consistency updates. The rule is not limited to the requirements that were in place as of the date of enactment, and in fact, contains numerous state and local rules that were adopted subsequent to that date.

II. Additional Topics for Discussion

A. Relationship Between the OCS Regulations and the State Implementation Plans

1. Emission Inventories/Attainment Demonstrations

EPA received comment that the NPR did not adequately integrate the new program into the SIP process. Commenters suggested that EPA needs to ensure that OCS sources are included in emission inventories and are tracked through the SIP process so that only surplus OCS emissions reductions are utilized in offset transactions.

EPA concurs with the proposition that OCS emissions must be included in inventories. All offsets must be surplus to emission reductions required by the SIP. The treatment of OCS emissions will be addressed in revised emissions inventory guidance. All existing sources under EPA jurisdiction are presently included in emission inventories prepared by coastal air pollution control agencies. No changes to the rule were necessary.

2. Deficiencies Incorporated Into the OCS Rule

Section 328(a) requires that EPA establish requirements to control air pollution from OCS sources located within 25 miles of states' seaward boundaries that are the same as onshore requirements. To comply with this statutory mandate, EPA must incorporate applicable onshore rules into part 55 as they exist onshore. This limits EPA's flexibility in deciding which requirements will be incorporated into part 55, and prevents EPA from making substantive changes to the requirements it incorporates. As a result, EPA is incorporating into part 55 several rules that do not conform to all of EPA's SIP guidance or certain requirements of the Act. EPA emphasized in the NPR that incorporation of a state or local rule into part 55 does not constitute or imply approval of that rule as part of the SIP. Nor does it preclude any action EPA may take in regard to deficient onshore SIPs.

EPA received comment in support of differentiating between the SIP process and the OCS consistency update process. A commenter agreed that regulations being considered for incorporation under the two different programs are subject to different standards of review, and the COA may submit OCS regulations directly to EPA, rather than through the state as in the SIP process.

Another commenter felt that EPA was attempting to weaken the rules by insisting they are less stringent than SIP requirements. The intent of EPA's discussion regarding SIP deficiencies was to explain that for the purposes of incorporation into part 55, EPA cannot use SIP approvability criteria or EPA guidance for SIP rules as a screening mechanism. This in no way weakens the OCS rule. Often rules that contain "deficiencies" may be more stringent than the federally approved version of the same rule. By incorporating all versions of applicable rules, EPA ensures that the most stringent onshore requirements will apply.

B. Regulation of Non-criteria Pollutants

Section 328(a) requires the Administrator to promulgate requirements for OCS sources "to attain and maintain federal and state ambient air quality standards and to comply with the provisions of part C of title I of the Act." EPA reads this provision to restrict EPA's authority to regulate OCS sources pursuant to this part. (See NPR at p. 63786). The practical effect of this interpretation is that certain state and local regulations adopted for toxic air pollutants will not be adopted pursuant to section 328 of the Act.

The NPR generated numerous comments on this subject. Many commenters questioned EPA's interpretation and pointed out that this approach will result in inconsistencies between the regulation of onshore and offshore sources, which section 328 was intended to eliminate. After considering these comments, EPA still believes that its original interpretation conforms with the plain language of the statute.

However, while EPA interprets its regulatory authority under section 328 to be restricted to federal and state criteria pollutants, precursors to those pollutants, and pollutants regulated pursuant to PSD, and has accordingly limited its rule to these pollutants, EPA's general authority to apply the Act to the OCS is a separate question which is not addressed here.

III. Administrative Requirements

A. Executive Order 12291 (Regulatory Impact Analysis)

EPA has determined that neither the proposed rule nor the final rule constitutes a major action according to the criteria of Executive Order (E.O.) 12291. However, due to the relevance of potential outer continental shelf oil and gas reserves to the National Energy Strategy, an Regulatory Impact Analysis ("RIA") has been prepared.

The estimated incremental annualized cost of this rule is $5 million in 1997. This estimated incremental cost is expected to reach $29 million in 2010 primarily as a result of increased exploration, construction, development, and production. This rule will result in the reduction of 610 tons of volatile organic compound emissions and 730 tons of nitrogen oxide emissions in 1997. The projected emission reductions in 2010 are 2400 tons of volatile organic compounds and 3800 tons of nitrogen oxides. These pollutants are precursors to several pollutants for which EPA has

set ambient standards, including nitrogen dioxide, ozone, and particulate matter. The paucity of data and other factors precluded monetization of the benefits of this rule. Consequently, the allocative efficiency aspects of this rule cannot be determined.

A few commenters asserted that Executive Order 12291 is not applicable to part 55 according to section 8 of that Order. They noted that section 8 states that Executive Order 12291 shall not apply where its terms would be in conflict with statutory deadlines. EPA notes that the RIA was not a pacing item in rule development. Furthermore, other analyses contained in the RIA are necessary to respond to the requirements of the Paperwork Reduction Act and the Regulatory Flexibility Act.

Another commenter suggested that EPA avoided the most direct measure of assessing equity by not comparing the relative cost effectiveness of onshore regulations to offshore regulations. The criterion used by EPA to assess equity is that required by section 328, namely, that the same requirements applied onshore be applied offshore, within 25 miles of states' seaward boundaries.

Cost effectiveness estimates on the regulations are included in the RIA as they were in the RIA Screening. Estimates included in the RIA are based on application of generic control technologies on existing platforms. The resulting cost effectiveness numbers (dollars per ton of pollution removed) do not establish a precedent as a cost-effectiveness benchmark. In addition, permitting agencies are not bound by EPA's assumptions of the controls that may be required of any specific source.

Various parameters of the RIA Screening have been changed or modified for the RIA as a result of comments received. The following is a brief description of comments and resulting changes to the analysis. A more detailed description is found in the Response to Comments document in EPA Air Docket A–91–76.

New Sources

The following comments, to which the RIA responds, have had the greatest impact on the estimated cost of this rule. These comments are in regard to (1) the time frame of the analysis, (2) the number and type of projected activities assumed, (3) assumptions regarding emission offset ratios, (4) projections of offset prices, and (5) transfer and resale of surplus offsets.

Comments regarding items (1) and (2) correctly noted that due to current moratoria on OCS leasing, the time frame chosen and activity level assumed for the RIA Screening did not typify the rate of OCS development. In response, EPA has used data from MMS which incorporate activity on existing leases, as well as projected activity on future leases. Costs resulting from activity projected to occur during 1993–1997 have been analyzed in the RIA. For activity projected to occur between 1998–2010, costs have been tabulated and explained in Addendum I of the RIA.

The incremental offset ratio is what is at issue in item (3) because it affects an important element of cost attributable to the OCS regulation. The comment noted the emission offset ratio assumed for Santa Barbara, 1.2:1, was incorrect. The rationale was that as a result of the coastal consistency process, new sources locating in the Santa Barbara Channel currently face a 1:1 offset ratio. In response, EPA incorporated an incremental offset ratio of 0.2:1 into the RIA for new sources in the Santa Barbara Channel, but only in the form of a sensitivity analysis. The offset ratio imposed through the coastal consistency process is dependent on the membership of the Coastal Commission, and is therefore subject to change. A 1.2:1 offset ratio is still assumed in the RIA to calculate the incremental costs and benefits of the rule for new sources locating off of ozone nonattainment areas in Southern California, as this is the offset ratio incorporated into Santa Barbara's onshore regulations.

In response to comment (4), EPA has revised its projected offset prices to incorporate additional data and analyses, including two NO_x offset price scenarios. The result is higher projected costs for offsets.

In regard to comment (5), commenters noted that although the transfer and resale of surplus offsets, which was assumed in the RIA Screening, is consistent with EPA policy, such assumptions may not be consistent with the regulations of the onshore area. Another commenter noted that due to the uncertainty of the offsets market, holders of offsets are apt to maintain, and then transfer, offsets between OCS phases of operation. As a result, the RIA retains the assumption that emission offsets are transferred from a successful exploration activity to the later stages of an OCS project; however, the resale of surplus offsets is not assumed. This change in assumption regarding the resale of surplus offsets may overestimate costs.

Existing Platforms

With respect to existing platforms, comments were received on control cost levels, the baseline used for assessing incremental costs, and applicability of technical and safety exemptions.

Regarding control cost levels, commenters stated existing platforms would be subject to $87 million in equipment retrofit and incremental operating costs, or an average of $17.4 million/year, over the five-year time frame analyzed in the RIA Screening. Insufficient data were provided to analyze the methods used to derive these figures. However, it appeared that total investment costs had been accounted for as opposed to incremental investment costs, and that investment costs had not been amortized over the life of the retrofit equipment.

In response to comments on the baseline, incremental control and administrative requirements have been assessed for all existing OCS platforms with onshore agency agreements. For the RIA Screening, these platforms were assumed to be in compliance with many of the requirements onshore as a result of their agreements, and thus, incremental costs were not assessed.

In response to comment, assumptions on the applicability of technical and safety exemptions were revised in the RIA. The RIA Screening assumed that emergency equipment on existing platforms was operated infrequently and that technical and safety exemptions would, as a result, be given. Moreover, residual emissions resulting from these exemptions would have to be offset. Upon further data review and analysis, it was determined that the engines in question are not subject to onshore control technology due to the infrequency of their operation. Hence, the exemptions assumed in the RIA Screening are not required or warranted. As a result, offsets will not be required and costs associated with emergency equipment controls have been deducted from the costs for these platforms originally calculated in the RIA Screening.

B. Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 requires each federal agency to perform a Regulatory Flexibility Analysis for all rules that are likely to have a "significant impact on a substantial number of small entities." Small entities include small businesses, organizations, and governmental jurisdictions.

As with the proposed regulation, the final regulation does not apply to any small entities. Consequently, a Regulatory Flexibility Analysis is not required. In response to comments which stated that the regulation may have an impact on small businesses in service and supply operations, a

sensitivity analysis has been conducted. This analysis suggests that the rule as currently structured averts direct impacts and mitigates indirect impacts on small entities.

The EPA certifies that the proposed rule will not have a significant impact on a substantial number of small entities.

C. Paperwork Reduction Act

As a result of better data, industry compliance testing costs as reflected in the Information Collection Request ("ICR") have increased. One comment stated that the resource burden for states and localities has been underestimated in the ICR relative to EPA's resource burden. It should be noted that EPA's resource burden is higher in part due to the resources needed for initial rule makings and for consistency updates. The burden is also higher due to an increase in projected sources under EPA jurisdiction during the five-year time frame of 1992–1997.

Another comment noted that most of the administrative burden associated with this regulation will be borne by the regulated community as a result of the federal and California Acts which require permitted sources to cover the expense of implementing the regulations under these Acts. To some extent this point is valid. However, there may be a lag between activities conducted by the agencies and the reimbursement via fee collections from the sources. Furthermore, market forces may allow the cost for fees to be reflected in the market prices of products produced by the sources. Hence, it may be the customer and not necessarily the source who bears the ultimate cost for the agencies to administer these regulations. Regardless, the compliance with the ICR requirements of the Paperwork Reduction Act focuses on the initial, not the ultimate, incidence of administrative requirements.

EPA disagrees with the concern that administrative costs associated with the federal operating permit program were not anticipated in the ICR. The Santa Barbara County Air Pollution Control District's regulations were used as a guide in determining administrative costs in Southern California. Santa Barbara's regulations are more stringent than the regulations anticipated as a result of the 40 CFR part 70 permit program. Moreover, for sources outside of California, the best available information regarding the federal operating permit program was employed.

The Office of Management and Budget (OMB) has approved the information collection requirements contained in this rule under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* and has assigned OMB control number 2060–0249.

This collection of information is estimated to have a public reporting burden averaging 413 hours per response. This includes time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to Chief, Information Policy Branch (PM–223Y); U.S. Environmental Protection Agency; 401 M St., SW.; Washington, DC 20460; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, marked "Attention: Desk Officer for EPA."

List of Subjects in 40 CFR Part 55

Administrative practice and procedures, Air pollution control, Continental shelf, Ozone, Sulfur oxides, Nitrogen dioxide, Particulate matter, Hydrocarbons, Nitrogen oxides, Intergovernmental relations, Reporting and Recordkeeping requirements, Incorporation by reference, Permits.

Dated: August 21, 1992.

William K. Reilly,

Administrator.

For the reasons set out in the preceding preamble, title 40, chapter I of the Code of Federal Regulations is amended by adding a new part 55 as follows.

PART 55—OUTER CONTINENTAL SHELF AIR REGULATIONS

Sec.

55.1 Statutory authority and scope.
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55.9 Enforcement.
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55.11 Delegation.
55.12 Consistency updates.
55.13 Federal requirements that apply to OCS sources.
55.14 Requirements that apply to OCS sources located within 25 miles of states' seaward boundaries, by state.
Appendix A to 40 CFR Part 55—Listing of state and local requirements incorporated by reference into part 55, by state.

Authority: Section 328 of the Clean Air Act (42 U.S.C. 7401, *et seq.*) as amended by Public Law 101–549.

PART 55—OUTER CONTINENTAL SHELF AIR REGULATIONS

§ 55.1 Statutory authority and scope.

Section 328(a)(1) of the Clean Air Act ("the Act"), requires the Environmental Protection Agency ("EPA") to establish requirements to control air pollution from outer continental shelf ("OCS") sources in order to attain and maintain federal and state ambient air quality standards and to comply with the provisions of part C of title I of the Act. This part establishes the air pollution control requirements for OCS sources and the procedures for implementation and enforcement of the requirements, consistent with these stated objectives of section 328(a)(1) of the Act. In implementing, enforcing and revising this rule and in delegating authority hereunder, the Administrator will ensure that there is a rational relationship to the attainment and maintenance of federal and state ambient air quality standards and the requirements of part C of title I, and that the rule is not used for the purpose of preventing exploration and development of the OCS.

§ 55.2 Definitions.

Administrator means the Administrator of the U.S. Environmental Protection Agency.

Corresponding Onshore Area ("COA") means, with respect to any existing or proposed OCS source located within 25 miles of a state's seaward boundary, the onshore area that is geographically closest to the source or another onshore area that the Administrator designates as the COA, pursuant to § 55.5 of this part.

Delegated agency means any agency that has been delegated authority to implement and enforce requirements of this part by the Administrator, pursuant to § 55.11 of this part. It can refer to a state agency, a local agency, or an Indian tribe, depending on the delegation status of the program.

Existing source or existing OCS source shall have the meaning given in the applicable requirements incorporated into §§ 55.13 and 55.14 of this part, except that for two years following the date of promulgation of this part the definition given in § 55.3 of this part shall apply for the purpose of

determining the required date of compliance with this part.

Exploratory source or exploratory OCS source means any OCS source that is a temporary operation conducted for the sole purpose of gathering information. This includes an operation conducted during the exploratory phase to determine the characteristics of the reservoir and formation and may involve the extraction of oil and gas.

Modification shall have the meaning given in the applicable requirements incorporated into §§ 55.13 and 55.14 of this part, except that for two years following the date of promulgation of this part the definition given in section 111(a) of the Act shall apply for the purpose of determining the required date of compliance with this part, as set forth in § 55.3 of this part.

Nearest Onshore Area ("NOA") means, with respect to any existing or proposed OCS source located within 25 miles of a state's seaward boundary, the onshore area that is geographically closest to that source.

New source or new OCS source shall have the meaning given in the applicable requirements of §§ 55.13 and 55.14 of this part, except that for two years following the date of promulgation of this part, the definition given in § 55.3 of this part shall apply for the purpose of determining the required date of compliance with this part.

OCS source means any equipment, activity, or facility which:

(1) Emits or has the potential to emit any air pollutant;

(2) Is regulated or authorized under the Outer Continental Shelf Lands Act ("OCSLA") (43 U.S.C. § 1331 *et seq.*); and

(3) Is located on the OCS or in or on waters above the OCS.

This definition shall include vessels only when they are:

(1) Permanently or temporarily attached to the seabed and erected thereon and used for the purpose of exploring, developing or producing resources therefrom, within the meaning of section 4(a)(1) of OCSLA (43 U.S.C. § 1331 *et seq.*); or

(2) Physically attached to an OCS facility, in which case only the stationary sources aspects of the vessels will be regulated.

Onshore area means a coastal area designated as an attainment, nonattainment, or unclassifiable area by EPA in accordance with section 107 of the Act. If the boundaries of an area designated pursuant to section 107 of the Act do not coincide with the boundaries of a single onshore air pollution control agency, then onshore area shall mean a coastal area defined by the jurisdictional boundaries of an air pollution control agency.

Outer continental shelf shall have the meaning provided by section 2 of the OCSLA (43 U.S.C. § 1331 *et seq.*).

Potential emissions means the maximum emissions of a pollutant from an OCS source operating at its design capacity. Any physical or operational limitation on the capacity of a source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as a limit on the design capacity of the source if the limitation is federally enforceable. Pursuant to section 328 of the Act, emissions from vessels servicing or associated with an OCS source shall be considered direct emissions from such a source while at the source, and while enroute to or from the source when within 25 miles of the source, and shall be included in the "potential to emit" for an OCS source. This definition does not alter or affect the use of this term for any other purposes under §§ 55.13 or 55.14 of this part, except that vessel emissions must be included in the "potential to emit" as used in §§ 55.13 and 55.14 of this part.

Residual emissions means the difference in emissions from an OCS source if it applies the control requirements(s) imposed pursuant to § 55.13 or § 55,14 of this part and emissions from that source if it applies a substitute control requirement pursuant to an exemption granted under § 55.7 of this part.

State means the state air pollution control agency that would be the permitting authority, a local air pollution permitting agency, or certain Indian tribes which can be the permitting authority for areas within their jurisdiction. State may also be used in the geographic sense to refer to a state, the NOA, or the COA.

§ 55.3 Applicability.

(a) This part applies to all OCS sources except those located in the Gulf of Mexico west of 87.5 degrees longitude.

(b) OCS sources located within 25 miles of states' seaward boundaries shall be subject to all the requirements of this part, which include, but are not limited to, the federal requirements as set forth in §55.13 of this part and the federal, state, and local requirements of the COA (designated pursuant to § 55.5 of this part), as set forth in § 55.14 of this part.

(c) OCS sources located beyond 25 miles of states' seaward boundaries shall be subject to all the requirements of this part, except the requirements of §§ 55.4, 55.5, 55.11, 55.12, and 55.14 of this part.

(d) New OCS sources shall comply with the requirements of this part by September 4, 1992 where a "new OCS source" means an OCS source that is a new source within the meaning of section 111(a) of the Act.

(e) Existing sources shall comply with the requirements of this part by September 4, 1994, where an "existing OCS source" means any source that is not a new source within the meaning of section 111(a) of the Act.

§ 55.4 Requirements to submit a notice of intent.

(a) Prior to performing any physical change or change in method of operation that results in an increase in emissions, and not more than 18 months prior to submitting an application for a preconstruction permit, the applicant shall submit a Notice of Intent ("NOI") to the Administrator through the EPA Regional Office, and at the same time shall submit copies of the NOI to the air pollution control agencies of the NOA and onshore areas adjacent to the NOA. This section applies only to sources located within 25 miles of states' seaward boundaries.

(b) The NOI shall include the following:

(1) General company information, including company name and address, owner's name and agent, and facility site contact.

(2) Facility description in terms of the proposed process and products, including identification by Standard Industrial Classification Code.

(3) Estimate of the proposed project's potential emissions of any air pollutant, expressed in total tons per year and in such other terms as may be necessary to determine the applicability of requirements of this part. Potential emissions for the project must include all vessel emissions associated with the proposed project in accordance with the definition of potential emissions in § 55.2 of this part.

(4) Description of all emissions points including associated vessels.

(5) Estimate of quantity and type of fuels and raw materials to be used.

(6) Description of proposed air pollution control equipment.

(7) Proposed limitations on source operations or any work practice standards affecting emissions.

(8) Other information affecting emissions, including, where applicable, information related to stack parameters (including height, diameter, and plume

temperature), flow rates, and equipment and facility dimensions.

(9) Such other information as may be necessary to determine the applicability of onshore requirements.

(10) Such other information as may be necessary to determine the source's impact in onshore areas.

(c) Exploratory sources and modifications to existing sources with designated COAs shall be exempt from the requirement in paragraph (b)(10) of this section.

(d) The scope and contents of the NOI shall in no way limit the scope and contents of the required permit application or applicable requirements given in this part.

§ 55.5 Corresponding onshore area designation.

(a) *Proposed exploratory sources.* The NOA shall be the COA for exploratory sources located within 25 miles of states' seaward boundaries. Paragraphs (b), (c), and (f) of this section are not applicable to these sources.

(b) *Requests for designation.*

(1) The chief executive officer of the air pollution control agency of an area that believes it has more stringent air pollution control requirements than the NOA for a proposed OCS source, may submit a request to be designated as the COA to the Administrator and at the same time shall send copies of the request to the chief executive officer of the NOA and to the proposed source. The request must be received by the Administrator within 60 days of the receipt of the NOI. If no requests are received by the Administrator within 60 days of the receipt of the NOI, the NOA will become the designated COA without further action.

(2) No later than 90 days after the receipt of the NOI, a demonstration must be received by the Administrator showing that:

(i) The area has more stringent requirements with respect to the control and abatement of air pollution than the NOA;

(ii) The emissions from the source are or would be transported to the requesting area; and

(iii) The transported emissions would affect the requesting area's efforts to attain or maintain a federal or state ambient air quality standard or to comply with the requirements of part C of title I of the Act, taking into account the effect of air pollution control requirements that would be imposed if the NOA were designated as the COA.

(c) *Determination by the Administrator.*

(1) If no demonstrations are received by the Administrator within 90 days of the receipt of the NOI, the NOA will become the designated COA without further action.

(2) If one or more demonstrations are received, the Administrator will issue a preliminary designation of the COA within 150 days of the receipt of the NOI, which shall be followed by a 30 day public comment period, in accordance with paragraph (f) of this section.

(3) The Administrator will designate the COA for a specific source within 240 days of the receipt of the NOI.

(4) When the Administrator designates a more stringent area as the COA with respect to a specific OCS source, the delegated agency in the COA will exercise all delegated authority. If there is no delegated agency in the COA, then EPA will issue the permit and implement and enforce the requirements of this part. The Administrator may retain authority for implementing and enforcing the requirements of this part if the NOA and the COA are in different states.

(5) The Administrator shall designate the COA for each source only once in the source's lifetime.

(d) *Offset requirements.* Offsets shall be obtained based on the requirements imposed in the COA, and in accordance with the following provisions:

(1) The offset ratio applied shall not be higher than the highest offset ratio required onshore provided that a net air quality benefit is achieved.

(2) To determine whether an offset is on the landward or seaward side of a proposed source or modification, a straight line shall be drawn through the proposed source or modification parallel to the coastline. Offsets obtained on the seaward side of the line will be considered seaward of the source, and offsets obtained on the landward side will be considered landward.

(3) Offsets obtained between the site of the proposed source or modification and the state seaward boundary shall be obtained at the base ratio for the COA. No discounting or penalties associated with distance between the proposed source and the source of emissions reductions shall apply.

(4) Offsets obtained on the landward side of the state seaward boundary will be subject to onshore discounting and penalties associated with distance as required in the COA to be applied in the following manner. A straight line shall be drawn from the site of the proposed source or modification to the source of the offsets. The point at which this line crosses the state seaward boundary shall be treated as the site of the proposed source or modification for the purpose of determining the amount of offsets required.

(5) Offsets obtained on the seaward side of the proposed source or modification will be subject to all the requirements of the COA, including any discounting and distance penalties.

(6) Offsets may be obtained in the COA, the NOA, and from OCS sources with the same COA or NOA as the proposed source or modification. All other offset requirements of the COA and paragraph (d) of this section shall apply, including distance penalties applied in accordance with the requirements of this subsection.

(7) Offsets may be obtained outside the NOA or the COA in accordance with the requirements of the COA and this subsection.

(e) *Authority to designate the COA.* The authority to designate the COA for any OCS source shall not be delegated to a state or local agency, but shall be retained by the Administrator.

(f) *Administrative procedures and public participation.* The Administrator will use the following public notice and comment procedures for processing a request for COA designation under this section:

(1) Within 150 days from receipt of an NOI, if one or more demonstrations are received, the Administrator shall make a preliminary determination of the COA and shall:

(i) Make available, in at least one location in the NOA and in the area requesting COA designation, a copy of all materials submitted by the requester, a copy of the Administrator's preliminary determination, and a copy or summary of other materials, if any, considered by the Administrator in making the preliminary determination; and

(ii) Notify the public, by prominent advertisement in a newspaper of general circulation in the NOA and the area requesting COA designation, of a 30-day opportunity for written public comment on the available information and the Administrator's preliminary COA designation.

(2) A copy of the notice required pursuant to paragraph (f)(1)(ii) of this section shall be sent to the requester, the affected source, each person from whom a written request of such notice has been received, and the following officials and agencies having jurisdiction over the COA and NOA: state and local air pollution control agencies, the chief executive of the city and county, the Federal Land Manager of potentially affected Class I areas, and any Indian governing body whose lands

may be affected by emissions from the OCS source.

(3) Public comments received in writing within 30 days after the date the public notice is made available will be considered by the Administrator in making the final decision on the request. All comments will be made available for public inspection.

(4) The Administrator will make a final COA designation within 60 days after the close of the public comment period. The Administrator will notify, in writing, the requester and each person who has requested notice of the final action and will set forth the reasons for the determination. Such notification will be made available for public inspection.

§ 55.6 Permit requirements.

(a) *General provisions.*

(1) *Permit applications.* (i) The owner or operator of an OCS source shall submit to the Administrator or delegated agency all information necessary to perform any analysis or make any determination required under this section.

(ii) Any application submitted pursuant to this part by an OCS source shall include a description of all the requirements of this part and a description of how the source will comply with the applicable requirements. For identification purposes only, the application shall include a description of those requirements that have been proposed by EPA for incorporation into this part and that the applicant believes, after diligent research and inquiry, apply to the source.

(2) *Exemptions.* (i) When an applicant submits any approval to construct or permit to operate application to the Administrator or delegated agency it shall include a request for exemption from compliance with any pollution control technology requirement that the applicant believes is technically infeasible or will cause an unreasonable threat to health and safety. The Administrator or delegated agency shall act on the request for exemption in accordance with the procedures established in § 55.7 of this part.

(ii) A final permit shall not be issued under this part until a final determination is made on any exemption request, including those appealed to the Administrator in accordance with § 55.7 of this part.

(3) *Administrative procedures and public participation.* The Administrator will follow the applicable procedures of 40 CFR part 124 in processing applications under this part. Until 40 CFR part 124 has been modified to specifically reference permits issued under this part, the Administrator will follow the procedures in part 124 used to issue Prevention of Significant Deterioration ("PSD") permits.

(4) *Source obligation.* (i) Any owner or operator who constructs or operates an OCS source not in accordance with the application submitted pursuant to this part 55, or with any approval to construct or permit to operate, or any owner or operator of a source subject to the requirements of this part who commences construction after the effective date of this part without applying for and receiving approval under this part, shall be in violation of this part.

(ii) Any owner or operator of a new OCS source who commenced construction prior to the promulgation date of this rule shall comply with the requirements of paragraph (e) of this section.

(iii) Receipt of an approval to construct or a permit to operate from the Administrator or delegated agency shall not relieve any owner or operator of the responsibility to comply fully with the applicable provisions of any other requirements under federal law.

(iv) The owner or operator of an OCS source to whom the approval to construct or permit to operate is issued under this part shall notify all other owners and operators, contractors, and the subsequent owners and operators associated with emissions from the source, of the conditions of the permit issued under this part.

(5) *Delegation of authority.* If the Administrator delegates any of the authority to implement and enforce the requirements of this section, the following provisions shall apply:

(i) The applicant shall send a copy of any permit application required by this section to the Administrator through the EPA Regional Office at the same time as the application is submitted to the delegated agency.

(ii) The delegated agency shall send a copy of any public comment notice required under this section or §§ 55.13 or 55.14 to the Administrator through the EPA Regional Office.

(iii) The delegated agency shall send a copy of any preliminary determination and final permit action required under this section or §§ 55.13 or 55.14 to the Administrator through the EPA Regional Office at the time of the determination and shall make available to the Administrator any materials used in making the determination.

(b) *Preconstruction requirements for OCS sources located within 25 miles of states' seaward boundaries.*

(1) No OCS source to which the requirements of §§ 55.13 or 55.14 of this part apply shall begin actual construction after the effective date of this part without a permit that requires the OCS source to meet those requirements.

(2) Any permit application required under this part shall not be submitted until the Administrator has determined whether a consistency update is necessary, pursuant to § 55.12 of this part, and, if the Administrator finds an update to be necessary, has published a proposed consistency update.

(3) The applicant may be required to obtain more than one preconstruction permit, if necessitated by partial delegation of this part or by the requirements of this section and §§ 55.13 and 55.14 of this part.

(4) An approval to construct shall become invalid if construction is not commenced within 18 months after receipt of such approval, if construction is discontinued for a period of 18 months or more, or if construction is not completed within a reasonable time. The 18-month period may be extended upon a showing satisfactory to the Administrator or the delegated agency that an extension is justified. Sources obtaining extensions are subject to all new or interim requirements and a reassessment of the applicable control technology when the extension is granted. This requirement shall not supersede a more stringent requirement under §§ 55.13 or 55.14 of this part.

(5) Any preconstruction permit issued to a new OCS source or modification shall remain in effect until it expires under paragraph (b)(4) of this section or is rescinded under the applicable requirements incorporated in §§ 55.13 and 55.14 of this part.

(6) Whenever any proposed OCS source or modification to an existing OCS source is subject to action by a federal agency that might necessitate preparation of an environmental impact statement pursuant to the National Environmental Policy Act (42 U.S.C. 4321), review by the Administrator conducted pursuant to this section shall be coordinated with the environmental reviews under that Act to the extent feasible and reasonable.

(7) The Administrator or delegated agency and the applicant shall provide written notice of any permit application from a source, the emissions from which may affect a Class I area, to the Federal Land Manager charged with direct responsibility for management of any lands within the Class I area. Such notification shall include a copy of all information contained in the permit application and shall be given within 30 days of receipt of the application and at

least 60 days prior to any public hearing on the preconstruction permit.

(8) *Modification of existing sources.* The preconstruction requirements above shall not apply to a particular modification, as defined in §§ 55.13 or 55.14 of this part, of an existing OCS source if:

(i) The modification is necessary to comply with this part, and no other physical change or change in the method of operation is made in conjunction with the modification;

(ii) The modification is made within 24 months of promulgation of this part; and

(iii) The modification does not result in an increase, in excess of any *de minimus* levels contained in the applicable requirements of §§ 55.13 and 55.14, of potential emissions or actual hourly emissions of a pollutant regulated under the Act.

(9) *Compliance plans.* Sources intending to perform modifications that meet all of the criteria of paragraph (b)(8) of this section shall submit a compliance plan to the Administrator or delegated agency prior to performing the modification. The compliance shall describe the schedule and method the source will use to comply with the applicable OCS requirements within 24 months of the promulgation date of this part and shall include a request for any exemptions from compliance with a pollution control technology requirement that the applicant believes is technically infeasible or will cause an unreasonable threat to health and safety. The Administrator or delegated agency shall act on the request for exemption in accordance with the procedures established in § 55.7 of this part.

(i) The Administrator or delegated agency shall review the compliance plan and provide written comments to the source within 45 days of receipt of such plan. The source shall provide a written response to such comments as required by the reviewing agency.

(ii) Receipt and review of a compliance plan by the Administrator or delegated agency shall not relieve any owner or operator of an existing OCS source of the responsibility to comply fully with the applicable requirements of §§ 55.13 and 55.14 of this part within 24 months of promulgation of this part.

(c) *Operating permit requirements for sources located within 25 miles of states' seaward boundaries.*

(1) All applicable operating permit requirements listed in this section and incorporated into §§ 55.13 and 55.14 of this part shall apply to OCS sources.

(2) The Administrator or delegated agency shall not issue a permit to operate to any existing OCS source that has not demonstrated compliance with all the applicable requirements of this part.

(3) [Reserved].

(d) *Permit requirements for sources located beyond 25 miles of states' seaward boundaries.*

(1) OCS sources located beyond 25 miles of states' seaward boundaries shall be subject to the permitting requirements set forth in this section and § 55.13 of this part.

(2) The Administrator shall retain authority to implement and enforce all requirements of this part for OCS sources located beyond 25 miles from states' seaward boundaries.

(e) *Permit requirements for new sources that commenced construction prior to September 4, 1992.*

(1) *Applicability.* § 55.6(e) applies to a new OCS source, as defined by section 328 of the Act, that commenced construction before September 4, 1992.

(2) A source subject to § 55.6(e) shall comply with the following requirements:

(i) By October 5, 1992, the owner or operator of the source shall submit a transitional permit application ("TPA") to the Administrator or the delegated agency. The TPA shall include the following:

(A) The information specified in §§ 55.4(b)(1) through § 55.4(b)(9) of this part;

(B) A list of all requirements applicable to the source under this part;

(C) A request for exemption from compliance with any control technology requirement that the applicant believes is technically infeasible or will cause an unreasonable threat to health and safety;

(D) An air quality screening analysis demonstrating whether the source has or is expected in the future to cause or contribute to a violation of any applicable state or federal ambient air quality standard or exceed any applicable increment. If no air quality analysis is required by the applicable requirements of §§ 55.13 and 55.14, this requirement does not apply;

(E) Documentation that source emissions are currently being offset, or will be offset if the source has not commenced operation, at the ratio required under this part, and documentation that those offsets meet or will meet the requirements of this part; and

(F) A description of how the source is complying with the applicable requirements of §§ 55.13 and 55.14 of this part, including emission levels and corresponding control measures, including Best Available Control Technology ("BACT") or Lowest Achievable Emission Rates ("LAER"), but excluding the requirements to have valid permits.

(ii) The source shall expeditiously complete its permit application in compliance with the schedule determined by the Administrator or delegated agency.

(iii) The source shall comply with all applicable requirements of this part except for the requirements of paragraph (a)(4)(i) of this section. The source shall comply with the control technology requirements (such as BACT or LAER) set forth in the TPA that would be applicable if the source had a valid permit.

(iv) Any owner or operator subject to this subsection who continues to construct or operate an OCS source thirty days from promulgation of this part without submitting a TPA, or continues to construct or operate an OCS source not in accordance with the TPA submitted pursuant to paragraph (e) of this section, or constructs or operates an OCS source not in accordance with the schedule determined by the permitting authority, shall be in violation of this part.

(3) Upon the submittal of a permit application deemed to be complete by the permitting authority, the owner or operator of the source shall be subject to the permitting requirements of §§ 55.13 and 55.14 of this part that apply subsequent to the submission of a complete permit application. When a source receives the permit or permits required under this part, its TPA shall expire.

(4) Until the date that a source subject to this subsection receives the permit or permits required under this part, that source shall cease operation if, based on projected or actual emissions, the permitting authority determines that the source is currently or may in the future cause or contribute to a violation of a state or federal ambient air quality standard or exceed any applicable increment.

§ 55.7 Exemptions.

(a) *Authority and criteria.* The Administrator or the delegated agency may exempt a source from a control technology requirement of this part if the Administrator or the delegated agency finds that compliance with the control technology requirement is technically infeasible or will cause an unreasonable threat to health and safety.

(b) *Request for an exemption.* (1) *Permit application required.* An applicant shall submit a request for an exemption from a control technology requirement at the same time as the

applicant submits a preconstruction or operating permit application to the Administrator or delegated agency.

(2) *No permit application required.* If no permit or permit modification is required, a request for an exemption must be received by the Administrator or delegated agency within 60 days from the date the control technology requirement is promulgated by EPA.

(3) *Compliance plan.* An existing source that submits a compliance plan in accordance with § 55.6(b) of this part shall submit all requests for exemptions at the same time as the compliance plan. For the purpose of applying § 55.7 of this part, a request submitted with a compliance plan shall be treated in the same manner as a request that does not require a permit application.

(4) *Content of request.* (i) The request shall include information that demonstrates that compliance with a control technology requirement of this part would be technically infeasible or would cause an unreasonable threat to health and safety.

(ii) The request shall include a proposed substitute requirement(s) as close in stringency to the original requirement as possible.

(iii) The request shall include an estimate of emission reductions that would be achieved by compliance with the original requirement, an estimate of emission reductions that would be achieved by compliance with the proposed substitute requirement(s) and an estimate of residual emissions.

(iv) The request shall identify emission reductions of a sufficient quantity to offset the estimated residual emissions. Sources located beyond 25 miles from states' seaward boundaries shall consult with the Administrator to identify suitable emission reductions.

(c) *Consultation requirement.* If the authority to grant or deny exemptions has been delegated, the delegated agency shall consult with the Minerals Management Service of the U.S. Department of Interior and the U.S. Coast Guard to determine whether the exemption will be granted or denied.

(1) The delegated agency shall transmit to the Administrator (through the Regional Office), the Minerals Management Service, and the U.S. Coast Guard, a copy of the permit application, or the request if no permit is required, within 5 days of its receipt.

(2) *Consensus.* If the delegated agency, the Minerals Management Service, and the U.S. Coast Guard reach a consensus decision on the request within 90 days from the date the delegated agency received the request, the delegated agency may issue a preliminary determination in accordance with the applicable requirements of paragraph (f) of this section.

(3) *No consensus.* If the delegated agency, the Minerals Management Service, and the U.S. Coast Guard do not reach a consensus decision within 90 days from the date the delegated agency received the request, the request shall automatically be referred to the Administrator who will process the referral in accordance with paragraph (f)(3) of this section. The delegated agency shall transmit to the Administrator, within 91 days of its receipt, the request and all materials submitted with the request, such as the permit application or the compliance plan, and any other information considered or developed during the consultation process.

(4) If a request is referred to the Administrator and the delegated agency issues a preliminary determination on a permit application before the Administrator issues a final decision on the exemption, the delegated agency shall include a notice of the opportunity to comment on the Administrator's preliminary determination in accordance with the procedures of paragraph (f)(4) of this section.

(5) The Administrator's final decision on a request that has been referred pursuant to paragraph (c) of this section shall be incorporated into the final permit issued by the delegated agency. If no permit is required, the Administrator's final decision on the request shall be implemented and enforced by the delegated agency.

(d) *Preliminary determination.* The Administrator or delegated agency shall issue a preliminary determination in accordance with paragraph (f) of this section. A preliminary determination shall propose to grant or deny the request for exemption. A preliminary determination to grant the request shall include proposed substitute control requirements and offsets necessary to comply with the requirements of paragraph (e) of this section.

(e) *Grant of exemption.*

(1) The source shall comply with a substitute requirement(s), equal to or as close in stringency to the original requirement as possible, as determined by the Administrator or delegated agency.

(2) An OCS source located within 25 miles of states' seaward boundaries shall offset residual emissions resulting from the grant of an exemption request in accordance with the requirements of the Act and the regulations thereunder. The source shall obtain offsets in accordance with the applicable requirements as follows:

(i) If offsets are required in the COA, a new source shall offset residual emissions in the same manner as all other new source emissions in accordance with the requirements of § 55.5(d) of this part.

(ii) If offsets are not required in the COA, a new source shall comply with an offset ratio of 1:1.

(iii) An existing OCS source shall comply with an offset at a ratio of 1:1.

(3) An OCS source located beyond 25 miles from states' seaward boundaries shall obtain emission reductions at a ratio determined by the Administrator to be adequate to protect state and federal ambient air quality standards and to comply with part C of title I of the Act.

(f) *Administrative procedures and public participation.*

(1) *Request submitted with a permit application.* If a request is submitted with a permit application, the request shall be considered part of the permit application and shall be processed accordingly for the purpose of administrative procedures and public notice and comment requirements. The Administrator shall comply with the requirements of 40 CFR part 124 and the requirements set forth at § 55.6 of this part. If the Administrator has delegated authority to a state, the delegated agency shall use its own procedures as deemed adequate by the Administrator in accordance with § 55.11 of this part. These procedures must provide for public notice and comment on the preliminary determination.

(2) *Request submitted without a permit or with a compliance plan.* If a permit is not required, the Administrator or the delegated agency shall issue a preliminary determination within 90 days from the date the request was received, and shall use the procedures set forth at paragraph (f)(4) of this section for processing a request.

(3) *Referral.* If a request is referred to the Administrator pursuant to paragraph (c) of this section, the Administrator shall make a preliminary determination no later than 30 days after receipt of the request and any accompanying materials transmitted by the delegated agency. The Administrator shall use the procedures set forth at paragraph (f)(4) of this section for processing a request.

(4) The Administrator or the delegated agency shall comply with the following requirements for processing requests submitted without a permit, with a compliance plan, and requests referred to the Administrator:

(i) Issue a preliminary determination to grant or deny the request. A preliminary determination by the Administrator to deny a request shall be

considered a final decision and will be accompanied by the reasons for the decision. As such, it is not subject to any further public notice, comment, or hearings. Written notice of the denial shall be given to the requester.

(ii) Make available, in at least one location in the COA and NOA, a copy of all materials submitted by the requester, a copy of the preliminary determination, and a copy or summary of other materials, if any, considered in making the preliminary determination.

(iii) Notify the public, by prominent advertisement in a newspaper of general circulation in the COA and NOA, of a 30-day opportunity for written public comment on the information submitted by the owner or operator and on the preliminary determination.

(iv) Send a copy of the notice required pursuant to paragraph (f)(4)(iii) of this section to the requester, the affected source, each person from whom a written request of such notice has been received, and the following officials and agencies having jurisdiction over the COA and NOA: state and local air pollution control agencies, the chief executive of the city and county, the Federal Land Manager of potentially affected Class I areas, and any Indian governing body whose lands may be affected by emissions from the OCS source.

(v) Consider written public comments received within 30 days after the date the public notice is made available when making the final decision on the request. All comments will be made available for public inspection. At the time that any final decision is issued, the Administrator or delegated agency will issue a response to comments.

(vi) Make a final decision on the request within 30 days after the close of the public comment period. The Administrator or the delegated agency will notify, in writing, the applicant and each person who has submitted written comments, or from whom a written request of such notice has been received, of the final decision and will set forth the reasons. Such notification will be made available for public inspection.

(5) Within 30 days after the final decision has been made on a request, the requester, or any person who filed comments on the preliminary determination, may petition the Administrator to review any aspect of the decision. Any person who failed to file comments on the preliminary decision may petition for administrative review only on the changes from the preliminary to the final determination.

§ 55.8 Monitoring, reporting, inspections, and compliance.

(a) The Administrator may require monitoring or reporting and may authorize inspections pursuant to section 114 of the Act and the regulations thereunder. Sources shall also be subject to the requirements set forth in §§ 55.13 and 55.14 of this part.

(b) All monitoring, reporting, inspection and compliance requirements authorized under the Act shall apply.

(c) An existing OCS source that is not required to obtain a permit to operate within 24 months of the date of promulgation of this part shall submit a compliance report to the Administrator or delegated agency within 25 months of promulgation of this part. The compliance report shall specify all the applicable OCS requirements of this part and a description of how the source has complied with these requirements.

(d) The Administrator or the delegated agency shall consult with the Minerals Management Service and the U.S. Coast Guard prior to inspections. This shall in no way interfere with the ability of EPA or the delegated agency to conduct unannounced inspections.

§ 55.9 Enforcement.

(a) OCS sources shall comply with all requirements of this part and all permits issued pursuant to this part. Failure to do so shall be considered a violation of section 111(e) of the Act.

(b) All enforcement provisions of the Act, including, but not limited to, the provisions of sections 113, 114, 120, 303 and 304 of the Act, shall apply to OCS sources.

(c) If a facility is ordered to cease operation of any piece of equipment due to enforcement action taken by EPA or a delegated agency pursuant to this part, the shutdown will be coordinated by the enforcing agency with the Minerals Management Service and the U.S. Coast Guard to assure that the shutdown will proceed in a safe manner. No shutdown action will occur until after consultation with these agencies, but in no case will initiation of the shutdown be delayed by more than 24 hours.

§ 55.10 Fees.

(a) *OCS sources located within 25 miles of states' seaward boundaries.*

(1) EPA will collect operating fees from OCS sources calculated in accordance with the fee requirements imposed in the COA if the fees are based on regulatory objectives, such as discouraging emissions. If the fee requirements are based on cost recovery objectives, however, EPA will adjust the fees to reflect the costs to EPA to issue permits and administer the permit program.

(2) EPA will collect all other fees from OCS sources calculated in accordance with the fee requirements imposed in the COA if the fees are based on regulatory objectives, such as discouraging emissions. If the fee requirements are based on cost recovery objectives, however, EPA will adjust the fees to reflect the costs to EPA to issue permits and administer the permit program.

(3) Upon delegation, the delegated agency will collect fees from OCS sources calculated in accordance with the fee requirements imposed in the COA. Upon delegation of authority to implement and enforce any portion of this part, EPA will cease to collect fees imposed in conjunction with that portion.

(b) [Reserved].

§ 55.11 Delegation.

(a) The governor or the governor's designee of any state adjacent to an OCS source subject to the requirements of this part may submit a request to the Administrator for authority to implement and enforce the requirements of this OCS program within 25 miles of the state seaward boundary, pursuant to section 328(a)(3) of the Act. Authority to implement and enforce §§ 55.5, 55.11, and 55.12 of this part will not be delegated.

(b) The Administrator will delegate implementation and enforcement authority to a state if the state has an adjacent OCS source and the Administrator determines that the state's regulations are adequate, including a demonstration by the state that the state has:

(1) Adopted the appropriate portions of this part into state law;

(2) Adequate authority under state law to implement and enforce the requirements of this part. A letter from the State Attorney General shall be required stating that the requesting agency has such authority;

(3) Adequate resources to implement and enforce the requirements of this part; and

(4) Adequate administrative procedures to implement and enforce the requirements of this part, including public notice and comment procedures.

(c) The Administrator will notify in writing the governor or the governor's designee of the Administrator's final action on a request for delegation within 6 months of the receipt of the request.

(d) If the Administrator finds that the state regulations are adequate, the Administrator will authorize the state to implement and enforce the OCS

requirements under state law. If the Administrator finds that only part of the state regulations are adequate, he will authorize the state to implement and enforce only that portion of this part.

(e) Upon delegation, a state may use any authority it possesses under state law to enforce any permit condition or any other requirement of this part for which the agency has delegated authority under this part. A state may use any authority it possesses under state law to require monitoring and reporting and to conduct inspections.

(f) Nothing in this part shall prohibit the Administrator from enforcing any requirement of this part.

(g) The Administrator will withdraw a delegation of any authority to implement and enforce any or all of this part if the Administrator determines that: (1) The requirements of this part are not being adequately implemented or enforced by the delegated agency, or (2) The delegated agency no longer has adequate regulations as required by § 55.11(b) of this part.

(h) *Sharing of information.* Any information obtained or used in the administration of a delegated program shall be made available to EPA upon request without restriction. If the information has been submitted to the delegated agency under a claim of confidentiality, the delegated agency must notify the source of this obligation and submit that claim to EPA. Any information obtained from a delegated agency accompanied by a claim of confidentiality will be treated in accordance with the requirements of 40 CFR Part 2.

(i) *Grant of exemptions.* A decision by a delegated agency to grant or deny an exemption request may be appealed to the Administrator in accordance with § 55.7 of this part.

§ 55.12 Consistency updates.

(a) The Administrator will update this part as necessary to maintain consistency with the regulations of onshore areas in order to attain and maintain federal and state ambient standards and comply with part C of title I of the Act.

(b) Where an OCS activity is occurring within 25 miles of a state seaward boundary, consistency reviews will occur at least annually. In addition, in accordance with paragraphs (c) and (d) of this section, consistency reviews will occur upon receipt of an NOI and when a state or local agency submits a rule to EPA to be considered for incorporation by reference in this part 55.

(1) Upon initiation of a consistency review, the Administrator will evaluate the requirements of part 55 to determine whether they are consistent with the current onshore requirements.

(2) If the Administrator finds that part 55 is inconsistent with the requirements in effect in the onshore area, EPA will conduct a notice and comment rulemaking to update part 55 accordingly.

(c) *Consistency reviews triggered by receipt of an NOI.* Upon receipt of an NOI, the Administrator will initiate a consistency review of regulations in the onshore area.

(1) If the NOI is submitted by a source for which the COA has previously been assigned, EPA will publish a proposed consistency update in the **Federal Register** no later than 60 days after the receipt of the NOI, if an update is deemed necessary by the Administrator:

(2) If the NOI is submitted by a source requiring a COA designation, EPA will publish a proposed consistency update in the **Federal Register**, if an update is deemed necessary by the Administrator:

(i) No later than 75 days after receipt of the NOI if no adjacent areas submit a request for COA designation and the NOA becomes the COA by default, or

(ii) No later than 105 days after receipt of the NOI if an adjacent area submits a request to be designated as COA but fails to submit the required demonstration within 90 days of receipt of the NOI, or

(iii) No later than 15 days after the date of the final COA determination if one or more demonstrations are received.

(d) *Consistency reviews triggered by state and local air pollution control agencies submitting rules directly to EPA for inclusion into Part 55.*

(1) EPA will propose in the **Federal Register** to approve applicable rules submitted by state or local regulatory agencies for incorporation by reference into § 55.14 of this part by the end of the calendar quarter following the quarter in which the submittal is received by EPA.

(2) State and local rules submitted for inclusion in part 55 must be rationally related to the attainment and maintenance of federal or state ambient air quality standards or to the requirements of part C of title I of the Act. The submittal must be legible and unmarked, with the adoption date and the name of the agency on each page, and must be accompanied by proof of adoption.

(e) No rule or regulation that EPA finds to be arbitrary or capricious will be incorporated into this part.

(f) A source may not submit a complete permit application until any update the Administrator deems necessary to make part 55 consistent with the COA's rules has been proposed.

§ 55.13 Federal requirements that apply to OCS sources.

(a) The requirements of this section shall apply to OCS sources as set forth below. In the event that a requirement of this section conflicts with an applicable requirement of § 55.14 of this part and a source cannot comply with the requirements of both sections, the more stringent requirement shall apply.

(b) In applying the requirements incorporated into this section:

(1) "New Source" means new OCS source; and

(2) "Existing Source" means existing OCS source; and

(3) "Modification" means a modification to an OCS source.

(4) For requirements adopted prior to promulgation of this part, language in such requirements limiting the applicability of the requirements to onshore sources or to sources within state boundaries shall not apply.

(c) 40 CFR Part 60 (NSPS) shall apply to OCS sources in the same manner as in the COA, except that any source determined to be an existing source pursuant to § 55.3(e) of this part shall not be considered a "new source" for the purpose of NSPS adopted before December 5, 1991.

(d) 40 CFR 52.21 (PSD) shall apply to OCS sources:

(1) Located within 25 miles of a state's seaward boundary if the requirements of 40 CFR 52.21 are in effect in the COA;

(2) Located beyond 25 miles of states' seaward boundaries.

(e) 40 CFR Part 61, together with any other provisions promulgated pursuant to section 112 of the Act, shall apply if rationally related to the attainment and maintenance of federal or state ambient air quality standards or the requirements of part C of title I of the Act.

(f) (Reserved).

(g) The provisions of 40 CFR 52.10, 40 CFR 52.24, and 40 CFR Part 51 and accompanying Appendix S shall apply to OCS sources located within 25 miles of states' seaward boundaries, if these requirements are in effect in the COA.

(h) If the Administrator determines that additional requirements are necessary to protect federal and state ambient air quality standards or to comply with part C of title I, such requirements will be incorporated in this part.

§ 55.14 Requirements that apply to OCS sources located within 25 miles of states' seaward boundaries, by state.

(a) The requirements of this section shall apply to OCS sources as set forth below. In the event that a requirement of this section conflicts with an applicable requirement of § 55.13 of this part and a source cannot comply with the requirements of both sections, the more stringent requirement shall apply.

(b) In applying the requirements incorporated into this section:

(1) "New Source" means new OCS source; and

(2) "Existing Source" means existing OCS source; and

(3) "Modification" means a modification to an existing OCS source.

(4) For requirements adopted prior to promulgation of this part, language in such requirements limiting the applicability of the requirements to onshore sources or to sources within state boundaries shall not apply.

(c) During periods of EPA implementation and enforcement of this section, the following shall apply:

(1) Any reference to a state or local air pollution control agency or air pollution control officer shall mean EPA or the Administrator, respectively.

(2) Any submittal to state or local air pollution control agency shall instead be submitted to the Administrator through the EPA Regional Office.

(3) Nothing in this section shall alter or limit EPA's authority to administer or enforce the requirements of this part under federal law.

(4) EPA shall not be bound by any state or local administrative or procedural requirements including, but not limited to, requirements pertaining to hearing boards, permit issuance, public notice procedures, and public hearings. EPA will follow the applicable procedures set forth elsewhere in this part, in 40 CFR Part 124, and in federal rules promulgated pursuant to title V of the Act (as such rules apply in the COA), when administering this section.

(5) Only those requirements of 40 CFR Part 52 that are rationally related to the attainment and maintenance of federal or state ambient air quality standards or part C of title I shall apply to OCS sources.

(d) *Implementation Plan Requirements.*

(1) (Reserved).

(2) Alaska.

(i) 40 CFR part 52, subpart C.

(ii) (Reserved).

(3) California.

(i) 40 CFR part 52, subpart F.

(ii) (Reserved).

(4) and (5) (Reserved).

(6) Florida.

(i) 40 CFR part 52, subpart K.

(ii) (Reserved).

(7) through (16) (Reserved).

(17) North Carolina.

(i) 40 CFR part 52, subpart II.

(ii) (Reserved).

(18) through (23) (Reserved).

(e) *State and local requirements.* State and local requirements promulgated by EPA as applicable to OCS sources located within 25 miles of states' seaward boundaries have been compiled into separate documents organized by state and local areas of jurisdiction. These documents, set forth below, are incorporated by reference. This incorporation by reference was approved by the Director of the Federal Register Office in accordance with 5 U.S.C. 552(a) and 1 CFR Part 51. Copies may be inspected at the Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC. Copies of rules pertaining to particular states or local areas may be inspected or obtained from the EPA Air Docket (A–91–76), U.S. EPA, room M–1500, 401 M Street, SW., Washington, DC, 20460 or the appropriate EPA regional offices: U.S. EPA, Region 4 (Florida and North Carolina), 345 Courtland Street, NE., Atlanta, GA 30365; U.S. EPA, Region 9 (California), 75 Hawthorne Street, San Francisco, CA 94105; and U.S. EPA, Region 10 (Alaska), 1200 Sixth Avenue, Seattle, WA 98101. For an informational listing of the state and local requirements incorporated into this part, which are applicable to sources of air pollution located on the OCS, see Appendix A to this part.

(1) (Reserved).

(2) Alaska.

(i) State requirements.

(A) *State of Alaska Requirements Applicable to OCS Sources,* August 21, 1992.

(B) (Reserved).

(ii) Local requirements.

(A) *South Central Alaska Clean Air Authority Requirements Applicable to OCS Sources,* August 21, 1992.

(B) (Reserved).

(3) California.

(i) State requirements.

(A) (Reserved).

(ii) Local requirements.

(A)–(D) (Reserved).

(E) *San Luis Obispo County Air Pollution Control District Requirements Applicable to OCS Sources,* August 21, 1992.

(F) *Santa Barbara County Air Pollution Control District Requirements Applicable to OCS Sources,* August 21, 1992.

(G) *South Coast Air Quality Management District Requirements Applicable to OCS Sources,* August 21, 1992.

(H) *Ventura County Air Pollution Control District Requirements Applicable to OCS Sources,* August 21, 1992.

(4) and (5) (Reserved).

(6) Florida.

(i) State requirements.

(A) *State of Florida Requirements Applicable to OCS Sources,* August 21, 1992.

(B) (Reserved).

(ii) Local requirements.

(A) (Reserved).

(7) through (16) (Reserved).

(17) North Carolina.

(i) State requirements.

(A) *State of North Carolina Air Pollution Control Requirements Applicable to OCS Sources,* August 21, 1992.

(B) (Reserved).

(ii) Local requirements.

(A) (Reserved).

(18) through (23) (Reserved).

Appendix A to 40 CFR Part 55—Listing of State and Local Requirements Incorporated by Reference Into Part 55, by State

This Appendix lists the titles of the state and local requirements that are contained within the documents incorporated by reference into 40 CFR Part 55.

Alaska

(a) State requirements.

(1) The following requirements are contained in *State of Alaska Requirements Applicable to OCS Sources,* August 21, 1992:

Alaska Administrative Code—Department of Environmental Conservation. The following sections of Title 18, Chapter 50:

18 AAC 50.020 Ambient Air Quality Standards (Effective 7/21/91)

18 AAC 50.030 Open Burning (Effective 10/30/83)

18 AAC 50.040 Incinerators (Effective 10/30/83)

18 AAC 50.050 Industrial Processes and Fuel Burning Equipment (Effective 5/11/91)

18 AAC 50.090 Ice Fog Limitations (Effective 5/26/72)

18 AAC 50.100 Marine Vessels (Effective 7/21/91)

18 AAC 50.110 Air Pollution Prohibited (Effective 5/26/72)

18 AAC 50.300 Permit to Operate (Effective 7/21/91)

18 AAC 50.310 Revocation or Suspension of Permit (Effective 5/4/80)

18 AAC 50.400 Application Review and Issuance of Permit to Operate (Effective 7/21/91)

18 AAC 50.500 Source Testing (Effective 6/2/88)

18 AAC 50.510 Ambient Analysis Methods (Effective 7/21/91)

18 AAC 50.520 Emission and Ambient Monitoring (Effective 7/21/91)

18 AAC 50.530 Circumvention (Effective 6/7/87)

18 AAC 50.620 Air Quality Control Plan; Volume II, Section IV: Paragraph F.—Facility Review Procedures; Paragraph G.—Application Review and Permit Development, only. (Effective 7/21/91)
18 AAC 50.900 Definitions (Effective 7/21/91)

(b) Local requirements.

(1) the following requirements are contained in *South Central Alaska Clean Air Authority Requirements Applicable to OCS Sources*, August 21, 1992:

15.30.030 Definitions
15.30.100 Registration and Notification, except E
15.30.110 Permit to Operate
15.30.120 Source Reports
15.30.130 Source Tests
15.35.040 Stationary Source Emissions—General Definitions
15.35.050 Stationary Source Emissions—Visible Emission Standards
15.35.060 Stationary Source Emissions—Emission Standards
15.35.080 Stationary Source Emissions—Circumvention
15.35.090 Stationary Source Emissions—Fugitive Emissions
15.35.100 Stationary Source Emissions—Open Burning

California

(a) State requirements.

(1) [Reserved].

(b) Local requirements.

(1)–(4) [Reserved].

(5) The following requirements are contained in *San Luis Obispo County Air Pollution Control District Requirements Applicable to OCS Sources*, August 21, 1992:

Rule 103 Conflicts Between District, State and Federal Rules (Adopted 8/6/76)
Rule 104 Action in Areas of High Concentration (Adopted 7/5/77)
Rule 105 Definitions (Adopted 11/5/91)
Rule 106 Standard Conditions (Adopted 8/6/76)
Rule 108 Severability (Adopted 11/13/84)
Rule 113 Continuous Emissions Monitoring, except F. (Adopted 7/5/77)
Rule 201 Equipment not Requiring a Permit, except A.1.b. (Adopted 11/5/91)
Rule 202 Permits, except A.4. and A.8. (Adopted 11/5/91)
Rule 203 Applications, except B. (Adopted 11/5/91)
Rule 204 Requirements, except B.2. and C. (Adopted 11/5/91)
Rule 209 Provision for Sampling and Testing Facilities (Adopted 11/5/91)
Rule 210 Periodic Inspection, Testing and Renewal of Permits to Operate (Adopted 11/5/91)
Rule 213 Calculations, except E.4. and F. (Adopted 11/5/91)
Rule 302 Schedule of Fees (Adopted 7/1/91)
Rule 305 Fees for Acid Deposition Research (Adopted 7/18/89)
Rule 401 Visible Emissions (Adopted 8/6/76)
Rule 403 Particulate Matter Emission Standards (Adopted 8/6/76)
Rule 404 Sulfur Compounds Emission Standards, Limitations and Prohibitions (Adopted 12/6/76)
Rule 405 Nitrogen Oxides Emission Standards, Limitations and Prohibitions (Adopted 11/13/84)
Rule 406 Carbon Monoxide Emission Standards, Limitations and Prohibitions (Adopted 11/14/84)
Rule 407 Organic Material Emission Standards, Limitations and Prohibitions (Adopted 1/10/89)
Rule 411 Surface Coating of Metal Parts and Products (Adopted 1/10/89)
Rule 416 Degreasing Operations (Adopted 6/18/79)
Rule 422 Refinery Process Turnarounds (Adopted 6/18/79)
Rule 501 General Burning Provisions (Adopted 1/10/89)
Rule 503 Incinerator Burning, except B.1.a. (Adopted 2/7/89)
Rule 601 New Source Performance Standards (Adopted 9/4/90)

(6) The following requirements are contained in *Santa Barbara County air Pollution Control District Requirements Applicable to OCS Sources*, August 21, 1992:

Rule 102 Definitions (Adopted 7/30/91)
Rule 103 Severability (Adopted 10/23/78)
Rule 201 Permits Required (Adopted 7/2/79)
Rule 202 Exemptions to Rule 201 (Adopted 7/30/91)
Rule 203 Transfer (Adopted 10/23/78)
Rule 204 Applications (Adopted 10/23/78)
Rule 205 Standards for Granting Applications (Adopted 7/30/91)
Rule 206 Conditional Approval of Authority to Construct or Permit to Operate (Adopted 10/15/91)
Rule 207 Denial of Applications (Adopted 10/23/78)
Rule 210 Fees (Adopted 5/7/91)
Rule 301 Circumvention (Adopted 10/23/78)
Rule 302 Visible Emissions (Adopted 10/23/78)
Rule 304 Particulate Matter—Northern Zone (Adopted 10/23/78)
Rule 305 Particulate Matter Concentration—Southern Zone (Adopted 10/23/78)
Rule 306 Dust and fumes—Northern Zone (Adopted 10/23/78)
Rule 307 Particulate Matter Emission Weight Rate—Southern Zone (Adopted 10/23/78)
Rule 308 Incinerator Burning (Adopted 10/23/78)
Rule 309 Specific Contaminants (Adopted 10/23/78)
Rule 310 Odorous Organic Sulfides (Adopted 10/23/78)
Rule 311 Sulfur Content of Fuels (Adopted 10/23/78)
Rule 312 Open Fires (Adopted 10/2/90)
Rule 317 Organic Solvents (Adopted 10/23/78)
Rule 318 Vacuum Producing Devices or Systems—Southern Zone (Adopted 10/23/78)
Rule 321 Control of Degreasing Operations (Adopted 7/10/90)
Rule 322 Metal Surface Coating Thinner and Reducer (Adopted 10/23/78)
Rule 323 Architectural Coatings (Adopted 2/20/90)
Rule 324 Disposal and Evaporation of Solvents (Adopted 10/23/78)
Rule 325 Storage of Petroleum and Petroleum Products (Adopted 7/11/89)
Rule 326 Effluent Oil Water Separators (Adopted 10/23/78)
Rule 327 Organic Liquid Cargo Tank Vessel Loading (Adopted 12/16/85)
Rule 328 Continuous Emission Monitoring (Adopted 10/23/78)
Rule 331 Refinery Valves and Flanges (Adopted 7/11/89)
Rule 332 Petroleum Refinery Vacuum Producing Systems, Wastewater Separators and Process Turnarounds (Adopted 6/11/79)
Rule 505 Breakdown Conditions Sections A., B.1., and D. only. (Adopted 10/23/78)
Rule 603 Emergency Episode Plans (Adopted 6/15/81)

(7) The following requirements are contained in *South Coast Air Quality Management District Requirements Applicable to OCS Sources*, August 21, 1992:

Rule 102 Definition of Terms (Adopted 11/4/88)
Rule 103 Definition of Geographical Areas (Adopted 1/9/76)
Rule 104 Reporting of Source Test Data and Analyses (Adopted 1/9/76)
Rule 107 Determination of Volatile Organic Compounds in Organic Material (Adopted 1/8/82)
Rule 108 Alternative Emission Control Plans (Adopted 4/6/90)
Rule 109 Recordkeeping for Volatile Organic Compound Emissions (Adopted 5/5/89)
Rule 201 Permit to Construct (Adopted 1/5/90)
Rule 201.1 Permit Conditions in Federally Issued Permits to Construct (Adopted 1/5/90)
Rule 202 Temporary Permit to Operate (Adopted 5/7/76)
Rule 203 Permit to Operate (Adopted 1/5/90)
Rule 204 Permit Conditions (Adopted 1/4/85)
Rule 205 Expiration of Permits to Construct (Adopted 1/5/90)
Rule 206 Posting of Permit to Operate (Adopted 1/5/90)
Rule 207 Altering or Falsifying of Permit (Adopted 1/9/76)
Rule 208 Permit for Open Burning (Adopted 1/5/90)
Rule 209 Transfer and Voiding of Permits (Adopted 1/5/90)
Rule 210 Applications (Adopted 1/5/90)
Rule 212 Standards for Approving Permits (Adopted 6/28/90)
Rule 214 Denial of Permits (Adopted 1/5/90)
Rule 217 Provisions for Sampling and Testing Facilities (Adopted 1/5/90)
Rule 218 Stack Monitoring (Adopted 8/7/81)
Rule 219 Equipment Not Requiring a Written Permit Pursuant to Regulation II (Adopted 6/3/88)
Rule 220 Exemption—Net Increase in Emissions (Adopted 8/7/81)
Rule 221 Plans (Adopted 1/4/85)
Rule 301 Permit Fees (Adopted 6/7/91)
Rule 304 Equipment, Materials and Ambient Air Analyses (Adopted 7/6/90)
Rule 304.1 Analyses Fees (Adopted 6/7/91)
Rule 305 Fees for Acid Deposition Research (Adopted 3/3/89)
Rule 306 Plan Fees (7/6/90)

Rule 401 Visible Emissions (Adopted 4/7/89)
Rule 403 Fugitive Dust (Adopted 5/7/76)
Rule 404 Particulate Matter—Concentration (Adopted 2/7/86)
Rule 405 Solid Particulate Matter—Weight (Adopted 2/7/86)
Rule 407 Liquid and Gaseous Air Contaminants (Adopted 4/2/82)
Rule 408 Circumvention (Adopted 5/7/76)
Rule 409 Combustion Contaminants (Adopted 8/7/81)
Rule 429 Start-Up and Shutdown Provisions for Oxides of Nitrogen (Adopted 12/21/90)
Rule 430 Breakdown Provisions, (a) and (e) only. (Adopted 5/5/78)
Rule 431.1 Sulfur Content of Gaseous Fuels (Adopted 5/4/90)
Rule 431.2 Sulfur Content of Liquid Fuels (Adopted 5/4/90)
Rule 431.3 Sulfur Content of Fossil Fuels (Adopted 5/7/76)
Rule 441 Research Operations (Adopted 5/7/76)
Rule 442 Usage of Solvents (Adopted 3/5/82)
Rule 444 Open Fires (Adopted 10/2/87)
Rule 463 Storage of Organic Liquids (Adopted 12/7/90)
Rule 465 Vacuum Producing Devices or Systems (Adopted 12/7/90)
Rule 468 Sulfur Recovery Units (Adopted 10/8/76)
Rule 473 Disposal of Solid and Liquid Wastes (5/7/76)
Rule 474 Fuel Burning Equipment—Oxides of Nitrogen (Adopted 12/4/81)
Rule 475 Electric Power Generating Equipment (Adopted 8/7/78)
Rule 476 Steam Generating Equipment (Adopted 10/8/76)
Rule 480 Natural Gas Fired Control Devices (Adopted 10/7/77)
Addendum to Regulation IV
Rule 701 General (Adopted 7/9/82)
Rule 702 Definitions (Adopted 7/11/80)
Rule 704 Episode Declaration (Adopted 7/9/82)
Rule 707 Radio-Communication System (Adopted 7/11/80)
Rule 708 Plans (Adopted 7/9/82)
Rule 708.1 Stationary Sources Required to File Plans (Adopted 4/4/80)
Rule 708.2 Content of Stationary Source Curtailment Plans (Adopted 4/4/80)
Rule 708.4 Procedural Requirements for Plans (Adopted 7/11/80)
Rule 709 First Stage Episode Actions (Adopted 7/11/80)
Rule 710 Second Stage Episode Actions (Adopted 7/11/80)
Rule 711 Third Stage Episode Actions (Adopted 7/11/80)
Rule 712 Sulfate Episode Actions (Adopted 7/11/80)
Rule 715 Burning of Fossil Fuel on Episode Days (Adopted 8/24/77)
Regulation IX—New Source Performance Standards (Adopted 9/7/90)
Rule 1106 Marine Coating Operations (Adopted 12/7/90)
Rule 1107 Coating of Metal Parts and Products (Adopted 11/2/90)
Rule 1109 Emissions of Oxides of Nitrogen for Boilers and Process Heaters in Petroleum Refineries (Adopted 8/5/88)
Rule 1110 Emissions from Stationary Internal Combustion Engines (Demonstration) (Adopted 11/6/81)
Rule 1110.1 Emissions from Stationary Internal Combustion Engines (Adopted 10/4/85)
Rule 1110.2 Emissions from Gaseous- and Liquid-Fueled Internal Combustion Engines (Adopted 9/7/90)
Rule 1113 Architectural Coatings (Adopted 12/7/90)
Rule 1116.1 Lightering Vessel Operations—Sulfur Content of Bunker Fuel (Adopted 10/20/78)
Rule 1121 Control of Nitrogen Oxides from Residential-Type Natural Gas-Fired Water Heaters (Adopted 12/1/78)
Rule 1122 Solvent Cleaners (Degreasers) (Adopted 5/5/89)
Rule 1123 Refinery Process Turnarounds (Adopted 12/7/90)
Rule 1129 Aerosol Coatings (Adopted 11/2/90)
Rule 1134 Emissions of Oxides of Nitrogen from Stationary Gas Turbines (Adopted 8/4/89)
Rule 1140 Abrasive Blasting (Adopted 8/2/85)
Rule 1142 Marine Tank Vessel Operations (Adopted 7/19/91)
Rule 1146 Emissions of Oxides of Nitrogen from Industrial, Institutional, and Commercial Boilers, Steam Generators, and Process Heaters (Adopted 1/6/89)
Rule 1146.1 Emissions of Oxides of Nitrogen from Small Industrial, Institutional, and Commercial Boilers, Steam Generators, and Process Heaters (Adopted 10/5/90)
Rule 1148 Thermally Enhanced Oil Recovery Wells (Adopted 11/5/82)
Rule 1149 Storage Tank Degassing (Adopted 4/1/88)
Rule 1168 Control of Volatile Organic Compound Emissions from Adhesive Applications (Adopted 7/19/91)
Rule 1173 Fugitive Emissions of Volatile Organic Compounds (Adopted 12/7/90)
Rule 1176 Sumps and Wastewater Separators (Adopted 1/5/90)
Rule 1301 General (Adopted 6/28/90)
Rule 1302 Definitions (Adopted 6/28/90)
Rule 1303 Requirements (Adopted 5/3/91)
Rule 1304 Exemptions (Adopted 5/3/91)
Rule 1306 Emission Calculations (Adopted 5/3/91)
Rule 1313 Permits to Operate (Adopted 6/28/90)
Rule 1403 Asbestos Emissions from Demolition/Renovation Activities (Adopted 10/6/89)
Rule 1701 General (Adopted 1/6/89)
Rule 1702 Definitions (Adopted 1/6/89)
Rule 1703 PSD Analysis (Adopted 10/7/88)
Rule 1704 Exemptions (Adopted 1/6/89)
Rule 1706 Emission Calculations (Adopted 1/6/89)
Rule 1713 Source Obligation (Adopted 10/7/88)
Regulation XVII Appendix

(8) The following requirements are contained in *Ventura County Air Pollution Control District Requirements Applicable to OCS Sources*, August 21, 1992:

Rule 2 Definitions (Adopted 5/8/90)
Rule 5 Effective Date (Adopted 5/23/72)
Rule 6 Severability (Adopted 11/21/78)
Rule 7 Zone Boundaries (Adopted 6/14/77)
Rule 10 Permits Required (Adopted 7/5/83)
Rule 11 Application Contents (Adopted 8/15/78)
Rule 12 Statement by Application Preparer (Adopted 6/16/87)
Rule 13 Statement by Applicant (Adopted 11/21/78)
Rule 14 Trial Test Runs (Adopted 5/23/72)
Rule 15 Permit Issuance (Adopted 7/5/83)
Rule 16 Permit Contents (Adopted 12/2/80)
Rule 18 Permit to Operate Application (Adopted 8/17/76)
Rule 19 Posting of Permits (Adopted 5/23/72)
Rule 20 Transfer of Permit (Adopted 5/23/72)
Rule 21 Expiration of Applications and Permits (Adopted 6/23/81)
Rule 23 Exemptions from Permit (Adopted 1/8/91)
Rule 24 Source Recordkeeping and Reporting (Adopted 11/21/78)
Rule 26 New Source Review (Adopted 2/26/85)
Rule 26.1 All New or Modified Major Stationary Sources (Adopted 11/19/85)
Rule 26.2 New or Modified Non-Major Sources (Adopted 11/19/85)
Rule 26.3 New or Modified Stationary Sources—Prevention of Significant Deterioration (PSD) (Adopted 11/19/85)
Rule 26.6 Air Quality Impact Analysis and Notification (Adopted 1/10/84)
Rule 28 Revocation of Permits (Adopted 7/18/72)
Rule 29 Conditions on Permits (Adopted 5/30/89)
Rule 30 Permit Renewal (Adopted 5/30/89)
Rule 32 Breakdown Conditions; Emergency Variances, A., B.1., and D. only. (Adopted 2/20/79)
Appendix II–A Information Required for Applications to the Air Pollution Control District
Appendix II–B Best Available Control Technology (BACT) Tables
Rule 42 Permit Fees (Adopted 6/19/90)
Rule 44 Exemption Evaluation Fee (Adopted 1/8/91)
Rule 45 Plan Fees (Adopted 6/19/90)
Rule 50 Opacity (Adopted 2/20/79)
Rule 52 Particulate Matter-Concentration (Adopted 5/23/72)
Rule 53 Particulate Matter-Process Weight (Adopted 7/18/72)
Rule 54 Sulfur Compounds (Adopted 7/5/83)
Rule 56 Open Fires (Adopted 5/24/88)
Rule 57 Combustion Contaminants—Specific (Adopted 6/14/77)
Rule 60 New Non-Mobile Equipment—Sulfur Dioxide, Nitrogen Oxides, and Particulate Matter (Adopted 7/8/72)
Rule 63 Separation and Combination of Emissions (Adopted 11/21/78)
Rule 64 Sulfur Content of Fuels (Adopted 7/5/83)
Rule 66 Organic Solvents (Adopted 11/24/87)
Rule 67 Vacuum Producing Devices (Adopted 7/5/83)
Rule 68 Carbon Monoxide (Adopted 6/14/77)
Rule 71 Crude Oil and Reactive Organic Compound Liquids (Adopted 9/11/90)

Rule 71.1 Crude Oil Production and Separation (Adopted 10/4/88)
Rule 71.2 Storage of Reactive Organic Compound Liquids (Adopted 9/26/89)
Rule 71.3 Transfer of Reactive Organic Compound Liquids (Adopted 9/11/90)
Rule 71.4 Petroleum Sumps, Pits, Ponds and Well Cellars (Adopted 10/4/88)
Rule 72 New Source Performance Standards (NSPS) (Adopted 6/19/90)
Rule 74 Specific Source Standards (Adopted 7/6/76)
Rule 74.1 Abrasive Blasting (Adopted 9/5/89)
Rule 74.2 Architectural Coatings (Adopted 10/21/88)
Rule 74.6 Surface Cleaning and Degreasing (Adopted 5/8/90)
Rule 74.6.1 Cold Cleaning Operations (Adopted 9/12/89)
Rule 74.6.2 Batch Loaded Vapor Degreasing Operations (Adopted 9/12/89)
Rule 74.7 Fugitive Emissions of Reactive Organic Compounds at Petroleum Refineries and Chemical Plants (Adopted 1/10/89)
Rule 74.8 Refinery Vacuum Producing Systems, Waste-water Separators and Process Turnarounds (Adopted 7/5/83)
Rule 74.9 Stationary Internal Combustion Engines (Adopted 9/5/89)
Rule 74.10 Components at Crude Oil Production Facilities and Natural Gas Production and Processing Facilities (Adopted 9/22/87)
Rule 74.11 Natural Gas-Fired Residential Water Heaters—Control of NO_x (Adopted 4/9/85)
Rule 74.12 Surface Coating of Metal Parts and Products (Adopted 5/15/89)
Rule 74.15 Boilers, Steam Generators and Process Heaters (Adopted 3/28/89)
Rule 74.16 Oil field Drilling Operations (Adopted 1/8/91)
Rule 75 Circumvention (Adopted 11/27/78)
Appendix IV–A Soap Bubble Tests
Rule 100 Analytical Methods (Adopted 7/18/72)
Rule 101 Sampling and Testing Facilities (Adopted 5/23/72)
Rule 102 Source Tests (Adopted 11/21/78)
Rule 103 Stack Monitoring (Adopted 6/4/91)
Rule 155 Plans (Adopted 11/20/79)
Rule 157 First Stage Episode Actions (Adopted 11/20/79)
Rule 158 Second Stage Episode Actions (Adopted 11/20/79)
Rule 159 Third Stage Episode Actions (Adopted 11/20/79)

Florida

(a) State requirements.

(1) The following requirements are contained in *State of Florida Requirements Applicable to OCS Sources*, August 21, 1992:

Florida Administrative Code—Department of Environmental Regulation. The following sections of Chapter 17:

2.100 Definitions (Adopted 9/13/90)
2.200 Statement of Intent (Adopted 8/26/81)
2.210 Permits Required (Adopted 7/9/89)
2.215 Emission Estimates (Adopted 5/1/85)
2.240 Circumvention (Adopted 8/26/81)
2.250 Excess Emissions (Adopted 8/26/81)
2.260 Air Quality Models (Adopted 7/9/89)
2.270 Stack Height Policy (Adopted 10/20/86)
2.280 Severability (Adopted 8/26/81)
2.300 Ambient Air Quality Standards (Adopted 7/9/89)
2.310 Maximum Allowable Increases (Prevention of Significant Deterioration) (Adopted 7/13/90)
2.320 Air Pollution Episodes (Adopted 8/26/81)
2.330 Air Alert (Adopted 5/30/80)
2.340 Air Warning (Adopted 7/9/89)
2.350 Air Emergency (Adopted 5/30/88)
2.500 Prevention of Significant Deterioration (Adopted 7/13/90)
2.510 New Source Review for Nonattainment Areas (Adopted 8/30/89)
2.520 Sources Not Subject to Prevention of Significant Deterioration or Nonattainment Requirements (Adopted 7/9/89)
2.530 Source Reclassification (Adopted 1/12/82)
2.540 Source Specific New Source Review Requirements (Adopted 7/9/89)
2.600 Specific Source Emission Limiting and Performance Standards (Adopted 8/30/89)
2.610 General Particulate Emission Limiting Standards (Adopted 7/9/89)
2.620 General Pollutant Emission Limiting Standards, except (2). (Adopted 8/26/81)
2.630 Best Available Control Technology (BACT) (Adopted 5/1/85)
2.640 Lowest Achievable Emission Rate (LAER) (Adopted 8/26/81)
2.650 Reasonably Available Control Technology (RACT), except (2)(f) (Adopted 9/13/90)
2.660 Standards of Performance for New Stationary Sources (NSPS) (Adopted 12/18/89)
2.670 National Emission Standards for Hazardous Air Pollutants (Adopted 12/5/88)
2.700 Stationary Point Source Emission Test Procedures (Adopted 8/30/89)
2.710 Continuous Emission Monitoring Requirements (Adopted 8/30/89)
2.753 DER Ambient Test Methods (Adopted 5/1/85)
4.020 Definitions (Adopted 3/31/88)
4.021 Transferability of Definitions (Adopted 8/31/88)
4.030 General Prohibitions (Adopted 8/31/88)
4.040 Exemptions (Adopted 8/31/88)
4.050 Procedure To Obtain Permit; Application, except (4)(b) through (4)(j) and 4(n) (Adopted 5/30/91)
4.070 Standards for Issuing or Denying Permits; Issuance; Denial (Adopted 3/28/91)
4.080 Modification of Permit Conditions (Adopted 3/19/90)
4.090 Renewals (Adopted 3/19/90)
4.100 Suspension and Revocation (Adopted 8/31/88)
4.110 Financial Responsibility (Adopted 8/31/88)
4.120 Transfer of Permits (Adopted 3/19/90)
4.130 Plant Operations—Problems (Adopted 8/31/88)
4.160 Permit Conditions, except (16) and (17) (Adopted 10/4/89)
4.210 Construction Permits (Adopted 8/31/88)
4.220 Operation Permits for New Sources (Adopted 8/31/88)
4.520 Definitions (Adopted 7/11/90)
4.530 Procedures (Adopted 3/19/90)
4.540 General conditions for all General Permits (Adopted 8/31/88)
256.100 Declaration and Intent (Adopted 10/20/86)
256.200 Definitions (Adopted 10/20/86)
256.300 Prohibitions (Adopted 10/20/86)
256.600 Industrial, Commercial, Municipal and Research Open Burning (Adopted 8/26/87)
256.700 Open Burning Allowed (Adopted 11/23/88)

(b) Local requirements.

(1) (Reserved).

North Carolina

(a) State requirements.

(1) The following requirements are contained in *State of North Carolina Air Pollution Control Requirements Applicable to OCS Sources*, August 21, 1992: The following sections of Subchapters 2D and 2H:

2D.0101 Definitions (Adopted 12/1/89)
2D.0104 Adoption by Reference Updates (Adopted 10/1/89)
2D.0201 Classification of Air Pollution Sources (Adopted 7/1/84)
2D.0202 Registration of Air Pollution Sources (Adopted 6/1/85)
2D.0303 Emission Reduction Plans (Adopted 7/1/84)
2D.0304 Preplanned Abatement Program (Adopted 7/1/88)
2D.0305 Emission Reduction Plan; Alert Level (Adopted 7/1/84)
2D.0306 Emission Reduction Plan; Warning Level (Adopted 7/1/84)
2D.0307 Emission Reduction Plan; Emergency Level (Adopted 7/1/84)
2D.0401 Purpose (Adopted 10/1/89)
2D.0501 Compliance with Emission Control Standards (Adopted 10/1/89)
2D.0502 Purpose (Adopted 6/1/85)
2D.0503 Particulates from Fuel Burning Indirect Heat Exchanger (Adopted 6/1/85)
2D.0505 Control of Particulate from Incinerators (Adopted 7/1/87)
2D.0510 Particulates: Sand, Gravel and Crushed Stone Operations (Adopted 1/1/85)
2D.0511 Particulates, SO_2 from Lightweight Aggregate Processes (Adopted 10/1/89)
2D.0515 Particulates from Miscellaneous Industrial Processes (Adopted 1/1/85)
2D.0516 Sulfur Dioxide Emissions Combustion Sources (Adopted 10/1/89)
2D.0518 Miscellaneous Volatile Organic Compound Emissions (Adopted 2/1/83)
2D.0519 Control of Nitrogen Dioxide Emissions (Adopted 10/1/89)
2D.0520 Control and Prohibition of Open Burning (Adopted 1/1/85)
2D.0521 Control of Visible Emissions (Adopted 8/1/87)
2D.0530 Prevention of Significant Deterioration (Adopted 10/1/89)
2D.0531 Sources in Nonattainment Area (Adopted 12/1/89)
2D.0532 Sources Contributing to an Ambient Violation (Adopted 10/1/89)
2D.0533 Stack Height (Adopted 7/1/87)

2D.0535 Excess Emissions Reporting and Malfunctions, (a) and (f) only. (Adopted 5/1/90)
2D.0537 Control of Mercury Emissions (Adopted 6/1/85)
2D.0601 Purpose and Scope (Adopted 7/1/84)
2D.0602 Definitions (Adopted 7/1/84)
2D.0604 Sources Covered by Implementation Plan Requirements (Adopted 7/1/88)
2D.0606 Other Coal or Residual Oil Burners (Adopted 5/1/85)
2D.0607 Exceptions to Monitoring and Reporting (Adopted 7/1/84)
2D.0901 Definitions (Adopted 12/1/89)
2D.0902 Applicability (Adopted 5/1/90)
2D.0903 Recordkeeping, Reporting, Monitoring (Adopted 12/1/89)
2D.0906 Circumvention (Adopted 1/1/85)
2D.0912 General Provisions on Test Methods and Procedures (Adopted 12/1/89)
2D.0914 Determination of VOC Emission Control System Efficiency (Adopted 1/1/85)
2D.0925 Petroleum Liquid Storage (Adopted 12/1/89)
2D.0933 Petroleum Liquid Storage in External Floating Roof Tanks (Adopted 12/1/89)
2D.0939 Determination of Volatile Organic Compound Vapor Emissions (Adopted 7/1/88)
2D.1101 Purpose (Adopted 5/1/90)
2D.1102 Applicability (Adopted 5/1/90)
2D.1103 Definition (Adopted 5/1/90)
2D.1104 Toxic Air Pollutant Guidelines (Adopted 5/1/90)
2D.1105 Facility Reporting, Recordkeeping (Adopted 5/1/90)
2D.1106 Determination of Ambient Air Concentrations (Adopted 5/1/90)
2D.1107 Multiple Facilities (Adopted 5/1/90)
2D.1108 Multiple Pollutants (Adopted 5/1/90)
2H.0601 Purpose and Scope (Adopted 10/1/89)
2H.0602 Definitions (Adopted 5/1/90)
2H.0603 Applications (Adopted 12/1/89)
2H.0609 Permit Fees (Adopted 8/1/88)
2H.0610 Permit Requirements for Toxic Air Pollutants (Adopted 5/1/90)

(b) Local requirements.

(1) (Reserved).

[FR Doc. 92–21256 Filed 9–3–92; 8:45 am]

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federal register

Friday
September 4, 1992

Part IV

Office of Personnel Management

Notice of Request for Expedited Review of Instructions for OPM 2809-EZ1 by OMB

OFFICE OF PERSONNEL MANAGEMENT

Request for Expedited Review of Instructions for OPM 2809–EZ1 Submitted to OMB for Clearance

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1980 (title 44, U.S. Code, chapter 35), this notice announces the expedited review by OMB for a clearance of instructions for the information collection, OPM 2809–EZ1—Open Season Health Benefits Enrollment Change Form or Request for Additional Information. The form appeared for comment in the **Federal Register** on June 18, 1992, and now we are submitting the instructions. These instruction will be under the same clearance as the OPM 2809–EZ1. OPM 2809–EZ1 is completed by annuitants or survivor annuitants who wish to change enrollment in the FEHB program during the annual open season.

Approximately 127,913 forms are completed annually, each requiring approximately 30 minutes to complete for a total public burden of 63,957 hours.

A draft copy of this proposal is appended to this notice.

DATES: Comments on this proposal should be received on or before September 9, 1992. OMB will act upon this clearance by September 11, 1992.

ADDRESS: Send or deliver comments to—

Lorraine Dettman, Chief, Operations Support Division, Retirement and Insurance Group, U.S. Office of Personnel Management, 1900 E Street, NW., Room 3349, Washington, DC 20415.

and

Joseph Lackey, OPM Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, NW., Room 3002, Washington, DC 20503

FOR FURTHER INFORMATION REGARDING ADMINISTRATIVE COORDINATION—CONTACT: Mary Beth Smith-Toomey, Chief Administrative Management Branch (202) 606–0623.

U.S. Office of Personnel Management.

Douglas A. Brook,

Acting Director.

BILLING CODE 6325–01–M

FEHB
Federal Employees Health Benefits Program

Open Season Information and Instructions for Annuitants

November 9 - December 14, 1992

RI 74-NY
Rev. October 1992

Office of Personnel Management
Retirement and Insurance Group
Washington, DC 20415

The annual Federal Employees Health Benefits (FEHB) Open Season will be from November 9 through December 14 this year. During the open season you may change from one plan to another, from one option to another in the same plan, or from self only to self and family. *Coverage under your current enrollment will continue automatically unless you request a change or unless your current plan will no longer be participating in the FEHB Program after December 31, 1992. Do not complete and return the enclosed form to notify us that you wish to continue your current health benefits enrollment coverage.*

This annuitant package contains both informational material and an enrollment change form tailored especially for you. The plan comparison chart on the following pages shows the benefits and premiums effective in January 1993 for open fee-for-service plans in the FEHB Program and any prepaid plans available in your geographic area. Your current plan will send you its 1993 brochure by separate mail. **Don't rely on the chart alone.** Detailed information about plan benefits and the contractual description of coverage appear in the plan brochures. Before you make a final decision about changing your enrollment, you should review carefully the official brochure for the plan or plans in which you are interested.

Important

You should carefully review the 1993 premiums shown in the plan comparison chart for your plan and option of coverage. There are only limited opportunities which could permit you to change your enrollment outside the open season. If you do not change your enrollment during open season, you may not be eligible to change later, even if you do not wish to pay an increased premium cost for your enrollment. If you elect to cancel your enrollment in the FEHB Program you may not be eligible to reenroll at a later date.

Important notice about signatures

Only the enrollee or an OPM approved representative can sign the enclosed form to make an enrollment change. Persons granted **Power of Attorney** are not recognized representatives for the purpose of changing health benefits coverage of an enrollee. To avoid delays in processing your enrollment change request, make sure you sign the enclosed form.

Important benefit changes

If you are enrolled in a fee-for-service plan for 1993, read your plan's brochure to learn about these two important changes: (1) the plan's payment for doctor's services is limited by an amount set by Medicare, and (2) because Medicare does not cover prescription drugs, the prescription drug coinsurance will not be waived for Medicare beneficiaries.

Plans not participating in the FEHB Program in 1993

A number of plans have decided to withdraw from the FEHB Program after December 31, 1992 including the National Treasury Employees Union (NTEU) Health Benefit Plan. If you are enrolled in one of these plans, you should elect new coverage during the open season. If you no longer wish to have FEHB Program coverage, you MUST elect to cancel your enrollment. If you do not elect new coverage or cancel your FEHB Program participation, you will be deemed to have elected to enroll in the Blue Cross and Blue Shield Service Benefit Plan, which is the only plan available to all enrollees without a membership fee. The effective date of your deemed election will be January 1, 1993. This will assure your continued coverage and eligibility to participate in the FEHB Program.

Hospital admission requirement in fee-for-service plans

The preadmission certification is a cost containment measure to ensure that hospital admissions are medically necessary for the type of treatment you require and that your insurance pays only for the number of hospital days required to treat your condition. You must check, or confirm that your doctor has checked, with your plan **before** you are admitted to the hospital. If that isn't done, your plan will reduce benefits by $500. Be a responsible consumer, avoid penalties and help keep premiums under control by following the procedures specified in your plan's brochure.

Direct payment of health insurance premiums

If the amount of your monthly annuity is less than the monthly premium for the plan or option you want, you may be eligible to pay your share of the premium directly to OPM. You may request information on electing this payment option by completing Section 2 of the enclosed EZ-1.

Effective dates of open season changes and cancellations

If you change your enrollment coverage, your new coverage will be effective January 1, 1993. Cancellations made during the open season are effective December 31, 1992. Your February 1, 1993, annuity payment will be the first monthly payment to reflect the new premium deductions for 1993.

Late authorization

If you request additional FEHB information during the Open Season, you will be granted at least 31 days in which to review the information and return your enrollment change request to us. A special authorization message will appear on the form we send you, granting this individual extension.

Recent retirees

If you received this package, OPM has received your application and records from your last employing agency. These records indicated that you were eligible to continue your health benefits enrollment into retirement. If you make an enrollment change it will be processed along with your retirement application, and you will receive a copy of an OPM Form 2809 showing your election of new enrollment coverage effective January 1, 1993.

Identification cards

These cards are issued by the health plans, not OPM. Thus, your inquiries regarding identification cards should be directed to your plan. It may take up to 3 months after OPM has processed your open season change for you to receive your new identification card. Should you or your family require medical attention after the January 1 effective date, but before you receive your new identification card, you may use the confirmation letter or the copy of the OPM Form 2809 we will send you as proof of your new coverage.

Husband and wife accounts

If you and your spouse are both receiving Civil Service Retirement benefits, and you are enrolled in FAMILY coverage, you may decide that it would be more advantageous to have two self only coverages (one for you and one for your spouse). If you want to make such a change, **DO NOT USE THE OPEN SEASON FORM** because your spouse will not receive an open season form to enroll in the FEHB Program. To ensure your change from family to self only coverage and your spouse's request to enroll in self only coverage will be processed

together, and avoid a lapse in health coverage, you and your spouse should make your health benefits change requests by writing to:

Office of Personnel Management
Open Season Task Force
P.O. Box 809
Washington, DC 20044

Your and your spouse's written request must include your retirement claim numbers, Social Security Numbers, the plans and options being elected, and signatures. **WE WILL NOT CHANGE YOUR HEALTH BENEFITS COVERAGE UNTIL WE HAVE DETERMINED THAT YOUR SPOUSE MEETS THE ELIGIBILITY REQUIREMENTS TO ALSO ENROLL.**

Restricted fee-for-service plans

If you are eligible to enroll in or are enrolled in BACE, FOREIGN SERVICE, NAPUS, PANAMA CANAL AREA, RURAL CARRIERS, SAMBA OR SECRET SERVICE, you should review a plan brochure for information concerning benefits and premium rates for 1993. These are limited plans open only to specific individuals and for this reason have not been included in the chart below.

Additional help

If you need assistance in completing your form, you may write to the Open Season Task Force at the address shown above or you may call OPM's Retirement Information Office in Washington, DC. (This is a Toll Call if you are calling long distance.) For open season telephone inquiries dial (202) 606-0125.

FEHB Plan Comparison Chart - for benefits beginning in January 1993

Fee-for-service plans

Fee-for-service plans reimburse you or the health care provider in whole or in part for covered services. These plans allow you to choose your own providers.

The Service Benefit Plan is open to all annuitants. The employee organization plans shown below are open to all annuitants who join the sponsoring organization at fees specified in its brochure.

Fee-for-service plans typically use either **reasonable and customary** (R&C) or **scheduled allowance** (SA) as the maximum amount they will pay toward covered expenses. R&C is the amount a plan considers to be covered based on a profile of charges for similar procedures. SA is a fixed dollar amount allowed for a covered service. Generally, you must pay charges in excess of the R&C or SA. **See plan brochures for details.**

For the Hearing Impaired: If you have access to a TDD machine, OPM's Retirement Information Office has a TDD number you may use to call for assistance. (This is also a Toll Call if you are calling long distance.) The TDD number is (202) 606-0551.

Privacy Act and Public Burden Statement

The information you provide on this form is needed for your enrollment in the Federal Employees Health Benefits Program under Chapter 89, title 5, U.S. Code. It will be shared with the health insurance carrier you select, so that they may (1) identify your enrollment in their plan, (2) verify your and/or your family's eligibility for payment of claims for health benefits services or supplies, and (3) coordinate payment of claims with other carriers. This information may be disclosed to other Federal agencies or Congressional offices that may have a need to know it in connection with your application for a job, license, grant or other benefit. It may also be shared and is subject to verification, via paper, electronic media, or through the use of computer matching programs, with national, state, local or other charitable or social security administrative agencies to determine and issue benefits under their programs. In addition, if the information indicates a violation of civil or criminal law, it may be shared with an appropriate Federal, state, or local law enforcement agency. The law does not require you to supply all the information requested on the form, but doing so will assist in the prompt processing of your enrollment.

We think this form takes an average of 30 minutes to complete, including the time for reviewing instructions, getting the needed data, and reviewing the completed form. Send comments regarding our estimate or any other aspect of this form, including suggestions for reducing completion time, to the Office of Management and Budget, Paperwork Reduction Project, (3206-0141), Washington, DC 20503.

See Plan Brochures for Full Benefit Descriptions

- You must share costs through deductibles, coinsurance and/or copayments.
- The calendar year deductible is per person but generally only two or three in a family enrollment must meet this deductible.
- The inpatient hospital deductible is per admission, although it may be applied other ways, such as to the first admission of the year.
- The medical-surgical catastrophic limit applies to coinsurance and may also apply to deductibles.
- The percentages shown are maximum plan payments.
- Most plans restrict accidental injury benefits to care received within a certain time period.
- These plans may provide other benefits with cost share features. For example: hospice care, mental conditions and substance abuse benefits.
- Preferred provider organization (PPO) arrangements increase plan benefits and are now included below if offered by a plan.

FEHB Plan Comparison Chart - for benefits beginning in January 1993
Prepaid plans (commonly known as CMP/HMOs)

Prepaid plans provide or arrange for health care by designated plan physicians, hospitals and other providers in particular locations. The general area served by each prepaid plan is shown below; however, you may choose one of the prepaid plans only if you live in the exact enrollment area described in the plan's brochure.

Prepaid plans provide many or all of the following services: prescription drugs from local pharmacies; mail order prescription drug programs; chiropractic care; alcoholism and drug abuse care; transplants; hospice care; extended care facilities; home health care; and dental care. Before choosing a plan based on your need for a particular service, including these, please see the plan brochure for details about availability of the benefit, how you share costs, and any dollar, day or visit limits. Here are other benefit facts about prepaid plans:

- Deductibles and coinsurance are not a common feature of prepaid plans; however, most prepaid plans require copayments where you share costs for certain services.
- Prepaid plans offer a wide range of preventive care, including routine care features such as physicals and immunizations.
- Prepaid plan benefits for mental conditions are limited to short-term treatment.
- "Opt-out" benefits are available in some prepaid plans. With the opt-out feature, you can receive non-emergency care outside the prepaid plan's regular health care delivery system, generally at a higher out-of-pocket expense to you than for care inside the plan's delivery system.
- The benefits of prepaid plans must be provided by or through plan providers (except opt-out benefits). Read the plan brochures carefully.

FEHB

OPM Form 2809-EZ1
1992 FEHB Open Season

(Revised October 1992)

Federal Employees Health Benefits Program
United States Office of Personnel Management
For use by CSRS/FERS Annuitants to Change Enrollment or to request additional information

Form Approved: OMB No. 3206-0201 Previous Editions are not usable.

See Instructions on the other side before marking this form.

SECTION 1 - ADDRESS CORRECTION

○ Address Change. If your permanent mailing address as shown to the right is incorrect, darken the Address Change circle and make the necessary corrections in the space provided below.

Street Address

City, State and ZIP Code

Country *(if not United States)*

OPM USE ONLY

E○ L○ NS○ T○

CLAIM NUMBER:

SECTION 2 - OPEN SEASON ACTION REQUEST - You may either change your FEHBP enrollment or request information. You may not do both on this form. If you are satisfied with your present FEHB coverage, do not return this form.

○ **Enrollment Change**

I WANT TO CHANGE MY HEALTH BENEFITS ENROLLMENT AND DO NOT NEED ADDITIONAL INFORMATION. Please change my coverage in my current plan or change my enrollment to the plan I have selected in Section 3 below for the following type of coverage:

○ Self Only ○ Self and Family

Information *(You may make more than one selection in this Section)*

○ I DO NOT WANT HEALTH BENEFITS COVERAGE. Send me the form necessary to cancel my health benefits coverage effective December 31, 1992. **Note:** Your enrollment will not be cancelled unless you sign and return the confirmation form.

○ MY ANNUITY ISN'T BIG ENOUGH FOR THE COVERAGE I WANT. Send me information on how I may mail premiums directly to OPM.

○ I NEED MORE PLAN INFORMATION BEFORE I DECIDE. Send me the health plan brochure(s) for the plan(s) I have selected in Section 3 below.

SECTION 3 - PLAN CHOICES - *(Plan Brochure Requests, choose which ones you want; Enrollment Change, choose ONE)* Darken the circle BETWEEN the enrollment code and the plan you choose.

GOVERNMENT WIDE PLAN	Prepaid Plans:	Prepaid Plans:
○	○	○
○	○	○
	○	○
Fee-for-Service - PLANS OPEN TO ALL	○	○
○	○	○
○	○	○
○	○	○
○	○	○
○	○	○
○	○	○
○	○	○
○	○	○
	○	○
Fee-for-Service - RESTRICTED PLANS	○	○
○	○	○
○	○	○
○	○	○
○	○	○
○	○	○
○	○	○

SECTION 4 - SIGNATURE *(You Must Sign and Date this form)*

Signature *(Must be signed by the addressee or by an OPM-approved representative)*	Date	Telephone Number *(include Area Code)*
		( ) -

EXAMPLES OF COMPLETED FORMS

The other side of this form has been personalized with your name, retirement claim number, and the health benefits plans available to persons residing in your address area. This form should not be used by anyone other than you. Since it is designed to allow a machine to read your answers, use only a Number 2 lead pencil to darken the circle. If you make a mistake, erase it completely and darken the correct circle. **Note: You can select either an enrollment change or information but not both in Section 2.** If you need assistance completing this form, call the Office of Personnel Management at (202) 606-0125. If you are hearing impaired, call our Retirement Information Office TDD number (202) 606-0551. **REMEMBER: DO NOT RETURN THIS FORM TO CONFIRM YOUR PRESENT COVERAGE.**

Examples of how to complete this form are below:

IF you are making an address change or correction, **Section 1** of your form should look like this.

This address will be used by OPM to mail all future correspondence and payments (unless your payments are being sent to a financial institution).

SECTION 1 - ADDRESS CORRECTION

● Address Change. If your permanent mailing address as shown to the right is incorrect, darken the Address Change circle and make the necessary corrections in the space provided below.

Street Address: 333 MAIN STREET

City, State and ZIP Code: ANYPLACE, FL 35505

Country *(if not United States)*:

John Smith
111 Work Place
New York, NY 23144

IF you want to **change** to another plan or change the type of coverage in your current plan, **Sections 2 and 3** of your form should look like this.

Your new plan will send you a brochure when we notify them of your enrollment.

SECTION 2 - OPEN SEASON ACTION REQUEST - You may either change your FEHBP enrollment or request information. You may not do both on this form. If you are satisfied with your present FEHB coverage, do not return this form.

● **Enrollment Change**

I WANT TO CHANGE MY HEALTH BENEFITS ENROLLMENT AND DO NOT NEED ADDITIONAL INFORMATION. Please change my coverage in my current plan or change my enrollment to the plan I have selected in Section 3 below for the following type of coverage:

○ Self Only ● Self and Family

Information *(You may make more than one selection in this Section)*

○ I DO NOT WANT HEALTH BENEFITS COVERAGE. Send me the form necessary to cancel my health benefits coverage effective December 31, 1992. **Note:** Your enrollment will not be cancelled unless you sign and return the confirmation form.

○ MY ANNUITY ISN'T BIG ENOUGH FOR THE COVERAGE I WANT. Send me information on how I may mail premiums directly to OPM.

○ I NEED MORE PLAN INFORMATION BEFORE I DECIDE. Send me the health plan brochure(s) for the plan(s) I have selected in Section 3 below.

DO NOT COMPLETE

SECTION 3 - PLAN CHOICES - *(Plan Brochure Requests, choose which ones you want. Enrollment Change, choose ONE)* Darken the circle BETWEEN the enrollment code and the plan you choose.

GOVERNMENT WIDE PLAN	Prepaid Plans: MARYLAND	Prepaid Plans: MARYLAND
10 ○ Blue Cross/Shield High	V8 ○ AETNA HEALTH PLAN	JB ○ Prudential Health Plan
10 ● Blue Cross/Shield Std	JQ ○ CareFirst	○
	BL ○ Chesapeake Health Plan	○
Fee-for-Service - PLANS OPEN TO ALL	67 ○ Columbia Medical Plan	○

— If you do not want health benefits coverage; or
— If your annuity isn't enough for the coverage you want; or
— If you need more information before making a decision;

Darken the appropriate circle(s) in section(s) 2 and 3.

In this example, the person is asking for **both** information about how to mail premiums directly to OPM **and** more plan information before making a decision. The plans the person wants information about are marked in Section 3.

SECTION 2 - OPEN SEASON ACTION REQUEST - You may either change your FEHBP enrollment or request information. You may not do both on this form. If you are satisfied with your present FEHB coverage, do not return this form.

○ **Enrollment Change**

I WANT TO CHANGE MY HEALTH BENEFITS ENROLLMENT AND DO NOT NEED ADDITIONAL INFORMATION. Please change my coverage in my current plan or change my enrollment to the plan I have selected in Section 3 below for the following type of coverage:

○ Self Only ○ Self and Family

Information *(You may make more than one selection in this Section)*

○ I DO NOT WANT HEALTH BENEFITS COVERAGE. Send me the form necessary to cancel my health benefits coverage effective December 31, 1992. **Note:** Your enrollment will not be cancelled unless you sign and return the confirmation form.

● MY ANNUITY ISN'T BIG ENOUGH FOR THE COVERAGE I WANT. Send me information on how I may mail premiums directly to OPM.

● I NEED MORE PLAN INFORMATION BEFORE I DECIDE. Send me the health plan brochure(s) for the plan(s) I have selected in Section 3 below.

DO NOT COMPLETE

SECTION 3 - PLAN CHOICES - *(Plan Brochure Requests, choose which ones you want. Enrollment Change, choose ONE)* Darken the circle BETWEEN the enrollment code and the plan you choose.

GOVERNMENT WIDE PLAN	Prepaid Plans: MARYLAND	Prepaid Plans: MARYLAND
10 ○ Blue Cross/Shield High	V8 ○ AETNA HEALTH PLAN	JB ○ Prudential Health Plan
10 ● Blue Cross/Shield Std	JQ ○ CareFirst	○
	BL ○ Chesapeake Health Plan	○
Fee-for-Service - PLANS OPEN TO ALL	67 ○ Columbia Medical Plan	○
YA ○ Alliance	LD ○ Free State Health Plan	○
48 ● APWU	E5 ● George Wash Univ HP-High	○
31 ○ GEHA	75 ○ George Wash Univ HP-Std	○
45 ○ Mail Handlers-High	50 ○ Group Health Assoc-High	○
45 ○ Mail Handlers-Std	50 ○ Group Health Assoc-Std	○

SELECT WHICH ONES YOU WANT

The returned form **MUST ALWAYS** be signed by the addressee or by a representative that has been approved by OPM.

SECTION 4 - SIGNATURE *(You Must Sign and Date this form)*

Signature *(Must be signed by the addressee or by an OPM-approved representative)*	Date	Telephone Number *(include Area Code)*
John Smith	11/13/92	(202)711-2323

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[FR Doc. 92-21587 Filed 9-3-92; 10:17 am]
BILLING CODE 6325-01-C

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Federal Register

Vol. 57, No. 173

Friday, September 4, 1992

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Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last List August 31, 1992

FEDERAL REGISTER SUBSCRIBERS: IMPORTANT INFORMATION ABOUT YOUR SUBSCRIPTION

After 6 years without an adjustment, it has become necessary to increase the price of the **Federal Register** in order to begin recovering the actual costs of providing this subscription service. Effective October 1, 1992, the price for the **Federal Register** will increase and be offered as follows:

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To know when to expect the renewal notice, check the top line of your subscription mailing label for the month and year of expiration as shown in this sample:

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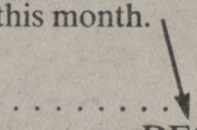

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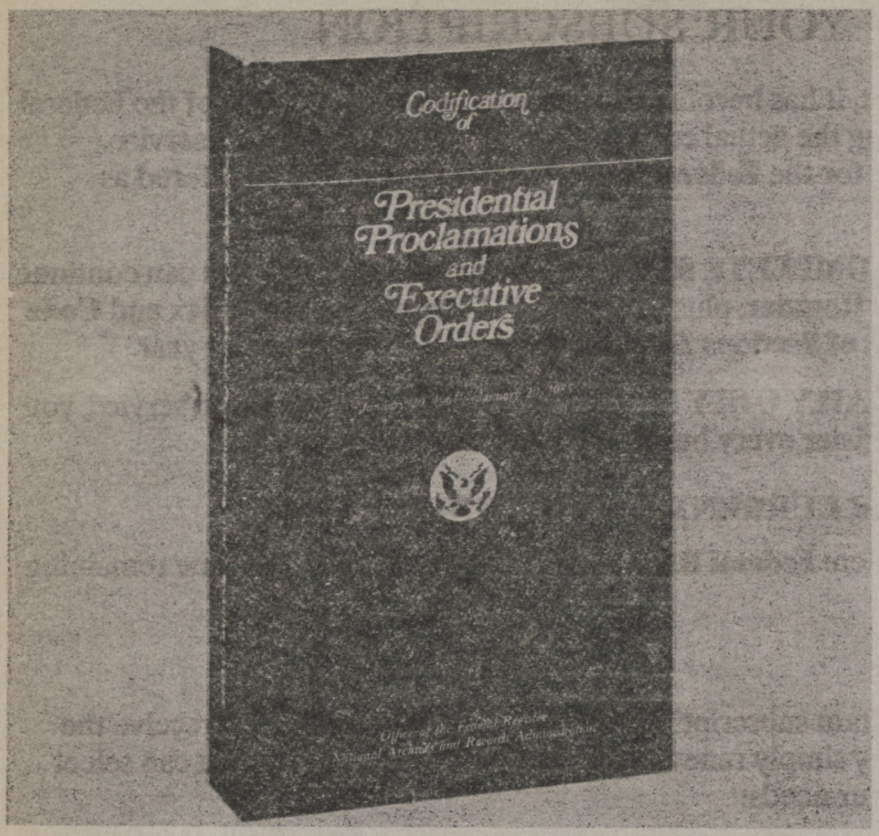

For those of you who must keep informe about **Presidential Proclamations and Executive Orders,** there is a convenient reference source that will make researchin these documents much easier.

Arranged by subject matter, this edition o the *Codification* contains proclamations and Executive orders that were issued or amended during the period April 13, 1945, through January 20, 1989, and which have a continuing effect on the public. For those documents that have been affected by other proclamations or Executive orders, the codified text presents the amended version. Therefore, a reader can use the *Codification* to determine the latest text of a document without having to "reconstruct" it through extensive research.

Special features include a comprehensive index and a table listing each proclamation and Executive order issued during the 1945–1989 period—along with any amendments—an indication of its current status, and, where applicable, its location in this volume.

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