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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 92-NM-35-AD; Amdt. 39-8361; AD 92-19-03]

Airworthiness Directives; Airbus Industrie Model A300, A310, and A300-600 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Airbus Industrie Model A300, A310, and A300-600 series airplanes, that requires inspection of the Teleflex flexible control cable on the ram air turbine (RAT); corrective action ("Maintenance Task"), if necessary; and repetitive performance of those "Maintenance Tasks." This amendment is prompted by reports of the RAT Teleflex flexible cable jamming, which made it difficult to extend the RAT. The actions specified by this AD are intended to prevent the failure of the RAT to release properly.

DATES: Effective November 20, 1992.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of November 20, 1992.

ADDRESSES: The service information referenced in this AD may be obtained from Airbus Industrie, Airbus Support Division, Avenue Didier Daurat, 31700 Blagnac, France. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

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 certain Airbus Industrie Model A300, A310, and A300-600 series airplanes was published in the **Federal Register** on April 20, 1992 (57 FR 14366). That action proposed to require inspection of the Teleflex Flexible control cable on the ram air turbine (RAT); corrective action ("Maintenance Task"), if necessary; and repetitive performance of those "Maintenance Tasks."

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

Both commenters support the proposed rule.

Since issuance of the Notice, Airbus Industrie has issued Revision 1 to Service Bulletins A300-29-6024 (for Model A300-600 series airplanes) and A310-29-2032 (for Model A310 series airplanes), both dated June 10, 1992. Airbus Industrie has also issued Service Bulletin A300-29-0099, dated January 30, 1992, which is applicable to Model A300 series airplanes. These service bulletins described procedures to modify the Teleflex flexible control cables on the RAT by installing a bellows on the handle side only of the left and right flexible controls, which will provide better sealing. The Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, did not classify these service bulletins as mandatory.

Consequently, the FAA has revised the final rule to include a provision for this modification of the control cables, which, if accomplished, would constitute terminating action for the requirement of the AD to perform "Maintenance Tasks" at repetitive intervals.

Paragraph (d) of the NPRM, now renumbered as paragraph (e) of the final rule, has been revised to clarify the procedure for requesting alternative methods of compliance with this AD.

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

The FAA estimates that 127 airplanes of U.S. registry will be affected by this AD, that it will take approximately 2 work hours per airplane to accomplish the initial inspection, and 14 work hours per airplane to accomplish the Maintenance Task. 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 $13,970 (or $110 per airplane) for the initial inspection, and $97,790 (or $770 per airplane) for each performance of the Maintenance Task. 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, Incorporation by reference, Safety.

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

Authority: 49 U.S.C. 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:

92–19–03. Airbus Industrie: Amendment 39–8361. Docket 92–NM–35–AD.

Applicability: Model A300, A310, and A300–600 series airplanes, on which Modification 4803 has not been accomplished, certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent failure of the ram air turbine (RAT) to release properly, accomplish the following:

(a) Within 6 months after the effective date of this AD, conduct a test of the RAT Teleflex flexible control cables to verify that the control cables operate properly (the load to move the handle must be equal to or lower than 5.5 daN), in accordance with Airbus Industrie Service Bulletins A300–29–097, Revision 2, dated August 27, 1991 (for Model A300 series airplanes); A310–29–2030, Revision 2, dated August 27, 1991 (for Model A310 series airplanes); or A300–29–6022, Revision 2, dated August 27, 1991 (for Model A300–600 series airplanes), as applicable.

(b) If no discrepancy is detected, thereafter at intervals not to exceed 30 months, accomplish the "Maintenance Task" specified in paragraph 2.C. of Airbus Industrie Service Bulletin A300–29–097, Revision 2, dated August 27, 1991 (for Model A300 series airplanes); A310–29–2030, Revision 2, dated August 27, 1991 (for Model A310 series airplanes); or A300–29–6022, Revision 2, dated August 27, 1991 (for Model A300–600 series airplanes); as applicable.

(c) If any discrepancy is detected (e.g., the load to move the handle during operation of the left or right control cable is higher than 5.5 daN), accomplish paragraphs (c)(1) and (c)(2) of this AD:

(1) Prior to further flight, accomplish the "Maintenance Task" specified in paragraph 2.C. of Airbus Industrie Service Bulletin A300–29–097, Revision 2, dated August 27, 1991 (for Model A300 series airplanes); A310–29–2030, Revision 2, dated August 27, 1991 (for Model A310 series airplanes); or A300–29–6022, Revision 2, dated August 27, 1991 (for Model A300–600 series airplanes), as applicable.

(2) At intervals not to exceed 30 months after the accomplishment of the Maintenance Task in accordance with paragraph (c)(1) of this AD, repeat the Maintenance Task in accordance with the applicable Airbus Industrie service bulletin.

(d) Modification of the Teleflex flexible control cable on the RAT, in accordance with Airbus Industrie Service Bulletin A300–29–0099, dated January 30, 1992 (for Model A300 series airplanes), A310–29–2032, Revision 1, dated June 10, 1992 (for Model A310 series airplanes), or A300–29–6024, Revision 1, dated June 10, 1992 (for Model A300–600 series airplanes), as applicable, constitutes terminating action for accomplishing the repetitive "Maintenance Tasks" required by paragraphs (b) and (c)(2) of this AD.

(e) 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.

(f) 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.

(g) The test, "Maintenance Tasks," and modification shall be done in accordance with the following Airbus Industrie service bulletins, as applicable, which contain the specified effective pages:

Service bulletin referenced	Page number	Revision level shown on page	Date shown on page
A310–29–2030, Revision 2, August 27, 1991	1–15	2	August 27, 1991.
A300–29–6022, Revision 2, August 27, 1991	1–13	2	August 27, 1991.
A300–29–097, Revision 2, August 27, 1991	1, 4–17	2	August 27, 1991.
	2	Original	March 15, 1991.
	3	1	June 3, 1991.
A300–29–6024, Revision 1, June 10, 1992	1, 3–17	1	June 10, 1992.
	2	Original	January 30, 1992.
A310–29–2032, Revision 1, June 10, 1992	1, 4–19	1	June 10, 1992.
	2–3	Original	January 30, 1992.
A300–29–0099, January 30, 1992	1–19	Original	January 30, 1992.

This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Airbus Industrie, Airbus Support Division, Avenue Didier Daurat, 31700 Blagnac, France. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(h) This amendment becomes effective on November 20, 1992.

Issued in Renton, Washington, on August 20, 1992.

Bill R. Boxwell,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92–25116 Filed 10–15–92; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 39

[Docket No. 91–NM–171–AD; Amendment 39–8374; AD 92–19–16]

Airworthiness Directives: Boeing Model 737 and 757 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Boeing Model 737 and 757 series airplanes, that requires reinforcement of overhead stowage bins and modification of overhead stowage bin compartments. This amendment is prompted by testing which demonstrated that the bins are not able to withstand ultimate load at the current maximum allowable weight levels. The actions specified by this AD are intended to prevent overhead stowage bins from separating from their attachments and injuring passengers in the event of an accident or emergency landing.

DATES: Effective November 20, 1992.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of November 20, 1992.

ADDRESSES: The service information referenced in this AD may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Pliny C. Brestel, Seattle Aircraft Certification Office, Airframe Branch, ANM–120S, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2783; fax (206) 227–1181.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an airworthiness directive (AD) that is applicable to certain Boeing Model 737 and 757 series airplanes was published as a supplemental notice of proposed rulemaking in the **Federal Register** on May 19, 1992 (57 FR 21219). That action proposed to require reinforcement of overhead stowage bins and modification of overhead stowage bin compartments.

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

One commenter requests that proposed paragraph (b) be revised to extend the compliance time for installing a doubler on a 45-inch stowage compartment from the proposed 8 months to 31 months. These stowage bins are in the same classification (Phase II) as the stowage bins that are required to be modified by paragraph (a)(2) of this AD, and the compliance time for modification of those stowage bins is 31 months. The commenter requests that stowage bins of the same classification be modified within the same compliance time (31 months). The FAA concurs with the commenter's request. The FAA has determined that, as stated by the commenter, the stowage bins referenced in paragraph (b) of the notice are properly classified as Phase II bins (i.e., they present a lower risk of failure than Phase I bins). Therefore, consistent with the compliance time specified in paragraph (a) for Phase II bins, paragraph (b) of the final rule has been revised to specify a compliance time of 31 months.

The Air Transport Association (ATA) of America, on behalf of its member operators, requests an extension of the compliance time for modification of Phase I stowage bins from the proposed 8 months to 12 months. One member operator notes that it has 41 airplanes that are affected by this rule, and that it would take approximately 120 work hours to accomplish the required modification. Extension of the compliance time would preclude the need for special scheduling for the accomplishment of this modification, which would entail considerable expense over what was estimated by the FAA's cost impact analysis. The FAA does not concur with the commenter's request to extend the compliance time. In developing an appropriate compliance time for this action, the FAA considered not only the degree of urgency associated with addressing the subject unsafe condition, but the availability of required parts and the practical aspect of installing the required modification within a maximum interval of time allowable for all affected airplanes to continue to operate without compromising safety. The FAA also coordinated extensively with members of the affected industry in developing an appropriate compliance time. In light of all of these considerations, the FAA has determined that a compliance time of 8 months for the Phase I bins is warranted; it represents the maximum interval of time allowable wherein the modifications reasonably can be accomplished and an acceptable level of safety can be maintained. Under the provisions of paragraph (d) of the final rule, however, operators may apply for the approval of an alternative method of compliance or adjustment of the compliance time if sufficient justification is presented to the FAA.

One commenter requests that the FAA reevaluate Boeing Alert Service Bulletin 757–25A0121, Revision 1, dated March 19, 1992, because this revision contains an incorrect parts listing. The commenter has informed the manufacturer of these errors, and requests that the FAA consider the significance of these errors prior to adoption of this AD. The FAA concurs in part. The FAA has contacted the manufacturer to determine the extent of the error, and has determined that the erroneous part listing affects only one U.S. operator; the operator has been notified of this error. The manufacturer advises the FAA that it is revising the subject service bulletin. Once submitted, the revised service bulletin will be reviewed by the FAA and may be approved as an alternative method of compliance with this rule. However, Boeing Alert Service Bulletin 757–25A0121, Revision 1, dated March 19, 1992, remains the latest FAA-approved version of this service bulletin.

Since issuance of the supplemental notice, the FAA has reviewed and approved Boeing Service Bulletin 757–25–0130, Revision 1, dated June 4, 1992. This revision contains minor editorial changes from the original issue of this service bulletin. The rule has been revised to include Revision 1 as an additional source of service information.

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

There are approximately 1,067 Model 737 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 518 airplanes of U.S. registry will be affected by this AD. It will take approximately 97 work hours per airplane to accomplish the required actions, at an average labor cost of $55 per work hour. Based on these figures, the cost impact of the AD on U.S. operators of Boeing Model 737 series airplanes is estimated to be $2,763,530.

There are approximately 381 Model 757 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 236 airplanes of U.S. registry will be affected by this AD. It will take approximately 128 work hours per airplane to accomplish the required actions, at an average labor cost of $55 per work hour. Based on these figures, the cost impact of the AD on U.S. operators of Boeing Model 757 series airplanes is estimated to be $1,661,440.

Based on the figures discussed above, the total cost impact of the AD on U.S. operators is estimated to be $4,424,970. 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, Incorporation by reference, Safety.

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

Authority: 49 U.S.C. 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:

92-19-16. Boeing: Amendment 39-8374. Docket 91-NM-171-AD.

Applicability: Model 737 series airplanes listed in Boeing Alert Service Bulletin 737-25A1283, Revision 1, dated March 19, 1992, Boeing Service Bulletin 737-25-1291, dated December 18, 1991, and Boeing Service Bulletin 737-25-1294, dated February 20, 1992; and Model 757 series airplanes listed in Boeing Alert Service Bulletin 757-25A0121, Revision 1, dated March 19, 1992, Boeing Service Bulletin 757-25-0130, dated December 18, 1991, Boeing Service Bulletin 757-25-0130, Revision 1, dated June 4, 1992, and Boeing Service Bulletin 757-53-0056, dated September 27, 1990; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent overhead stowage bins from separating from their attachments and injuring passengers in the event of an accident or emergency landing, accomplish the following:

(a) For Boeing Model 737 series airplanes listed in Boeing Alert Service Bulletin 737-25A1283, Revision 1, dated March 19, 1992; and Model 757 series airplanes listed in Boeing Alert Service Bulletin 757-25A0121, Revision 1, dated March 19, 1992; accomplish paragraph (a)(1), (a)(2), or (a)(3) of this AD, as applicable:

(1) For overhead stowage bins defined as Phase I in Section III, Note 5.a, of the applicable alert service bulletin, or any other stowage bin that contains a life raft or video equipment: Within 8 months after the effective date of this AD, modify those bins in accordance with Section III of Boeing Alert Service Bulletin 737-25A1283, Revision 1, dated March 19, 1992; or Boeing Alert Service Bulletin 757-25A0121, Revision 1, dated March 19, 1992; as applicable.

(2) For overhead stowage bins defined as Phase II, III, or IV in Section III, Notes 5.b., 5.c., and 5.d., of the applicable alert service bulletin: Within 31 months after the effective date of this AD, modify those bins in accordance with Section III of Boeing Alert Service Bulletin 737-25A1283, Revision 1, dated March 19, 1992; or Boeing Alert Service Bulletin 757-25A0121, Revision 1, dated March 19, 1992; as applicable.

(3) For overhead stowage bins greater than 67 inches long: Within 31 months after the effective date of this AD, replace the applicable drag link and tie rod assemblies in accordance with Boeing Service Bulletin 737-25-1291, dated December 18, 1991; or Boeing Service Bulletin 757-25-0130, dated December 18, 1991, or Revision 1, dated June 4, 1992; as applicable.

(b) For Boeing Model 737 series airplanes listed in Boeing Service Bulletin 737-25-1294, dated February 20, 1992: Within 31 months after the effective date of this AD, install a doubler on the specified forty-five inch stowage compartment, in accordance with that service bulletin.

(c) For Boeing Model 757 series airplanes listed in Boeing Service Bulletin 757-53-0056, dated September 27, 1990: Within 8 months after the effective date of this AD, install a doubler/diagonal strut assembly in accordance with that service bulletin.

(d) 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, Seattle Aircraft Certification Office (ACO), 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, Seattle ACO.

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

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

(f) The installations, modifications, and replacement shall be done in accordance with the following Boeing service bulletins, which contain the following specified effective pages:

Service bulletin referenced	Page number	Revision level shown on page	Date shown on page
737-25A1283, Revision 1, March 19, 1992	1-9, 11, 13-17, 19-21, 23-24, 26-27, 29-30, 32-33, 35-36, 38-39, 41-42, 44-45, 48-49, 51-52, 55-60, 246-257	1	March 19, 1992.
	10, 12, 18, 22, 25, 28, 31, 34, 37, 40, 43, 46-47, 50, 53-54, 61-245	Original	September 19, 1991.
737-25-1291, December 18, 1991	1-25	Original	December 18, 1991.
737-25-1294, February 20, 1992	1-11	Original	February 20, 1992.
757-25A0121, Revision 1, March 19, 1992	1-5, 7, 9-12, 15-17, 19-20, 22-23, 25-26, 28-29, 31-32, 35-36, 38-41, 110-115	1	March 19, 1992.
	6, 8, 13-14, 18, 21, 24, 27, 30, 33-34, 37, 42-109	Original	September 19, 1991.
757-25-0130, Revision 1, June 4, 1992	1-7, 12, 14-17, 24-26, 29, 31, 33-35, 37, 40-43	1	June 4, 1992.
	8-11, 13, 18-23, 27-28, 30, 32, 36, 38-39	Original	December 18, 1991.
757-53-0056, September 27, 1990	1-13	Original	September 27, 1990.

This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(g) This amendment becomes effective on November 20, 1992.

Issued in Renton, Washington, on August 27, 1992.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92-25119 Filed 10-15-92; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 92-NM-49-AD; Amendment 39-8346; AD 92-18-02]

Airworthiness Directives; British Aerospace Model ATP Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain British Aerospace Model ATP series airplanes, that requires installation of fixed fittings and electrical power filters into the main and side windscreen heating systems. This amendment is prompted by reports of voltage spikes in the windscreen heater power supply circuits, resulting in simultaneous loss (shut-down) of the pilot's and/or co-pilot's electronic flight instruments system (EFIS). The actions specified by this AD are intended to prevent loss of EFIS displays.

DATES: Effective November 20, 1992.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of November 20, 1992.

ADDRESSES: The service information referenced in this AD may be obtained from British Aerospace, PLC, Librarian for Service Bulletins, P.O. Box 17414, Dulles International Airport, Washington, DC. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

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

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an airworthiness directive (AD) that is applicable to certain British Aerospace Model ATP series airplanes was published in the **Federal Register** on June 5, 1992 (57 FR 23969). That action proposed to require installation of fixed fittings and electrical power filters into the main and side windscreen heating systems.

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

Both 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 10 airplanes of U.S. registry will be affected by this AD, that it will take approximately 41 work hours per airplane to accomplish the required actions, and that the average labor rate is $55 per work hour. Required parts will cost approximately $9,500 per airplane. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $117,550, or $11,755 per airplane. 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, Incorporation by reference, Safety.

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

Authority: 49 U.S.C. 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:

92-18-02. British Aerospace: Amendment 39-8346. Docket 92-NM-49-AD.

Applicability: Model ATP series airplanes; serial numbers 2001 through 2045, inclusive; certificated in any category.

Compliance: Required as indicated, unless accomplished previously. To prevent loss (shut-down) of electronic flight instruments system (EFIS) displays, accomplish the following:

(a) Within 180 days after the effective date of this AD, install fixed fittings, Modification 10248C, and filter units, Modification 10248A, in the electrical power supplies to the main and side windscreen heater system at the rear of the EFIS control panel, in accordance with British Aerospace Service Bulletin ATP-30-20-10248A/-10248C, Revision 1, dated February 17, 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.

(d) The installation shall be done in accordance with British Aerospace Service Bulletin ATP-30-20-10248A/-10248C, Revision 1, dated February 17, 1992, which contains the following list of effective pages:

Page No.	Revision level	Date
1-27, Odd pages 29 to 97, 99-103.	1	February 17, 1992.
Even pages 28 to 98.	(Not used)	

This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from British Aerospace, PLC, Librarian for Service Bulletins, P.O. Box 17414, Dulles International Airport, Washington, DC. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(e) This amendment becomes effective on November 20, 1992.

Issued in Renton, Washington, on August 6, 1992.

Bill R. Boxwell,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92-24713 Filed 10-15-92; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 92-NM-23-AD; Amdt. 39-8368; AD 92-19-10]

Airworthiness Directives; Boeing Model 727 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to certain Boeing Model 727 series airplanes, that currently requires inspection to detect corrosion in the aft cargo compartment belly skin panels, doublers, and triplers, and repair, if necessary. This amendment expands the applicability to include all Model 727-100 and -100C series airplanes. This amendment is prompted by reports of corrosion in both the cold- and hot-bonded skin, doublers, and triplers located beneath the aft cargo compartment floor. The actions specified by this AD are intended to prevent degradation of the skin panel structural integrity, which could lead to depressurization of the cabin.

DATES: Effective November 20, 1992.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of November 20, 1992.

ADDRESSES: The service information referenced in this AD may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Stanton R. Wood, Seattle Aircraft Certification Office, Airframe Branch, ANM-120S; FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (206) 227-2772; fax (206) 227-1181.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations by superseding AD 90-20-08, Amendment 39-6742 (55 FR 38047, September 17, 1990), which is applicable to certain Boeing Model 727 series airplanes, was published in the **Federal Register** on March 17, 1992 (57 FR 9215). The action proposed to require inspections to detect corrosion in the aft cargo compartment belly skin panels, doublers, and triplers, and repair, if necessary; and proposed to expand the applicability to include all Model 727-100 and -100C series airplanes.

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

One commenter supports the rule as proposed.

One commenter requests clarification as to which airplanes are affected by the rule. The FAA notes that the rule is applicable to Model 727-100 and 727-100C series airplanes.

One commenter requests that the rule be withdrawn for two reasons: First, this commenter notes that all of the airplanes that are affected by the proposed rule, including the airplanes added to the applicability, will exceed 20 years on their airframe ages by August 1992. Further, AD 90-25-03, Amendment 39-6787 (55 FR 49258, November 27, 1990), requires that the bonded skin currently installed on airplanes of this age be replaced with a solid skin within four years. The commenter states that, since proposed paragraph (b) would require that inspections for corrosion be accomplished within 15 months after the effective date of the final rule, this compliance schedule would require approximately 2.5 years of inspections before replacement of the skin is required in accordance with AD 90-25-03. The commenter believes that service experience has not demonstrated an immediate safety concern that would warrant requiring such inspections in the interim before replacement and suggests that the proposal be canceled. Second, the commenter states that the hot bonded skins on the early Model 727-100 airplanes are similar to those on Model 727-200 airplane; however, these skins on the Model 727-200 are addressed by the Corrosion Prevention and Control Program (CPCP) and AD 90-25-03, Amendment 39-6787 (55 FR 49258, November 27, 1990), whereas the skins on the Model 727-100 airplanes are not. In light of this, the commenter requests that the proposal be canceled and the inspections of the Model 727-100 skins be incorporated into the CPCP. The FAA does not concur. Service history overall has shown that, due to the nature of corrosion and its associated affects on the degradation of aircraft structure, these airplanes must be inspected for continued airworthiness until the replacement of the skin required by AD 90-25-03 is accomplished. Further, while it is true that the CPCP does not address the hot-bonded skin of Model 727-100 series airplanes, the requirements of this AD action (and the procedures specified in the referenced service bulletins) accomplish the intent of that program.

One commenter requests that the compliance time for the repetitive inspections be increased from the proposed 36 months to 48 months. The commenter states that the airplanes that would be added to the applicability have "hot bonded" panels installed, which are superior in integrity to the "cold bonded" panels. This commenter considers that this request for an extension is justified, since one operator was granted previously an alternative method of compliance with AD 90-20-08 to allow the inspection of "hot bonded" replacement panels at 48-month intervals. The FAA does not concur with the commenter's request to extend the repetitive inspection interval. The FAA developed the compliance time for the repetitive interval in concert with members of the affected industry and in consideration of (1) the service history of the structure and panels in the subject area; (2) the degree of urgency associated with addressing the subject unsafe condition that degradation of the skin panel structural integrity presents; and (3) the practical aspect of installing the required modification within a maximum interval of time allowable for all airplanes in the affected fleet to continue to operate without compromising safety. In considering all of these items, the FAA has determined that 36 months for compliance is appropriate. The FAA notes that the alternative method of compliance that the commenter refers to was granted because the particular operator provided data to substantiate that it had a specific maintenance program that was proven to be effective for reducing corrosion of the bonded panels. Under the provisions of paragraph (i) of the final rule, the FAA may approve additional requests for adjustments to the compliance time if data are submitted to substantiate that such an adjustment will provide an acceptable level of safety.

One commenter requests clarification of proposed paragraph (c) as to what type of ultrasonic inspection (external or internal) must be conducted when no

corrosion or minor corrosion is detected as a result of an external or internal close visual inspection required by paragraph (a) or (b). The commenter asks whether both internal and external ultrasonic inspections are required whenever any type of close visual inspection is repeated. The FAA responds by indicating that only an external ultrasonic inspection is required to be accomplished when an external close visual inspection is repeated. Likewise, only an internal ultrasonic inspection is required to be accomplished when the internal close visual inspection is repeated. The FAA has revised paragraph (c) of the final rule to clarify this point.

One commenter requests that proposed paragraph (c)(1) be revised to remove the instruction to reseal doublers and triplers in accordance with Figure 3 of the applicable service bulletin. The original Figure 3 and the instructions to reseal the doublers and triplers were removed in Boeing Service Bulletin 727–53–0085, Revision 4, dated July 11, 1991. The basis for removing the resealing instructions is the potential of not having a completely bonded fillet seal, which could occur if the area is not completely clean prior to application of the seal. A seal in this condition will allow the ingression of moisture and will effectively trap moisture inside, thereby promoting corrosion. The preferred method of corrosion prevention is the application of BMS 3–23 corrosion inhibitor, and the commenter suggests that this procedure be added to this paragraph of the proposed rule. The FAA concurs and has revised the final rule to delete the proposed requirement to reseal the doublers and triplers. Paragraph (e) of the final rule requires specific action in accordance with Boeing Service Bulletin 727–53–0085, Revision 4, which includes the application of corrosion inhibitor to voids.

One commenter states that proposed paragraph (e) should be revised to refer to Part III.C. of Boeing Service Bulletin 727–53–0085, Revision 4, dated July 11, 1991, instead of to Part III.D. of that same service bulletin, for the procedures to repair minor corrosion and voids. The commenter notes that, with Revision 4, the paragraph designations changed. The FAA concurs and the final rule has been changed accordingly.

The same commenter suggests revising paragraph (h) of the proposed rule by including reference to the replacement procedures specified in Boeing Service Bulletin 727–53–85, Revision 2, dated July 3, 1975, as acceptable terminating action for the inspection requirements of the skin panels. The commenter notes that the replacement panels called out in Revisions 3 and 4 of that Boeing Service Bulletin, which are cited in proposed paragraph (h), are the same part number as those called out in Revision 2. The FAA concurs and has revised the final rule accordingly.

One commenter notes that the economic impact analysis paragraph, as specified in the preamble to the notice, states that there are 84 additional airplanes added to the applicability of the notice. The commenter suggests (after reviewing Boeing Service Bulletin 727–53–0065, Revision 4, dated July 11, 1991) that the actual number of added Boeing Model 727–100 and –100C series airplanes is 57. The commenter requests that the economic impact analysis paragraph be revised to reflect the reduction of additional airplanes. The FAA concurs. The economic analysis paragraph, below, has been revised to reflect costs associated with 57 additional airplanes instead of 84 airplanes. Of the 57 additional airplanes, 42 are of U.S. registry. Therefore, the costs have been recalculated using 472 Boeing Model 727–100 and –100C series airplanes of U.S. registry instead of 514 airplanes (as used in the notice).

Paragraph (i) of the final rule has been revised to clarify the procedure for requesting alternative methods of compliance with this AD.

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

There are approximately 651 Boeing Model 727 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 472 airplanes of U.S. registry will be affected by this AD; this number includes 430 airplanes that were affected previously by the requirements of AD 90–20–08, and 42 additional airplanes of U.S. registry that will be affected by the requirements of this new AD action. The FAA estimates that it will take approximately 402 work hours per airplane to accomplish the inspection actions, and that the average labor rate is $55 per work hour. The total cost impact of AD 90–20–08 on U.S. operators was $9,507,300. By expanding the applicability of this rule via this AD action to include the additional 42 airplanes, the cost impact on U.S. operators is increased by $928,620. Based on those figures, the total cost impact of this AD action on U.S. operators is estimated to be $10,435,920. 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 the Federalism Assessment.

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

Authority: 49 U.S.C. 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 removing amendment 39–6742 (55 FR 38047, September 17, 1990), and by adding a new airworthiness directive (AD), amendment 39–8368, to read as follows:

92–19–10. Boeing: Amendment 39–8368. Docket 92–NM–23–AD. Supersedes AD 90–20–08, Amendment 39–6742.

Applicability: Model 727–100 and –100C series airplanes, certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent degradation of the skin panel structural integrity, which could lead to depressurization of the cabin, accomplish the following:

(a) For Model 727–100 and –100C series airplanes, having line position 001 through 547: Within 15 months after October 23, 1990 (the effective date of AD 90–20–08, amendment 39–6742), conduct an internal and external close visual inspection for corrosion of the skin panels, doublers, and triplers located between body stations (BS) 950 and BS 1183 and stringers S–26L and S–26R. Perform the inspections in accordance with Parts II.A. and II.B. of Boeing Service Bulletin 727–53–0085, Revision 3, dated September 28, 1989, or Revision 4, dated July 11, 1991. Repeat the external inspection at intervals not to exceed 15 months. Repeat the internal inspection and apply corrosion inhibitor at intervals not to exceed 36 months.

(b) For all Model 727–100 and –100C series airplanes, having line position 548 or subsequent: Within 15 months after the effective date of this AD, conduct an internal and external close visual inspection for corrosion of the skin panels, doublers, and triplers located between BS 950 and BS 1183 and stringers S–26L and S–26R. Perform the inspections in accordance with Parts II.A. and II.B. of Boeing Service Bulletin 727–53–0085, Revision 4, dated July 11, 1991. Repeat the external inspection at intervals not to exceed 15 months. Repeat the internal inspection and apply corrosion inhibitor at intervals not to exceed 36 months.

(c) If no corrosion or minor corrosion, as defined in Part II.A.2. of Boeing Service Bulletin 727–53–0085, Revision 3, dated September 28, 1989; or Revision 4, dated July 11, 1991, is detected as a result of any inspection required by paragraphs (a) or (b) of this AD, prior to further flight, accomplish the procedures specified in paragraph (c)(1) or (c)(2) of this AD, as applicable:

(1) For each internal close visual inspection conducted in accordance with paragraph (a) or (b) of this AD, perform an internal ultrasonic inspection for voids in accordance with Part II.C.2. of the applicable service bulletin. If voids or minor corrosion are detected, perform a Low Frequency Eddy Current (LFEC) inspection to determine the amount of material loss, in accordance with Part II.D. of the applicable service bulletin.

(2) For each external close visual inspection conducted in accordance with paragraph (a) or (b) of this AD, perform an external ultrasonic inspection for voids in accordance with Part II.C.3. of the applicable service bulletin. If voids or minor corrosion are detected, perform a LFEC inspection to determine the amount of material loss, in accordance with Part II.D. of the applicable service bulletin.

(d) If major corrosion, as defined in Parts II.A.3. or II.B. of Boeing Service Bulletin 727–53–0085, Revision 3, dated September 28, 1989, or Revision 4, dated July 11, 1991, is detected as a result of any inspection required by paragraphs (a) or (b) of this AD; or if material loss is 10 percent or more of the skin, doubler, or tripler thickness; prior to further flight, repair or replace the affected skin panel in accordance with Parts V. or VI. of the applicable service bulletin.

(e) If material loss is less than 10 percent of the skin, doubler, or tripler, and voids are present, prior to further flight, repair in accordance with Part III.B., III.D., IV.B., V., or VI. of Boeing Service Bulletin 727–53–0085, Revision 3, dated September 28, 1989; or Part VI.B., III.C., IV.B., V., or VI. of Revision 4, dated July 11, 1991.

(f) For repairs made in accordance with Part III. or IV. of the service bulletin, within 15 months after the repair is made, perform a LFEC inspection to determine corrosion progression, in accordance with part II.D. of Boeing Service Bulletin 727–53–0085, Revision 3, dated September 28, 1989; or Revision 4, dated July 11, 1991. Repeat the inspections at intervals not to exceed 15 months.

(g) Blind fasteners installed in accordance with Part IV. of Boeing Service Bulletin 727–53–0085, Revision 3, dated September 28, 1989; or Revision 4, dated July 11, 1991, are to be used as an interim repair only. The blind fasteners have a life limit of 10,000 landings before they must be replaced with solid fasteners in accordance with Part IV. of the service bulletin.

(1) The blind fasteners must be inspected for loose or missing fasteners after accumulating 3,000 landings since installation or 1,000 landings after the effective date of this AD, whichever occurs later, and thereafter at intervals not to exceed 3,000 landings.

(2) Blind fasteners installed prior to the effective date of this AD must be replaced prior to accumulating 10,000 landings or within 3,000 landings after the effective date of this AD, whichever occurs later.

(h) Replacement of the skin panels with an unbounded skin panel in accordance with Part II. of Boeing Service Bulletin 727–53–85, Revision 2, dated July 3, 1975; Part VI. Boeing Service Bulletin 727–53–0085, Revision 3, dated September 28, 1989; or Revision 4, dated July 11, 1991; constitutes terminating action for the inspection requirements of this AD for those panels.

(i) 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, Seattle Aircraft Certification Office (ACO), 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, Seattle ACO.

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

(j) 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.

(k) The inspections, repair, and replacement shall be done in accordance with Boeing Service Bulletin 727–53–85, Revision 2, dated July 3, 1975; Boeing Service Bulletin 727–53–0085, Revision 3, dated September 28, 1989; or Boeing Service Bulletin 727–53–0085, Revision 4, dated July 11, 1991; as applicable. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR Part 51. Copies may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(l) This amendment becomes effective on November 20, 1992.

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

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92–25118 Filed 10–15–92; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 92–NM–88–AD; Amendment 39–8380; AD 92–20–06]

Airworthiness Directives; McDonnell Douglas Model DC–9 Series Airplanes, Model DC–9–80 Series Airplanes, and Model MD–88 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to certain McDonnell Douglas Model DC–9 and DC–9–80 series airplanes, and Model MD–88 airplanes, that currently requires installation of a new girt bar flap and firing line in the evacuation slide system, and modification of the valise. This amendment requires modification of the previously installed girt bar flap or installation of a new girt bar flap and firing line, and modification of the valise, as applicable. This amendment is prompted by a report that an improperly installed girt bar in the airplane floor fittings could render the inflation handle inaccessible after slide deployment from the airplane or could inhibit the opening of the emergency exit door. The actions specified by this AD are intended to prevent obstruction or hindrance of the emergency evacuation of the airplane and possible injuries to the passengers and the crew.

DATES: Effective November 20, 1992.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of November 20, 1992.

ADDRESSES: The service information referenced in this AD may be obtained from BFGoodrich Company, Aircraft Evacuation Systems, 3414 South 5th Street, Phoenix, Arizona 85040. This

information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Andrew Gfrerer, Aerospace Engineer, Los Angeles Aircraft Certification Office, ANM–131L, FAA, Transport Airplane Directorate, 3229 East Spring Street, Long Beach, California 90806–2425; telephone (310) 988–5338; fax (310) 988–5210.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations by superseding AD 91–06–10, Amendment 39–6929 (56 FR 9838, March 8, 1991), which is applicable to McDonnell Douglas Model DC–9 and DC–9–80 series airplanes, and Model MD–88 airplanes, equipped with certain BFGoodrich evacuation slides, was published in the **Federal Register** on June 16, 1992 (57 FR 26800). The action proposed to require modification of the previously installed girt bar flap or installation of a new girt bar flap and firing line, and modification of the valise, as applicable.

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

Several commenters support the rule as proposed.

The Air Transport Association (ATA) of America, on behalf of its member operators, requests an extension of the compliance time for modification of slides from the proposed 9 months to 18 months. One member operator states that it has modified approximately 200 slides in accordance with the existing AD over the past 20 months. Because of the logistics of scheduling and performing the proposed modification, the commenter requests the extension of the compliance time in order to re-modify its remaining fleet of affected airplanes. All of the slides to be modified will require removal from the airplane and routing to a slide shop. In addition, a compliance time of 18 months would be the same as in the existing AD.

The FAA concurs partially. In light of the 18-month compliance time in the existing AD, and the fact that affected operators have been aware since a February 1992 industry-wide meeting that the FAA would be proposing this AD action, the FAA considers a compliance time of 12 months to be reasonable and warranted to ensure continued safety of these airplanes. Paragraphs (a) and (b) of the final rule have been revised accordingly.

The same commenter states that three configurations of BFGoodrich slides, Part Number 11331, could exist until all slides have been modified as proposed by the notice. It will be extremely difficult for receiving inspection and line maintenance personnel to determine if the slide has been modified in accordance with the notice, unless the slide is unpacked. The commenter requests a change in the part number of the modified girt/slide in order to eliminate costly operator tracking and re-inspection procedures. Operators should be able to verify that the slide has been modified by confirmation of a part number change. The FAA does not concur that a new part number is needed. The FAA has determined that configuration control for the slide is attained by permanently identifying the slide with (SB 25248) and recording compliance on the slide information card. In addition, the part number for the new girt bar flap assembly required by this final rule has a different dash number.

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

There are approximately 3,150 slides of the affected design installed on McDonnell Douglas Model DC–9 series, Model DC–9–80 series, and Model MD–88 airplanes in the worldwide fleet. The FAA estimates that 800 airplanes of U.S. registry will be affected by this proposed AD. Each airplane is equipped with two slides, for a total of 1,600 affected slides.

For airplanes equipped with slides having detachable girts on which the modifications required previously by AD 91–06–10 have not yet been accomplished, it will take approximately 2.25 work hours per slide to accomplish the proposed actions, at an average labor rate of $55 per hour. Required parts will cost approximately $355 per slide. Based on these figures, the cost for accomplishing this proposed action will be approximately $479 per slide, or $958 per airplane.

For airplanes equipped with slides having fixed girts on which the modifications required previously by AD 91–06–10 have not yet been accomplished, it will take approximately 6.25 work hours per slide to accomplish the proposed actions, at an average labor rate of $55 per hour. Required parts will cost approximately $355 per slide. Based on these figures, the cost for accomplishing this proposed action will be approximately $699 per slide, or $1,398 per airplane.

For airplanes equipped with slides on which the modifications required by AD 91–06–10 have been accomplished, it will take approximately 1 work hour per slide to accomplish the proposed actions, at an average labor rate of $55 per hour. Required parts will cost approximately $25 per slide. Based on these figures, the cost for accomplishing this proposed action will be approximately $80 per slide, or $160 per airplane.

Based on the figures discussed above, the total cost impact of the AD on U.S. operators is estimated to be between $126,000 and $1,118,000. 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, Incorporation by reference, Safety.

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

Authority: 49 U.S.C. 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 removing amendment 39–6929 (56 FR 9838, March 8, 1991), and by adding a new airworthiness directive (AD), amendment 39–8380, to read as follows:

92–20–06. McDonnell Douglas: Amendment 39–8380. Docket 92–NM–88–AD. Supersedes AD 91–06–10, Amendment 39–6929.

Applicability: Model DC–9 and Model DC–9–80 series airplanes, and Model MD–88 airplanes; equipped with BFGoodrich, Aircraft Evacuation Systems (formerly Sargent Industries, Pico Division; formerly Pico, Inc.) evacuation slides, P/N 11331; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent obstruction or hindrance with the emergency evacuation of the airplane and possible injuries to the passengers and the crew, accomplish the following:

(a) For airplanes on which the evacuation slides have been modified in accordance with Section 2, Accomplishment Instructions, of BFGoodrich Service Bulletin 11331–25–226, Revision 2, dated January 4, 1991: Within 12 months after the effective date of this AD, modify the girt bar flap in accordance with Paragraph 2B of BFGoodrich Service Bulletin 11331–25–248, dated April 15, 1992.

(b) For airplanes on which the evacuation slides have not been modified in accordance with Section 2, Accomplishment Instructions, of BFGoodrich Service Bulletin 11331–25–226, Revision 2, dated January 4, 1991: Within 12 months after the effective date of this AD, install a new girt bar flap and firing line, and modify the valise, in accordance with Paragraph 2A of BFGoodrich Service Bulletin 11331–25–248, dated April 15, 1992.

(c) 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, Los Angeles Aircraft Certification Office (ACO), 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, Los Angeles ACO.

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

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

(e) The installation and modifications shall be done in accordance with BFGoodrich Service Bulletin 11331–25–248, dated April 15, 1992. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from BFGoodrich Company, Aircraft Evacuation Systems, 3414 South 5th Street, Phoenix, Arizona 85040. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Los Angeles Aircraft Certification Office, 3229 East Spring Street, Long Beach, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(f) This amendment becomes effective on November 20, 1992.

Issued in Renton, Washington, on September 8, 1992.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92–25115 Filed 10–15–92; 8:45 am]

BILLING CODE 4910–13–M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 210, 229, 230, 240, 249 and 260

[Release No. 33–6961, 34–31306, 39–2293]

RIN: 3235–AF63

Removal of Rule 504a

AGENCY: Securities and Exchange Commission.

ACTION: Final rules.

SUMMARY: The Securities and Exchange Commission ("Commission") today repealed Rule 504a under the Securities Act of 1933 ("Securities Act"). This action eliminates the availability of Rule 504-type offerings for blank check companies.

EFFECTIVE DATE: November 16, 1992. No offers or sales should be made pursuant to the exemption provided by Rule 504a after November 16, 1992.

FOR FURTHER INFORMATION CONTACT: Richard K. Wulff, (202) 272–2644, Office of Small Business Policy, Division of Corporation Finance, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549.

SUPPLEMENTARY INFORMATION: As part of the Small Business Initiatives adopted earlier this year,[1] the Commission expanded the exemption provided by Rule 504 [2] under Regulation D.[3] The expanded exemption provided by revised Rule 504 was not made available to blank check companies—development stage companies with no specific business plan or purpose or a business plan to engage in mergers or acquisitions with unidentified companies, or other entities. At the same time, the Commission proposed the repeal of Rule 504a,[4] a redesignation of previously existing Rule 504 made available for offerings by blank check companies.[5] The Commission today repealed Rule 504a.

I. Background

The SEC Small Business Initiatives, as initially proposed, included an expansion of the Rule 504 exemption from registration under the Securities Act of 1933 [6] which would have been available to all issuers. Based upon the Commission's experience, as well as concerns raised in the public comment process following the proposal of the Small Business Initiatives, revised Rule 504 was not made available to "blank check" companies. While the Rule as constituted prior to the revisions continued to be available to blank check companies—through the operation of redesignated Rule 504a—it was proposed that the availability of that exemption to blank check companies also be eliminated.

II. Repeal of Rule 504a

Blank check offerings have been found to be a common vehicle for fraud and manipulation. Focusing on demonstrated abuses in connection with blank check offerings, Congress, in the Securities Enforcement Remedies and Penny Stock Reform Act of 1990,[7] found that such offerings cause harm to investors and directed the Commission to adopt rules governing registration statements filed in connection with blank check offerings.[8] The Commission responded with the adoption of a special regulatory scheme for registered blank check offerings.[9]

The only commenter addressing the proposed repeal of Rule 504a supported the exclusion of blank check companies from Rule 504-type offerings. Based upon the factors discussed above and the lack of public comment in opposition to the proposal, the Commission today repealed Rule 504a. As a result of this action, as well as the provision in Rule 504 excluding development stage companies with no specific business plan or purpose or a business plan to engage in mergers or acquisitions with unidentified companies or other entities from the use of that exemption, blank

[1] See Securities Act Release No. 6949 (July 30, 1992) [57 FR 36442].

[2] 17 CFR 230.504.

[3] 17 CFR 230.501 *et seq.*

[4] 17 CFR 230.504a.

[5] See Securities Act Release No. 6950 (July 30, 1992) [57 FR 36502].

[6] 15 U.S.C. 77a *et seq.*

[7] S.647, Public Law 101–429.

[8] See H.R. Rep. No. 101–617; 101 Cong., 2d Sess. 10–11, 15 (1990).

[9] See Securities Act Release No. 6932 (April 28, 1992).

check companies are now excluded from any Rule 504-type offerings.

III. Availability of the Final Regulatory Flexibility Analysis

The Commission has prepared a Final Regulatory Flexibility Analysis, pursuant to the requirements of the Regulatory Flexibility Act,[10] regarding the rule repealed today. A copy of the Final Regulatory Flexibility Analysis may be obtained from Twanna M. Young, Office of Small Business Policy, Division of Corporation Finance, Securities and Exchange Commission, 450 Fifth Street, NW., Stop 7–8, Washington, DC 20549, (202) 272–2644.

IV. Cost-Benefit Analysis

No specific empirical data was submitted in response to the Commission's invitation to provide information on the costs and benefits of the proposed revisions.

V. Effective Date

The repeal of Rule 504a is effective November 16, 1992. As such, no offers or sales should be made in reliance upon the exemption provided by Rule 504a after November 16, 1992.

VI. Statutory Basis, Text of Proposals and Authority

The amendments to the Commission's rules and forms are being adopted pursuant to sections 3(b), 6, 7, 8, 10, and 19(a) of the Securities Act.

List of Subjects

17 CFR Parts 210, 229, 230, 240 and 249

Reporting and recordkeeping requirements, Securities.

17 CFR Parts 260

Trusts and trustees.

For the reasons set out in the preamble, title 17, chapter II of the Code of Federal Regulations is amended as follows:

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

1. The authority citation for part 230 continues to read as follows:

Authority: 15 U.S.C. 77b, 77f, 77g, 77h, 77j, 77s, 7sss, 78c, 78l, 78m, 78n, 78*o*, 78w, 78*ll*(d), 79t, 80a-8, 80a-29, 80a-30, and 80a-37, unless otherwise noted.

§ 230.502 [Amended]

h2. In § 230.502 by amending paragraph (b)(1) by removing the words "§ 230.504a" and adding "§ 230.504" and in the note to paragraph (b) by removing the final sentence and in paragraph (c) by removing the words "§ 230.504a(b)(1)" and adding the words "§ 230.504(b)(1)" and in paragraph (d) by removing the words "§ 230.504a(b)(1)" and adding the words "230.504(b)(1)" and in the flush text of paragraph (d) by removing the words "§§ 230.502(b)(2)(vii) and 230.504a(b)(2)(ii) require" and adding the words "§ 230.502(b)(2)(vii) requires".

§ 230.504a [Removed]

3. By removing § 230.504a.

PART 210—FORM AND CONTENT OF AND REQUIREMENTS FOR FINANCIAL STATEMENTS, SECURITIES ACT OF 1933, SECURITIES EXCHANGE OF 1934, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935, INVESTMENT COMPANY ACT OF 1940, AND ENERGY POLICY ACT OF 1975

4. The authority citation for part 210 continues to read as follows:

Authority: 15 U.S.C. 77f, 77g, 77h, 77j, 77s, 77aaa(25), 77aaa(26), 78*l*, 78m, 78n, 78*o*, 78w(a), 79e(a)(b), 79n, 79t, 80a-8, 80a-20, 80a-29, 80a-30, 80a-37, unless otherwise noted.

PART 229—STANDARD INSTRUCTIONS FOR FILING FORMS UNDER SECURITIES ACT OF 1933, SECURITIES EXCHANGE ACT OF 1934 AND ENERGY POLICY AND CONSERVATION ACT OF 1975—REGULATION S–K

5. The authority citation for part 229 continues to read as follows:

Authority: 15 U.S.C. 77e, 77f, 77g, 77h, 77j, 77k, 77s, 77aa[25], 77aa[26], 77ddd, 77eee, 77ggg, 77hhh, 77jjj, 77nnn, 77sss, 78*l*, 78m, 78n, 78*o*, 78w, 80a-8, 80a-29, 80a-30, 80a-37, 80b-11, unless otherwise noted.

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

6. The authority citation for Part 240 continues to read as follows:

Authority: 15 U.S.C. 77c, 77d, 77g, 77j, 77s, 77eee, 77ggg, 77nnn, 77sss, 77ttt, 78c, 78d, 78i, 78j, 78*l*, 78m, 78n, 78*o*, 78p, 78s, 78w, 78x, 78*ll*(d), 79*q*, 79t, 80a-20, 80a-23, 80a-29, 80a-37, 80b-3, 80b-4, and 80b-11, unless otherwise noted.

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

7. The authority for part 249 continues to read as follows:

Authority: 15 U.S.C. 78a, *et seq.*, unless otherwise noted.

PART 260—GENERAL RULES AND REGULATIONS, TRUST INDENTURE ACT OF 1939

8. The authority citation for part 260 continues to read as follows:

Authority: 15 U.S.C. 77eee, 77ggg, 77nnn, 77sss, 78*ll*(d), 80b-3, 80b-4, and 80b-11.

PARTS 210, 229, 230, 240, 249, and 260—[AMENDED]

9. In addition to the amendments set forth above, in 17 CFR parts 210, 229, 230, 240, 249, and 260 all references to "Rule 504 and 504a" are revised to read "Rule 504".

By the Commission.

Dated October 9, 1992.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92–25078 Filed 10–15–92; 8:45 am]

BILLING CODE 8010–01–M

[10] 5 U.S.C. 604.

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Parts 19, 113, and 144

[T.D. 92–81]

RIN 1515–AA22

Duty-Free Stores; Delay of Effective Date

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

ACTION: Delay of effective date.

SUMMARY: By a final rule document published as T.D. 92–81 in the Federal Register on August 20, 1992 (57 FR 37692), the Customs Regulations were amended to designate duty-free stores as a new class of Customs bonded warehouse, to establish operating procedures for the administration of these facilities, and to incorporate such duty-free operating procedures into the regulations. These amendments were to have become effective on October 19, 1992.

However, Customs has now determined to reexamine several aspects of these regulations, in order to make certain that they are as effective as they can be in promoting the efficient operations of duty-free stores. Accordingly, in order to do this fairly, Customs finds it necessary to delay, until further notice, the effective date of the amendments pending a decision in this matter. Any determination to alter the final rule document will be handled in conformance with the applicable notice-and-comment requirements of the Administrative Procedure Act.

EFFECTIVE DATE: As of October 16, 1992, the effective date of the final rule published at 57 FR 37692 (August 20, 1992) is delayed until further notice.

FOR FURTHER INFORMATION CONTACT: Mike Brengle, Office of Cargo Enforcement and Facilitation, (202–927–0510).

Dated: October 13, 1992.

Karen J. Hiatt,

Acting Assistant Commissioner, Commercial Operations.

[FR Doc. 92–25211 Filed 10–15–92; 8:45 am]

BILLING CODE 4820–02–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43–CFR Public Land Order 6951

[AK–932–4214–10; F–14829]

Withdrawal of Public Land for Anaktuvuk Pass Village Selection; Alaska

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order withdraws approximately 960 acres of public land located within the Gates of the Arctic National Park from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, pursuant to section 22 of the Alaska Native Claims Settlement Act. This action also reserves the land for selection by the Nunamiut Corporation, the village corporation for Anaktuvuk Pass. This withdrawal is for a period of 120 days; however, any land selected shall remain withdrawn by the order until conveyed. Any land described herein that is not selected by the corporation will remain withdrawn as part of the Gates of the Arctic National Park pursuant to the Alaska National Interest Lands Conservation Act.

EFFECTIVE DATE: October 16, 1992.

FOR FURTHER INFORMATION CONTACT: Sandra C. Thomas, BLM Alaska State Office, 222 W. 7th Avenue, No. 13, Anchorage, Alaska 99513–7599, 907–271–5477.

By virtue of the authority vested in the Secretary of the Interior by section 22(j)(2) of the Alaska Native Claims Settlement Act, 43 U.S.C. 1621(j)(2) (1988), it is ordered as follows:

1. Subject to valid existing rights, the following described public land located within the Gates of the Arctic National Park is hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, and is hereby reserved for selection under section 12 of the Alaska Native Claims Settlement Act, 43 U.S.C. 1611 (1988), by the Nunamiut Corporation, the village corporation for Anaktuvuk Pass:

Umiat Meridian

T. 16 S., R. 2 E., (Partly Unsurveyed)
sec. 4;
sec. 5, E½.

The area described contains approximately 960 acres.

2. Prior to conveyance of any of the land withdrawn by this order, the land shall be subject to administration by the Secretary of the Interior under applicable laws and regulations, and his authority to make contracts and to grant leases, permits, rights-of-way, or easements shall not be impaired by this withdrawal.

3. This order constitutes final withdrawal action by the Secretary of the Interior under section 22(j)(2) of the Alaska Native Claims Settlement Act, 43 U.S.C. 1621(j)(2) (1988), to make land available for selection by the Nunamiut Corporation to fulfill the entitlement of the village for Anaktuvuk Pass under section 12 and section 14(a) of the Alaska Native Claims Settlement Act, 43 U.S.C. 1611 and 1613 (1988).

4. This withdrawal will terminate 120 days from the effective date of this order; provided, any land selected shall remain withdrawn pursuant to this order until conveyed. Any land described in this order not selected by the corporation shall remain withdrawn as part of the Gates of the Arctic National Park, pursuant to section 206 of the Alaska National Interest Lands Conservation Act, 16 U.S.C. 410(hh–5) (1988).

5. It has been determined that this action is not expected to have any significant effect on subsistence uses and needs pursuant to section 810(c) of the Alaska National Interest Lands Conservation Act, 16 U.S.C. 3120(c) (1988) and this action is exempted from the National Environmental Policy Act of 1969, 83 Stat 852, by section 910 of the ANILCA, 43 U.S.C. 1638 (1988).

Dated: October 8, 1992.

Dave O'Neal,

Assistant Secretary of the Interior.

[FR Doc. 92–25158 Filed 10–15–92; 8:45 am]

BILLING CODE 4310–JA–M

FEDERAL COMMUNICATION COMMISSION

47 CFR Part 1

[FCC 92–448]

Policy Regarding Character Qualifications in Broadcast Licensing

AGENCY: Federal Communications Commission.

ACTION: Final rule; petitions for further reconsideration or clarification.

SUMMARY: In response to several petitions for reconsideration and clarification, the Commission's Memorandum Opinion and Order relaxes the litigation reporting requirements for broadcast licensees, permittees and applicants by: (a) Modifying the rules to require broadcasters to report relevant non-FCC adjudications on an annual basis rather than within 90 days of becoming knowledgeable of such adjudications; (b) eliminating the requirement that broadcast applicants report pending litigation; (c) modifying the litigation reporting requirements as they apply to licensee principals who have attributable interests in other entities; and (d) modifying the litigation reporting requirements regarding parent corporations and related subsidiaries. This action will reduce unnecessary burdens on broadcasters and eliminate the filing of information not deemed relevant to the Commission's character concerns.

EFFECTIVE DATE: January 14, 1992.

FOR FURTHER INFORMATION CONTACT: Peter A. Tenhula, Office of General Counsel, Federal Communications Commission (202) 254–6530 or James J. Brown, Mass Media Bureau, Federal Communications Commission (202) 632–6993.

SUPPLEMENTARY INFORMATION: A summary of the Commission's Memorandum Opinion and Order (MO&O), adopted September 18, 1992 and released October 9, 1992, is set forth below. The full text of this document is available for inspection and copying during normal business hours in the Administrative Law Division, Office of General Counsel (Rm. 616), 1919 M Street, NW., Washington, DC. The full text may also be purchased from the Commission's copy contractor, Downtown Copy Center, 1114 21st Street, NW., Washington, DC 20036, (202) 452–1422.

Paperwork Reduction

Public reporting burden for this collection of information is estimated to average 1 hour 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The public is invited to send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to the Federal Communications Commission, Information and Records Management Branch, room 416, Washington, DC 20554, and to the Office of Management and Budget, Paperwork Reduction Project (3060–0449), Washington, DC 20503.

Initiating Documents

Policy Statement and Order, 55 FR 23082 (1990), 5 FCC Rcd 3252 (1990) ("1990 Policy Statement"), *on reconsideration*, 56 FR 25633 (1991), 6 FCC Rcd 3448 (1991) ("1991 Reconsideration Order"), *effective date suspended*, 6 FCC Rcd 4787, *as corrected*, 6 FCC Rcd 5017, 56 FR 44008 (1991).

Summary of Memorandum Opinion and Order

1. Background

This MO&O modifies our requirements regarding the reporting of non-FCC misconduct which may have a bearing on the character qualifications of broadcast licensees, permittees and applicants. In 1986, the Commission identified the range of non-FCC misconduct that it considered relevant in judging the character qualifications of broadcast applicants, licensees and permittees.[1] In order to apply these character policies to individual cases, our application forms have required all applicants for new stations, license renewals, and assignments or transfers to disclose any "adverse finding" or "adverse final action" taken by any court or administrative body involving the specified categories of relevant non-FCC misconduct. The forms have also required new applicants, assignees and transferees to report pending litigation involving relevant non-FCC misconduct. In the 1990 Policy Statement, we amended our rules to require broadcast licensees to report, within 30 days of issuance, any adverse finding or adverse final action involving non-FCC misconduct bearing on a licensee's character qualifications. We required further that renewal applicants, as well as assignors and transferors, provide information regarding pending litigation involving relevant non-FCC misconduct. In the 1991 Reconsideration Order, we recognized the potential burden the 30-day reporting period could impose on some licensees and extended the reporting period to 90 days from the date that a licensee becomes knowledgeable of any such reportable adverse finding or adverse final action. In response to the 1991 Reconsideration Order, three petitions for stay and eight petitions for reconsideration were filed. On July 31, 1991, the Commission partially suspended the new reporting requirements imposed by the 1990 Policy Statement and the 1991 Reconsideration Order, pending action on the petitions for further reconsideration.

2. Timing of Licensee Reports

Section 1.65(c) of the Commission's Rules is modified to allow licensees and permittees to report adjudications of relevant non-FCC misconduct only on an annual basis. If the Commission learns of a relevant adverse adjudication through other means, *e.g.*, by complaint, we will not necessarily await the filing of the report before taking appropriate action. In complying with this reporting requirement, we also clarify how broadcasters can demonstrate "due diligence" in becoming informed of reportable adjudications of relevant misconduct. At the very least, licensees, permittees and applicants must conduct an annual survey of all persons with attributable interest therein to collect information regarding all reportable adjudications, provided the persons surveyed have been clearly instructed that they must report any new reportable adjudications promptly, and provided any new persons who gain attributable interests between annual surveys are also surveyed at the time they gain their interest. We will also apply the same "due diligence" standard in connection with the reporting of denial of federal benefits pursuant to our rules implementing Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. 862.

3. Reporting of Pending Litigation

We have decided to eliminate the requirement that applicants report pending litigation involving non-FCC misconduct. This requirement imposes substantial burdens on many applicants and, in light of the fact that pending litigation is presumptively not relevant to a broadcaster's character qualifications, we agree that the public interest is not served by requiring that such matters be routinely reported. However, we are retaining the discretion to condition a grant on the outcome of pending litigation or take other action in certain situations, *e.g.*, where an applicant has allegedly engaged in non-FCC misconduct "so egregious to shock the conscience and evoke almost universal disapprobation." We note that if an adjudication of relevant non-FCC misconduct occurs while an application is pending, it must be reported pursuant to Section 1.65(a) of the Rules and if such adjudication occurs after grant, the licensee must fully disclose the matter to the Commission in its annual report pursuant to § 1.65(c) of the Rules or in its next application.

4. Reporting With Respect to Principals and Other Entities

We will require the reporting of non-FCC misconduct involving non-licensee entities that share an officer, director or cognizable shareholder/partner with a broadcast entity only in situations where the licensee principal in question was in control of the other entity or was adjudicated to be directly involved in the other entity's misconduct. Whether any such reported misconduct will affect the licensee's character qualifications will continue to be determined on a case-by-case basis, taking into account, *inter alia*, the actual involvement, if any, in the misconduct of the broadcaster's principal and his or her involvement in the activities of the licensee, permittee or applicant.

5. Reporting With Respect to Parent and Subsidiary Corporation

In the 1986 Policy Statement, the Commission's view was that non-FCC misconduct should not be considered relevant unless there is a sufficient nexus between the broadcast subsidiary and the parent company or related

[1] Relevant non-FCC misconduct includes: (a) all felonies; (b) fraudulent representations to governmental units; and (c) mass media related violations of antitrust or other laws dealing with unfair competition. Policy Regarding Character Qualifications in Broadcast Licensing, 102 FCC 2d 1179, 1195–97, 1200–03 ("1986 Policy Statement"), *recon. granted in part, denied in part*, 1 FCC Rcd 421 (1986), *appeal dismissed sub nom. National Association for Better Broadcasting* v. *FCC*, No. 86–1179 (D.C. Cir. June 11, 1987); 1990 Policy Statement, 5 FCC Rcd at 3252. In addition, as some petitioners point out, although the Commission's application forms require reporting of "discrimination" matters, we have never clearly stated that this type of non-FCC misconduct is relevant in assessing an applicant's character. We believe, however, that a pattern of adjudicated non-FCC related employment discrimination is relevant. Accordingly, adjudicated instances of non-FCC employment discrimination must continue to be reported to the same extent as other relevant non-FCC misconduct. Whether a pattern of such reported misconduct will affect a broadcaster's character qualifications will be determined on a case-by-case basis.

subsidiary. We believe that reporting of non-FCC misconduct by parent or other related corporation (or partnerships) should be based on a similar nexus. Accordingly, non-FCC misconduct of parent or subsidiary is reportable if: (a) there is a close ongoing relationship between the parent (or non-broadcast subsidiary) and the broadcast subsidiary; (b) the two have common principals; and (c) the common principals are actively involved in the operations of the broadcast subsidiary. We expect broadcasters to apply this standard in good faith, and we will treat seriously any situations where a licensee, permittee or applicant does not do so.

6. Conclusion

Accordingly, *it is ordered* That the petitions filed by the parties are granted to the extent indicated in the Memorandum Opinion & Order, and are denied in all other respects. *It is further ordered* that § 1.65(c) of the Commission's Rules is amended as set forth below. *It is further ordered* That the Managing Director and the Chief, Mass Media Bureau, have delegated authority to amend all applicable FCC forms in accordance with the provisions of the Memorandum Opinion and Order. The action herein is taken pursuant to sections 4(i), 303(r), 308(b), 312 and 319(a) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 303(r), 308(b), 312, and 319(a).

Federal Communications Commission.

Donna R. Searcy,

Secretary.

List of Subjects in 47 CFR Part 1

Administrative practice and procedure, Radio, Reporting and recordkeeping requirements, Television.

Amendatory Text

Part 1 of chapter I of title 47 of the Code of Federal Regulations is amended as follows:

PART 1—PRACTICE AND PROCEDURE

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

Authority: Secs. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303; Implement, 5 U.S.C. 552, unless otherwise noted.

2. Section 1.65 is amended by revising paragraph (c) to read as follows:

§ 1.65 Substantial and significant changes in information furnished by applicants to the Commission.

* * * * *

(c) All broadcast permittees and licensees must report annually to the Commission any adverse finding or adverse final action taken by any court or administrative body that involves conduct bearing on the permittee's or licensee's character qualifications and that would be reportable in connection with an application for renewal as reflected in the renewal form. If a report is required by this paragraph(s), it shall be filed on the anniversary of the date that the licensee's renewal application is required to be filed, except that licensees owning multiple stations with different anniversary dates need file only one report per year on the anniversary of their choice, provided that their reports are not more than one year apart. Permittees and licensees bear the obligation to make diligent, good faith efforts to become knowledgeable of any such reportable adjudicated misconduct.

Note: The terms "adverse finding" and "adverse final action" as used in paragraph (c) of this section include adjudications made by an ultimate trier of fact, whether a government agency or court, but do not include factual determinations which are subject to review *de novo* unless the time for taking such review has expired under the relevant procedural rules. The pendency of an appeal of an adverse finding or adverse final action does not relieve a permittee or licensee from its obligation to report the finding or action.

[FR Doc. 92-25070 Filed 10-15-92; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 171

[Docket No. HM-181; Amendment No. 171-112]

RIN 2137-AA01

Infectious Substances; Correction

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Final rule; correction.

SUMMARY: This document corrects a final rule published in the **Federal Register** on October 1, 1992 (57 FR 45442), which revised the transition period applicable to infectious substances. RSPA is correcting a section reference that appeared in the October 1 publication.

EFFECTIVE DATE: October 1, 1992.

FOR FURTHER INFORMATION CONTACT: Eileen Martin, Office of Hazardous Materials Standards, Research and Special Programs Administration, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590, telephone: (202) 366-4488.

SUPPLEMENTARY INFORMATION: On October 1, 1992, RSPA published a final rule in the **Federal Register** (57 FR 45442) revising provisions in § 171.14(b). That rule extended the date for compliance with new requirements applicable to infectious substances from October 1, 1992, to April 1, 1993. In revising § 171.14(b)(2), the definition for "materials poisonous by inhalation" was referenced incorrectly as "§ 173.132 of this subchapter" instead of "§ 171.8 of this part". The error is corrected in this document.

Accordingly, under the authority of 49 App. U.S.C. 1802, 1803, 1804, 1805, 1808, 1815, 1818, and 49 CFR part 1, rule document 92-23809, beginning on page 45442, is corrected as follows:

§ 171.14 [Corrected]

On page 45443, in the first and second columns, in § 171.14(b)(2), lines 2 and 3, the wording in the parenthetical expression "§ 173.132 of this subchapter" is corrected to read "§ 171.8 of this part".

Issued in Washington, DC, on October 9, 1992, under authority delegated in 49 CFR part 1.

Douglas B. Ham,

Acting Administrator.

[FR Doc. 92-25080 Filed 10-15-92; 8:45 am]

BILLING CODE 4910-60-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 285

[Docket No. 3510-22]

Atlantic Tuna Fisheries

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

ACTION: Notice of closure for the Harpoon category fishery.

SUMMARY: NOAA issues this notice to close the fishery for Atlantic bluefin tuna conducted by vessels permitted in the Harpoon category and fishing for large medium and giant Atlantic bluefin tuna. Closure of this segment of the fishery is necessary because it has been determined that the annual quota for this category has been attained.

EFFECTIVE DATE: The closure is effective from 0001 hours local time on October 13, 1992, through December 31, 1992.

FOR FURTHER INFORMATION CONTACT: Richard B. Stone, 301-713-2347.

SUPPLEMENTARY INFORMATION: Regulations promulgated under the authority of the Atlantic Tunas Convention Act (16 U.S.C. 971–971h) regulating the harvest of Atlantic bluefin tuna by persons and vessels subject to U.S. jurisdiction appear at 50 CFR part 285.

Section 285.22(b) of the regulations provides for an annual quota of 53 metric tons (mt) of large medium and giant Atlantic bluefin tuna to be harvested from the Regulatory Area by vessels permitted in the Harpoon category. The Assistant Administrator for Fisheries, NOAA (Assistant Administrator) is authorized under § 285.20(b)(1) to monitor the catch and landing statistics and, on the basis of these statistics, to project a date when the total catch of Atlantic bluefin tuna will equal any quota under § 285.22. The Assistant Administrator is further authorized under § 285.20(b)(1) to prohibit the fishing for, or retention of, Atlantic bluefin tuna by the category of gear subject to the quotas.

Based on landings reports, the Assistant Administrator has determined that the quota of Atlantic bluefin tuna allocated for the Harpoon category will be attained as of October 12, 1992. Fishing for, or retention of, large medium and giant Atlantic bluefin tuna by vessels in the Harpoon category must cease at 0001 hours October 13, 1992.

Other Matters

Notice of this action will be mailed and faxed to Atlantic bluefin tuna dealers and fishermen, several industry publications, associations and state agencies. This action is taken under the authority of 50 CFR 285.20, and is taken in compliance with E.O. 12291.

List of Subjects in 50 CFR Part 285

Fisheries, Penalties, Reporting and recordkeeping requirements, Treaties.

(16 U.S.C. 971 *et seq.*)

Dated: October 9, 1992.

David S. Crestin,

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

[FR Doc. 92–25073 Filed 10–9–92; 4:05 pm]

BILLING CODE 3510–08–M

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50 CFR Part 663

[Docket No. 920400–2100]

Pacific Coast Groundfish Fishery

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

ACTION: Closure and request for comments.

SUMMARY: NOAA announces a prohibition on further processing at sea of Pacific whiting. This action is necessary to provide adequate amounts of whiting for shoreside processors and to achieve the allocations adopted for 1992.

DATES: Effective from 2400 hours (local time) October 7, 1992 through 2400 hours (local time) October 14, 1992. Comments will be accepted through November 2, 1992.

ADDRESSES: Submit comments to Rolland A. Schmitten, Director, Northwest Region, National Marine Fisheries Service, 7600 Sand Point Way NE, BIN–C15700, Seattle, Washington 98115–0070; or Dr. Gary Matlock, Acting Director, Southwest Region, National Marine Fisheries Service, 501 West Ocean Blvd; suite 4200, Long Beach, California 90802–4213.

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

SUPPLEMENTARY INFORMATION: The emergency interim rule allocating the 1992 Pacific whiting resource at 50 CFR 663.23(b)(5) (57 FR 13661, April 17, 1992, extended at 57 FR 32181, July 21, 1992, corrected at 57 FR 35765, August 11, 1992) initially limited the amount of the 1992 Pacific whiting (whiting) harvest guideline of 208,800 metric tons (mt) that could be processed at sea, in the exclusive economic zone off the coasts of Washington, Oregon, and California (fishery management area), to 98,800 mt, with 80,000 mt set aside for shoreside processing and the remaining 30,000 mt set aside as a reserve. The at-sea processors harvested their initial allocation in 3 weeks and further at-sea processing was prohibited on May 6, 1992 (57 FR 21041, May 18, 1992). On September 4, 1992, the reserve of 30,000 mt was released for at-sea processing (57 FR 40136, September 2, 1992), and was taken in about 8 days. At-sea processing was closed for a second time on September 12, 1992 (57 FR 42898, September 17, 1992). A reassessment of the shoreside processing needs provided for at 50 CFR 663.23(b)(5)(vi), (57 FR 13666) indicated that 24,000 mt of whiting were surplus to shoreside needs and were made available for at-sea processing on October 1, 1992, increasing the limit for at-sea processing from 128,800 mt to 152,800 mt (57 FR 45987, October 6, 1992).

The best available data on October 7, 1992, indicate that approximately 147,300 mt of whiting had been processed at sea through October 6, 1992, and that the 152,800-mt limit for at-sea processing would be reached by 2400 hours (local time) October 7, 1992.

The regulations at 50 CFR 663.23(b)(5)(vii) state that the Secretary of Commerce will announce in the **Federal Register** when additional amounts made available for at-sea processing have been reached, at which time further at-sea processing in the fishery management area will be prohibited. Also in accordance with 50 CFR 663.23(b)(5)(vii), and in order to prevent exceeding the limits or underutilizing the resource, adjustments may be made effective immediately by actual notice to fishermen and processors, followed by publication in the **Federal Register**. The at-sea processing industry was advised of this action by "actual notice" on October 7, 1992, to avoid exceeding the limit for at-sea processing. This **Federal Register** notice confirms the action.

Secretarial Action

For the reason stated above, at 2400 hours (local time) on October 7, 1992, further at-sea processing of Pacific whiting in the fishery management area is prohibited (except for Pacific whiting that was on board the processing vessel prior to that time), and further taking and retaining, or receiving (except as cargo) of Pacific whiting by a vessel with processed whiting on board is prohibited.

Classification

This action is taken under the authority of, and in accordance with 50 CFR 663.23(b)(5)(iv) and (vii). The aggregate data upon which this action is based are available for public inspection at the Office of the Director, Northwest Region (see **ADDRESSES**) during business hours until November 2, 1992.

This action is in compliance with Executive Order 12291.

List of Subjects in 50 CFR Part 663

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

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

Dated: October 9, 1992.

David S. Crestin,

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

[FR Doc. 92–25074 Filed 10–15–92; 8:45 am]

BILLING CODE 3510–22–M

Proposed Rules

Federal Register
Vol. 57, No. 201
Friday, October 16, 1992

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 92-NM-162-AD]

Airworthiness Directives; McDonnell Douglas Model DC-9-80 Series Airplanes and Model MD-88 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 McDonnell Douglas Model DC-9-80 series airplanes and Model MD-88 airplanes. This proposal would require a one-time visual inspection to determine if proper clearance exists between the overwing emergency exit door liners and adjacent sidewall linings, and adjustment or modification, if necessary. This proposal is prompted by an investigation conducted by the manufacturer, which revealed that insufficient clearances could exist to create a potential riding condition between the overwing emergency exit door liner and the adjacent sidewall lining. The actions specified by the proposed AD are intended to prevent a riding condition between the overwing emergency exit door liner and the adjacent sidewall lining, which could hinder the opening of the overwing emergency exit door in an emergency situation.

DATES: Comments must be received by December 10, 1992.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 92-NM-162-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 McDonnell Douglas Corporation, P.O. Box 1771, Long Beach, California 90846-0001, Attention: Business Unit Manager, Technical Publications—Technical Administrative Support, C1-L5B. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Washington; or at the FAA, Los Angeles Aircraft Certification Office (ACO), 3229 East Spring Street, Long Beach, California.

FOR FURTHER INFORMATION CONTACT: Mr. Walter Eierman, Aerospace Engineer, Los Angeles ACO, ANM-131L, FAA, Transport Airplane Directorate, 3229 East Spring Street, Long Beach, California 90806-2425; telephone (310) 988-5336; fax (310) 988-5210.

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-162-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-162-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

Discussion

An investigation conducted by the manufacturer detected a potential riding condition between the lining of overwing emergency exit doors and adjacent passenger compartment sidewall linings. This condition was detected on four Model DC-9-80 series airplanes during production. This riding condition is created due to insufficient clearance between the liners in the doors and in the adjacent sidewalls. Such a riding condition between the overwing emergency exit door liner and the adjacent sidewall lining could hinder the opening of the overwing emergency exit door in an emergency situation.

The FAA has reviewed and approved McDonnell Douglas Alert Service Bulletin A52-178, dated July 10, 1992, that describes procedures for conducting a one-time visual inspection to determine if proper clearance exists between the overwing emergency exit door liners and adjacent sidewall linings, and modification of the doors and passenger sidewall lining panels, if necessary. The modification entails adjusting the clearance between the emergency exit door and the sidewall lining so that the door can be opened without restrictions.

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require conducting a one-time visual inspection to determine if proper clearance exists between the overwing emergency exit doors and adjacent sidwell linings, and adjustment or modification, if necessary. The actions would be required to be accomplished in accordance with the service bulletin described previously.

There are approximately 1,004 McDonnall Douglas DC-9-80 series airplanes and Model MD-88 airplanes of the affected design in the worldwide fleet. The FAA estimates that 556 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 1 work hour

per airplane to accomplish the proposed actions, and that the average labor rate is $55 per work hour. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $30,580, or $55 per airplane. 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:

McDonnell Douglas: Docket 92–NM–162–AD.

Applicability: Model DC–9–80 series airplanes and Model MD–88 airplanes, as listed in McDonnell Douglas Alert Service Bulletin A52–178, dated July 10, 1992, certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent a riding condition between the overwing emergency exit door liner and the adjacent sidewall lining, which could hinder the opening of the overwing emergency exit door in emergency situation, accomplish the following:

(a) Within 180 days after the effective date of this AD, conduct a one-time visual inspection of the overwing emergency exit door to determine whether the door can be opened without restriction, in accordance with McDonnell Douglas Alert Service Bulletin A52–178, dated July 10, 1992. If the door can be opened without restrictions, no further action is required by this AD action.

(b) If the door cannot be opened without restrictions, prior to further flight, inspect for sufficient clearance between the door liner and the adjacent passenger sidewall lining panels, in accordance with McDonnell Douglas Alert Service bulletin A52–178, dated July 10, 1992. If clearance is within the limits specified in the service bulletin, no further action is required.

(c) If clearance is not within the limits specified in the service bulletin, prior to further flight, adjust the passenger sidewall lining panels and verify the clearance, in accordance with McDonnell Douglas Alert Service Bulletin A52–178, dated July 10, 1992. If clearance is obtained by adjusting the passenger compartment sidewall lining, no further action is required.

(d) If clearance cannot be obtained by adjusting the passenger compartment sidewall lining, prior to further flight, adjust the door liner as shown in Figure 2 of McDonnell Douglas Alert Service Bulletin A52–178, dated July 10, 1992, to obtain proper clearance. If clearance is obtained by adjusting the door liner, no further action is required.

(e) If clearance cannot be obtained by adjusting the door liner, prior to further flight, modify the door installation in accordance with Figure 3 of McDonnell Douglas Alert Service Bulletin A52–178, dated July 10, 1992.

(f) Within 60 days after accomplishing the requirements of this AD, submit a report of all inspection results that indicate restricted opening of the overwing emergency exit door to the Manager, Los Angeles Aircraft Certification Office (ACO), 3229 East Spring Street, Long Beach, California 90806–2425; fax (310) 988–5210. The report must include a description of the discrepancy and the airplane's serial number. Information collection requirements contained in this regulation have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) and have been assigned OMB Control Number 2120–0056.

(g) 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, Los Angeles ACO, 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, Los Angeles ACO.

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

(h) 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 by Renton, Washington, on October 8, 1992.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92–25135 Filed 10–15–92; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Parts 404 and 416

[Regulations Nos. 4 and 16]

RIN 0960–AD05

Deemed Application Date Based on Misinformation

AGENCY: Social Security Administration, HHS.

ACTION: Proposed rules.

SUMMARY: We propose to add new rules to our regulations on the filing of an application for Social Security or Supplemental Security Income (SSI) benefits. These regulations are proposed to implement the provisions of section 10302 of the Omnibus Budget Reconciliation Act of 1989 to provide, in general, for the establishment of a "deemed" filing date of an application for benefits under title II or title XVI of the Act, respectively, in any case in which it is determined to the satisfaction of the Secretary that an individual failed to apply for monthly Social Security or SSI benefits because of misinformation provided to the individual by an officer or employee of the Social Security Administration (SSA) about his or her eligibility for the benefits. In general, the statute provides that, in such a case, an individual will be "deemed" to have applied for monthly Social Security or SSI benefits, as appropriate, on the later of: The date the misinformation was provided to the individual; or the date the individual met all requirements for entitlement to or eligibility for such benefits, other than the requirement of filing an application.

DATES: To be sure that your comments are considered, we must receive them no later than December 15, 1992.

ADDRESSES: Comments should be submitted in writing to the Commissioner of Social Security, Department of Health and Human Services, P.O. Box 1585, Baltimore, MD 21235, or delivered to 3–B–1 Operations Building, 6401 Security Boulevard, Baltimore, MD 21235, between 8 a.m. and 4:30 p.m. on regular business days. Comments received may be inspected during these same hours by making arrangements with the contact person shown below.

FOR FURTHER INFORMATION CONTACT: Henry D. Lerner, Legal Assistant, Office of Regulations, Social Security Administration, 6401 Security Blvd., Baltimore, MD 21235, (410) 965–1762.

SUPPLEMENTARY INFORMATION:

Background

These proposed regulations implement the provisions of section 10302 of the Omnibus Budget Reconciliation Act of 1989, Public Law 101–239, which added sections 202(j)(5) and 1631(e)(5) of the Act. Sections 202(j)(5) and 1631(e)(5) of the Act provide that in any case in which it is determined to the satisfaction of the Secretary that an individual failed to apply for monthly Social Security or SSI benefits because of misinformation provided to an individual by an officer or employee of SSA relating to the individual's eligibility for the respective benefits, such individual will be "deemed" to have applied for monthly Social Security or SSI benefits, as the case may be, on the later of: (1) The date the misinformation was provided to the individual; or (2) the date the individual met all requirements for entitlement to Social Security benefits, or all requirements of eligibility for SSI benefits, as appropriate, other than the requirement of filing an application. The amendment relating to applications for monthly Social Security benefits, section 202(j)(5) of the Act, applies to misinformation provided after December 31, 1982, and is effective for benefits payable for months beginning after that date. The amendment relating to applications for SSI benefits, section 1631(e)(5) of the Act, applies to misinformation provided on or after December 19, 1989, the date of the enactment of Public Law 101–239, and is effective for benefits payable for months after December 1989.

We propose to amend our regulations on the filing of an application for Social Security or SSI benefits to include rules to implement section 10302 of Public Law 101–239. The proposed regulations describe the rules for establishing a "deemed" filing date of an application for benefits under section 202(j)(5) or 1631(e)(5) of the Act in a case in which an individual failed to apply for benefits because of certain misinformation provided to the individual by an officer or employee of SSA. Among other things, the proposed regulations explain what is meant by "misinformation" for purposes of these rules, describe the kinds of evidence we will consider in determining whether misinformation was provided, and explain that a determination on a claim for benefits under these sections of the Act, i.e., a determination as to whether or not to establish a "deemed" filing date of an application in a case in which it is alleged that misinformation was provided which caused an individual not to apply for benefits, is an initial determination for purposes of administrative and judicial review.

In general, our current regulations at §§ 404.603 and 416.305(a) provide that to become entitled to Social Security benefits or become eligible to receive SSI benefits, an individual, in addition to meeting all other requirements, must file an application for Social Security benefits or for SSI benefits, as appropriate. An application must be on a prescribed application form and meet certain other requirements specified in § 404.610 or § 416.310.

Current § 404.614 provides, with certain exceptions, that an application for Social Security benefits if filed on the day it is received by an SSA employee at one of our offices or by an SSA employee who is authorized to receive it at another place. If a written statement indicating intent to claim Social Security benefits is filed, we will use the filing date of the written statement as the filing date of the application under the conditions described in § 404.630. Also, if an individual telephone us and advises us that he or she intends to file a claim for Social Security benefits but cannot file an application before the end of the month, § 404.630(b) provides that we will prepare and sign a written statement if it is necessary to prevent the loss of benefits.

In the SSI program, current § 416.325 provides, with certain exceptions, that an application for SSI benefits is considered to be filed on the day it is received by an SSA employee at any Social Security office, by someone at another Federal or State office designated to receive applications for us, or by a person whom we have authorized to receive applications for us. Also, under the conditions described in §§ 416.340, 416.345 and 416.350, if a written statement indicating an intent to claim SSI benefits or an oral inquiry about SSI benefits is received, we will use the filing date of the written statement or the date of the oral inquiry as the filing date of the application, if the use of that date will result in eligibility for additional benefits.

Under these proposed rules, we continue to require the filing of a formal written application before we will make a determination on a claim for benefits under section 202(j)(5) or 1631(e)(5) of the Act based on the allegation that misinformation was provided which caused an individual not to apply for benefits. If we determine that such misinformation was provided, however, we will deem the filing date of the application to be the date the misinformation was provided or, if later, the date the claimant, i.e., the individual who is claiming benefits for himself or herself or the person on whose behalf benefits are being claimed, met all the requirements for entitlement to Social Security benefits or eligibility for SSI benefits, as appropriate, other than the requirement of filing an application.

Under our current regulations, an application for SSI benefits is also an application for any applicable federally administered State supplementary payments under section 1616 of the Act. The current regulations which govern the filing of applications for SSI benefits, therefore, also apply to applications for these State supplementary payments. This is reflected in current § 416.302 which provides that for purposes of the regulations on the filing of applications for SSI benefits, § 416.301 *et seq.*, "*[b]enefits* means any payments made under the SSI program," and "SSI benefits also include an federally administered State supplementary payments." As explained below, these definitions would continue to apply under the proposed regulations which would implement section 1631(e)(5) of the Act.

Section 1631(e)(5) of the Act applies specifically to cases in which an individual failed to apply for SSI benefits because of the receipt of misinformation relating to eligibility for SSI benefits. However, because the application form and our current rules on filing application are the same for both SSI claims and claims for federally administered State supplementary payments, we also propose to apply the provisions under section 1631(e)(5) to cases involving misinformation about eligibility for federally administered State supplementary payments. This proposed rule is based on the authority under section 1631(e)(1)(A) of the Act which directs the Secretary to

"prescribe such requirements with respect to the filing of applications * * * as may be necessary for the effective and efficient administration of this title." Therefore, while not required under section 1631(e)(5) of the Act, the proposed regulations would permit the establishment of a "deemed" filing date of an application in situations in which an individual failed to file an application because we provided the individual misinformation about his or her eligibility for these State supplementary payments.

Deemed Filing Date of an Application in a Case of Misinformation

We propose to add new §§ 404.633 and 416.351 to our regulations to explain the rules we will follow in implementing sections 202(j)(5) and 1631(e)(5) of the Act, respectively. The proposed regulations explain that we may establish a "deemed" filing date of an application for benefits under these sections of the Act if we determine to our satisfaction that—

(1) An individual failed to apply for monthly Social Security or SSI benefits for himself or herself because we provided the individual misinformation about his or her eligibility for the respective benefits, including misinformation about the amount or payment of such benefits; or

(2) An individual who had authority to sign an application for another person under § 404.612 or § 416.315, as appropriate, failed to apply for monthly Social Security or SSI benefits for that person because we provided the individual misinformation about such person's eligibility for the respective benefits, including misinformation about the amount or payment of such benefits.

In the first situation, we would deem an application to have been filed on the date the misinformation was provided to the individual or, if later, the date on which such individual met all of the requirements for entitlement to monthly Social Security benefits or eligibility for SSI benefits, as the case may be, other than the requirement of filing an application. In the second situation, we would deem an application to have been filed on the date the misinformation was provided to the individual or, if later, the date on which the person referred to in item (2) above, i.e., the person on whose behalf the individual was inquiring about getting benefits, met all the requirements for entitlement to monthly Social Security benefits or eligibility for SSI benefits, as the case may be, other than the requirement of filing an application.

The proposed regulations explain that we will apply certain requirements and conditions which are specified in the proposed regulations in making the determination described above, i.e., a determination as to whether misinformation was provided. The proposed regulations explain that before we may make such a determination and establish a "deemed" filing date of an application for benefits, an application for such benefits must be filed with us either by the Claimant, i.e., the individual in item (1) above or the person referred to in item (2) above, or by someone who is authorized to sign an application on behalf of the claimant under § 404.612 or § 416.315. The proposed regulations also provide that if the claimant dies after the alleged misinformation was provided but before an application is filed, an application for monthly Social Security benefits must be filed by a person who would be qualified to receive any benefits due the deceased. With respect to SSI benefits, if the claimant dies after the alleged misinformation was provided but before an application is filed, a person who would be qualified under § 416.542(b) to receive any benefits due the deceased, or someone on behalf of such a person, must file an application for the benefits. This latter provision is consistent with the provisions of our proposed regulations on "Payment of Benefits Due Deceased Recipients," which were published in the **Federal Register** on September 10, 1990, at 55 FR 37249.

Our proposed regulations on "Payment of Benefits Due Deceased Recipients" would amend certain sections of the SSI regulations, including, as pertinent here, §§ 416.340(d)(2), 416.345(e)(2), and 416.542(b), to implement section 8 of Public Law 99–643. Section 8 of the Public Law 99–643 amended section 1631(b)(1) of the Act to expand the circumstances under which SSI benefits due a deceased individual may be paid to survivors. Among other things, those proposed regulations would amend §§ 416.340 (d)(2) and 416.345(e)(2) to permit, in general, a claimant's surviving spouse, or a claimant's surviving parent(s) if the claimant is a deceased blind or disabled child, who could receive the claimant's benefits under proposed § 416.542(b), or someone on behalf of such surviving spouse or parent(s), to file an application for SSI benefits for the claimant where the claimant dies after we receive a written statement indicating an intent to claim SSI benefits or an oral inquiry about SSI eligibility. The rule which we now are proposing regarding who may file an application for SSI benefits on behalf of a claimant where the claimant dies after the alleged misinformation was provided, discussed above, is consistent with these earlier, proposed changes to the SSI regulations.

We propose to amend §§ 404.612, 404.615 and 416.310 to reflect the provisions of proposed §§404.633 and 416.351 concerning who may file an application if a claimant dies after the alleged misinformation was provided.

The proposed regulations explain that the provisions for establishing a "deemed" filing date of an application apply only to cases in which the misinformation was provided to the individual by an employee of SSA, including an officer of the Agency, while such person was acting in his or her official capacity as an employee or officer of the Agency. The proposed regulations also explain that "misinformation" is information which we would consider incorrect, misleading, or incomplete in view of the facts which the individual gave to the employee, or of which the employee otherwise was aware or should have been aware, regarding the claimant's particular circumstances. Under the proposed regulations, we will consider the information provided to be incomplete if the employee failed to provide the individual with appropriate, additional information which he or she is required to provide in carrying out his or her official duties. The misinformation may have been provided orally or in writing. However, the misinformation must have been provided to the individual in response to his or her request to us for information about applying for benefits, either for himself or herself or for another person for whom he or she could sign an application.

We also are amending §§ 404.614 and 416.325, which explain when an application for benefits is considered filed, to reflect the provisions of proposed §§ 404.633 and 416.351.

Evidence That Misinformation Was Provided

In the proposed regulations at §§ 404.633(d) and 416.351(d), we describe the kinds of evidence we will consider in determining whether misinformation was provided. We explain that preferred evidence is written evidence that relates directly to an individual's inquiry about his or her eligibility for benefits, or about the eligibility of another person on whose behalf the individual was considering applying for benefits, and which shows that we gave the individual misinformation which caused him or her not to file an application for such

benefits. Preferred evidence includes, but is not limited to, the following—

- A notice, letter, or other document which was issued by SSA and addressed to the individual; and
- An SSA record of a telephone call, letter or in-person contact.

In the absence of preferred evidence, we will consider other convincing evidence which includes, but is not limited to, the following—

- The individual's statements about the alleged misinformation, including statements about the date and time of the alleged contact(s); how the contact was made, e.g., by telephone or in person; the reason(s) the contact was made; who gave the misinformation; and the questions asked by the individual and the facts the individual gave us, and the questions asked by the SSA employee and the information the employee gave the individual, at the time of the contact;
- Statements from others who were present when the alleged misinformation was given, e.g., a neighbor who accompanied the individual to the SSA office;
- If the individual can identify the employee or the employee can recall the individual's inquiry about benefits—

(1) Statements from the employee concerning the alleged contact, including statements about the questions the individual asked, the facts the individual gave, the questions the employee asked, and the information provided to the individual at the time of the alleged contact; and

(2) An assessment of the likelihood that the alleged misinformation was given by the SSA employee;

- An evaluation of the credibility and the validity of the individual's allegations in conjunction with other relevant information; and
- Any other information regarding the individual's alleged contact.

We will evaluate the individual's allegations and seek corroboration; we will resolve reasonable doubt in the individual's favor if the allegation of misinformation seems credible, is supported by other evidence, and there is no contradictory evidence.

Information Which Does Not Constitute Satisfactory Proof That Misinformation Was Given

Under the proposed regulations at §§ 404.633(e) and 416.351(e), certain kinds of information will not constitute satisfactory proof that we gave the individual misinformation which caused him or her not to file an application. Examples of such information include—

- General informational pamphlets that we issue to provide basic program information;
- The Personal Earnings and Benefit Estimate Statement that is based on an individual's reported and projected earnings and is an estimate of Social Security benefits which can be requested at any time; the estimate is only a projection based on our records and the individual's estimated future earnings and is not necessarily associated with an intent to file or an inquiry about eligibility;
- The SSI Benefit Estimate Letter that is based on an individual's reported and projected income and is an estimate which can be requested at any time; the estimate is only a projection based on our records and the individual's estimated income and is not necessarily associated with an intent to file or an inquiry about eligibility;
- General information we review or prepare but which is disseminated by the media, e.g., radio, television, magazines, and newspapers; and
- Information concerning Social Security and SSI benefits provided by other governmental agencies; e.g., the Department of Veterans Affairs, the Department of Defense, State unemployment agencies, and State and local governments.

Claim for Benefits Based on Alleged Misinformation

Under the proposed regulations at §§ 404.633(f) and 416.351(f), an individual at any time may ask us to consider establishing a deemed filing date on the basis that misinformation was provided. However, the proposed regulations explain that we will not make a determination on such a claim for benefits unless the following conditions are met.

First, a claim for benefits based on an allegation that we provided misinformation must be made in writing. The written statement must explain what information was provided; how, when and where it was provided and by whom; and why the information caused the individual not to file an application for benefits.

Second, an application for the benefits must be filed by the claimant or by someone who, under the proposed rules, could file on behalf of the claimant. The application must be filed after the occurrence of the alleged misinformation. This application may be—

- An application on which we have made a previous final determination or decision awarding such benefits to the claimant, provided that the claimant continues to be entitled to Social Security benefits, or continues to be eligible for SSI benefits (or again could be eligible for SSI benefits), based on that application;
- An application on which we have made a previous final determination or decision denying the benefits to the claimant, but only if such determination or decision is reopened under § 404.988 or § 416.1488; or
- A new application on which we have not made a final determination or decision.

Third, if the only issue in dispute is whether or not the alleged misinformation occurred, we will not make an initial determination on a claim for benefits under proposed § 404.633 or § 416.351 unless the establishment of a deemed filing date of an application based on the alleged misinformation would result in the claimant becoming entitled to, or eligible for, benefits or additional benefits.

Fourth, we will not make an initial determination on a claim for benefits under proposed § 404.633 or 416.351 if we have made a previous determination or decision on a claim for benefits based on the alleged misinformation which involved the same party(ies), the same facts and the same issues, and this previous determination or decision has become final. This rule does not apply, however, if the previous final determination or decision may be reopened under § 404.988 or § 416.1488.

We are proposing to amend §§ 404.903 and 416.1403 to explain that if we decline to make an initial determination on a claim for benefits based on an allegation of misinformation because one or more of the conditions specified above are not met, our action is not an initial determination for purposes of our administrative review process or judicial review. We also propose to amend §§ 404.902 and 416.1402 to make it clear that if we make a determination on a claim for benefits based on an allegation of misinformation, the determination is an initial determination subject to administrative and judicial review under §§ 404.900 *et seq.* or §§ 416.1400 *et seq.*

Regulatory Procedures

Executive Order 12291

The Secretary has determined that this is not a major rule under Executive Order 12291 because these regulations do not meet any of the threshold criteria for a major rule. Therefore, a regulatory impact analysis is not required.

Paperwork Reduction Act

These regulations impose no new reporting or recordkeeping requirements necessitating clearance by the Office of Management and Budget.

Regulatory Flexibility Act

We certify that these proposed regulations, if promulgated, will not have a significant economic impact on a substantial number of small entities because they affect only individuals. Therefore, a regulatory flexibility analysis as provided in Public Law 96–354, the Regulatory Flexibility Act, is not required.

(Catalog of Federal Domestic Assistance Program Nos. 93.802, Social Security-Disability Insurance; 93.803, Social Security-Retirement Insurance; 93.805, Social Security-Survivors Insurance; 93.807, Supplemental Security Income Program)

List of Subjects

20 CFR Part 404

Administrative Practice and Procedure, Death benefits, Disability benefits, Old-Age, Reporting and recordkeeping requirements, Survivors and Disability Insurance.

20 CFR Part 416

Administrative Practice and Procedure, Aged, Blind, Disability benefits, Public assistance programs, Reporting and recordkeeping requirements, Supplemental Security Income (SSI).

Dated: May 7, 1992.

Gwendolyn S. King,

Commissioner of Social Security.

Approved: June 24, 1992.

Louis W. Sullivan,

Secretary of Health and Human Services.

For the reasons set out in the preamble, parts 404 and 416 of chapter III of title 20 of the Code of Federal Regulations are amended as set forth below.

PART 404—FEDERAL OLD-AGE, SURVIVORS AND DISABILITY INSURANCE (1950–)

20 CFR part 404, subparts G and J are amended as follows:

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

Authority: Secs. 202(i), (j), (o), (p), and (r), 205(a), 216(i)(2), 223(b), 228(a), and 1102 of the Social Security Act; 42 U.S.C. 402(i), (j), (o), (p), and (r), 405(a), 416(i)(2), 423(b), 428(a), and 1302.

2. Section 404.612 is amended by redesignating paragraph (g) as paragraphs (h) and by adding a new paragraph (g) to read as follows:

§ 404.612 Who may sign an application.

* * * * *

(g) If a person who could receive benefits on the basis of a "deemed" filing date of an application under § 404.633(b)(1)(i) or (b)(2)(i) dies before an application for the benefits is filed, the application may be signed by a person who would be qualified to receive any benefits due the deceased person as explained in § 404.633(b)(1)(ii) and (b)(2)(ii).

* * * * *

3. Section 404.614 is amended by revising paragraph (a) to read as follows:

§ 404.614 When an application or other form is considered filed.

(a) *General rule.* Except as otherwise provided in paragraph (b) of this section and in §§ 404.630–404.633 which relate to the filing date of an application, an application for benefits, or a written statement, request, or notice is filed on the day it is received by an SSA employee at one of our offices or by an SSA employee who is authorized to receive it at a place other than one of our offices.

* * * * *

4. Section 404.615 is amended by adding paragraph (d) to read as follows:

§ 404.615 Claimant must be alive when an application is filed.

* * * * *

(d) If a person who could receive benefits on the basis of a "deemed" filing date of an application under § 404.633(b)(1)(i) or (b)(2)(i) dies before an application for the benefits is filed, the application may be signed by a person who would be qualified to receive any benefits due the deceased person as explained in § 404.633(b)(1)(ii) and (b)(2)(ii).

5. A new heading and a new § 404.633 are added to read as follows:

Deemed Filing Date Based on Misinformation

§ 404.633 Deemed filing date in a case of misinformation.

(a) *General.* You may have considered applying for monthly benefits for yourself or for another person, and you may have contacted us in writing, by telephone or in person to inquire about filing an application for these benefits. It is possible that in responding to your inquiry, we may have given you misinformation about your eligibility for such benefits, or the eligibility of the person on whose behalf you were considering applying for benefits, which caused you not to file an application at that time. If this happened, and later an application for such benefits is filed with us, we may establish an earlier filing date under the rules in this section.

Example 1: Mrs. Smith, a widow of an insured individual, contacts a Social Security office when she reaches age 60 to inquire about applying for widow's insurance benefits. She is told by an SSA employee that she must be age 62 to be eligible for these benefits. This information, which was incorrect, causes Mrs. Smith not to file an application for benefits. When Mrs. Smith reaches age 62, she again contacts a Social Security office to ask about filing for widow's insurance benefits and learns that she could have received the benefits at age 60. She files an application for these benefits, provides the information required under paragraph (f) of this section to show that an SSA employee provided misinformation, and requests a deemed filing date based on the misinformation which she received from an SSA employee when she was age 60.

Example 2: Ms. Hill, a 22-year-old, is forced to stop work because of illness. When she contacts a Social Security office to inquire about applying for disability insurance benefits, she is told by an SSA employee that she must have 20 quarters of coverage out of the last 40 calendar quarters to be insured for disability insurance benefits. The employee fails to consider the special rules for insured status for persons who become disabled before age 31 and, consequently, tells Ms. Hill that she is not insured because she only has 16 quarters of coverage. The misinformation causes Ms. Hill not to file an application for disability insurance benefits. Because of her illness, she is unable to return to work. A year later, Ms. Hill reads an article that indicates that there are special rules for insured status for young workers who become disabled. She again contacts a Social Security office to inquire about benefits based on disability and learns that she was misinformed earlier about her insured status. She files an application for disability insurance benefits, provides the information required under paragraph (f) of this section to show that an SAA employee provided misinformation, and requests a deemed filing date based on the misinformation provided to her earlier.

(b) *Deemed filing date of an application based on misinformation.* Subject to the requirements and conditions in paragraphs (c) through (g) of this section, we may establish a deemed filing date of an application for monthly benefits under the following rules.

(1)(i) If we determine that you failed to apply for monthly benefits for yourself because we gave you misinformation about your eligibility for such benefits, we will deem an application for such benefits to have been filed with us on the later of—

(A) The date on which the misinformation was provided to you; or

(B) The date on which you met all of the requirements for entitlement to such

benefits, other than the requirement of filing an application.

(ii) Before we may establish a deemed filing date of an application for benefits for you under paragraph (b)(1)(i) of this section, you or a person described in § 404.612 must file an application for such benefits. If you die before an application for the benefits is filed with us, we will consider establishing a deemed filing date of an application for such benefits only if an application for the benefits is filed with us by a person who would be qualified to receive any benefits due you.

(2)(i) If you had authority under § 404.612 to sign an application for benefits for another person, and we determine that you failed to apply for monthly benefits for that person because we gave you misinformation about that person's eligibility for such benefits, we will deem an application for such benefits to have been filed with us on the later of—

(A) The date on which the misinformation was provided to you; or

(B) The date on which the person met all of the requirements for entitlement to such benefits, other than the requirement of filing an application.

(ii) Before we may consider establishing a deemed filing date of an application for benefits for the person under paragraph (b)(2)(i) of this section, you, such person, or another person described in § 404.612 must file an application for such benefits. If the person referred to in paragraph (b)(2)(i) of this section dies before an application for the benefits is filed with us, we will consider establishing a deemed filing date of an application for such benefits only if an application for the benefits is filed with us by a person who would be qualified to receive any benefits due the deceased person.

(c) *Requirements concerning the misinformation.* We apply the following requirements for purposes of paragraph (b) of this section.

(1) The misinformation must have been provided to you by one of our employees while he was acting in his official capacity as our employee. For purposes of this section, an employee includes an officer of SSA.

(2) Misinformation is information which we consider to be incorrect, misleading, or incomplete in view of the facts which you gave to the employee, or of which the employee was aware or should have been aware, regarding your particular circumstances, or the particular circumstances of the person referred to in paragraph (b)(2)(i) of this section. In addition, for us to find that the information you received was incomplete, the employee must have failed to provide you with the appropriate, additional information which he would be required to provide in carrying out his official duties.

(3) The misinformation may have been provided to you orally or in writing.

(4) The misinformation must have been provided to you in response to a specific request by you to us for information about your eligibility for benefits or the eligibility for benefits of the person referred to in paragraph (b)(2)(i) of this section for which you were considering filing an application.

(d) *Evidence that misinformation was provided.* We will consider the following evidence in making a determination under paragraph (b) of this section.

(1) *Preferred evidence.* Preferred evidence is written evidence which relates directly to your inquiry about your eligibility for benefits or the eligibility of another person and which shows that we gave you misinformation which caused you not to file an application. Preferred evidence includes, but is not limited to, the following—

(i) A notice, letter or other document which was issued by us and addressed to you; or

(ii) Our record of your telephone call, letter or in-person contact.

(2) *Other evidence.* In the absence of preferred evidence, we will consider other convincing evidence which includes, but is not limited to, the following—

(i) Your statements about the alleged misinformation, including statements about—

(A) The date and time of the alleged contact(s);

(B) How the contact was made, e.g., by telephone or in person;

(C) The reason(s) the contact was made;

(D) Who gave the misinformation; and

(E) The questions you asked and the facts you gave us, and the questions we asked and the information we gave you, at the time of the contact;

(ii) Statements from others who were present when you were given the alleged misinformation, e.g, a neighbor who accompanied you to our office;

(iii) If you can identify the employee or the employee can recall your inquiry about benefits—

(A) Statements from the employee concerning the alleged contact, including statements about the questions you asked, the facts you gave, the questions the employee asked, and the information provided to you at the time of the alleged contact; and

(B) Our assessment of the likelihood that the employee provided the alleged misinformation;

(iv) An evaluation of the credibility and the validity of your allegations in conjunction with other relevant information; and

(v) Any other information regarding your alleged contact.

(e) *Information which does not constitute satisfactory proof that misinformation was given.* Certain kinds of information will not be considered satisfactory proof that we gave you misinformation which caused you not to file an application. Examples of such information include—

(1) General informational pamphlets that we issue to provide basic program information;

(2) The Personal Earnings and Benefit Estimate Statement that is based on an individual's reported and projected earnings and is an estimate which can be requested at any time;

(3) General information which we review or prepare but which is disseminated by the media, e.g., radio, television, magazines, and newspapers; and

(4) Information provided by other governmental agencies, e.g., the Department of Veterans Affairs, the Department of Defense, State unemployment agencies, and State and local governments.

(f) *Claim for benefits based on misinformation.* You may make a claim for benefits based on misinformation at any time. Your claim must contain information that will enable us to determine if we did provide misinformation to you about your eligibility for benefits, or the eligibility of a person on whose behalf you were considering applying for benefits, which caused you not to file an application for the benefits. Specifically, your claim must be in writing and it must explain what information was provided; how, when and where it was provided and by whom; and why the information caused you not to file an application. If you give us this information, we will make a determination on such a claim for benefits if all of the following conditions are also met.

(1) An application for the benefits described in paragraph (b)(1)(i) or (b)(2)(i) of this section is filed with us by someone described in paragraph (b)(1)(ii) or (b)(2)(ii) of this section, as appropriate. The application must be filed after the alleged misinformation was provided. This application may be—

(i) An application on which we have made a previous final determination or decision awarding the benefits, but only if the claimant continues to be entitled to benefits based on that application;

(ii) An application on which we have made a previous final determination or decision denying the benefits, but only if such determination or decision is reopened under § 404.988; or

(iii) A new application on which we have not made a final determination or decision.

(2) The establishment of a deemed filing date of an application for benefits based on misinformation could result in the claimant becoming entitled to benefits or to additional benefits.

(3) We have not made a previous final determination or decision to which you were a party on a claim for benefits based on alleged misinformation involving the same facts and issues. This provision does not apply, however, if the final determination or decision may be reopened under § 404.988.

(g) *Effective date.* This section applies only to misinformation which we provided after December 1982. In addition, this section is effective only for benefits payable for months after December 1982.

6. The authority citation for Subpart J continues to read as follows:

Authority: Secs. 201(j), 205(a), (b), and (d)–(h), 221(d), and 1102 of the Social Security Act; 31 U.S.C. 3720A; 42 U.S.C. 401(j), 405(a), (b), and (d)–(h), 421(d), and 1302.

7. Section 404.902 is amended by removing "and" following the semicolon at the end of paragraph (t), by inserting a semicolon in place of the period at the end of paragraph (u) and adding "and" following such semicolon, and by adding a new paragraph (v) to read as follows:

§ 404.902 Administrative actions that are initial determinations.

* * * * *

(v) A claim for benefits under § 404.633 based on alleged misinformation.

8. Section 404.903 is amended by removing "and" following the semicolon at the end of paragraph (l), by inserting semicolons in place of the periods at the end of paragraphs (m), (n) and (o), and by revising paragraph (p) and adding a new paragraph (q) to read as follows:

§ 404.903 Administrative actions that are not initial determinations.

* * * * *

(p) Findings on whether we can collect an overpayment by using the Federal income tax refund offset procedure (see § 404.523); and

(q) Declining under § 404.633(f) to make a determination on a claim for benefits based on alleged misinformation because one or more of the conditions specified in § 404.633(f) are not met.

PART 416—SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

20 CFR part 416, subparts C and N are amended as follows:

1. The authority citation for subpart C of part 416 continues to read as follows:

Authority: Secs. 1102, 1611, and 1631 (a), (d), and (e) of the Social Security Act; 42 U.S.C. 1302, 1382, and 1383 (a), (d), and (e).

2. Section 416.310 is amended by revising paragraph (d) to read as follows:

§ 416.310 What makes an application a claim for benefits.

* * * * *

(d) The claimant must be alive at the time the application is filed. See §§ 416.340, 416.345, and 416.351 for exceptions.

3. Section 416.325 is amended by adding a new paragraph (b)(3) to read as follows:

§ 416.325 When an application is considered filed.

* * * * *

(b) * * *

(3) We will established a "deemed" filing date of an application in a case of misinformation under the conditions described in § 416.351. The filing date of the application will be a date determined under § 416.351(b).

4. A new heading and a new § 416.351 are added to read as follows:

Deemed Filing Date Based on Misinformation

§ 416.351 Deemed filing date in a case of misinformation.

(a) *General.* You may have considered applying for SSI benefits for yourself or for another person, and you may have contacted us in writing, by telephone or in person to inquire about filing an application for these benefits. It is possible that in responding to your inquiry, we may have given you misinformation about your eligibility for such benefits, or the eligibility of the person on whose behalf you were considering applying for benefits, which caused you not to file an application at that time. If this happened, and later an application for such benefits is filed with us, we may establish an earlier filing date under the rules in this section.

Example 1: Ms. Jones calls a Social Security office to inquire about filing an application for SSI benefits. During her conversation with an SSA employee, she tells the employee about her resources. The SSA employee tells Ms. Jones that because her countable resources are above the allowable limit, she would be ineligible for SSI benefits. The employee fails to consider certain resource exclusions under the SSI program which would have reduced Ms. Jones' countable resources below the allowable limit, making her eligible for benefits. Because Ms. Jones thought that she would be ineligible, she decides not to file an application for SSI benefits. Ms. Jones later reads about resource exclusions under the SSI program. She recontacts the Social Security office to file an SSI application, and alleges that she had been previously misinformed about her eligibility for SSI benefits. She files an application for SSI benefits, provides the information required under paragraph (f) of this section to show that an SSA employee provided misinformation, and requests a deemed filing date based upon here receipt of misinformation.

Example 2: Mr. Adams resides in a State which provides State supplementary payments that are administered by SSA under the SSI program. He telephones a Social Security office and tells an SSA employee that he does not have enough income to live on and wants to file for SSI benefits. Mr. Adams states that his only income is his monthly Social Security benefit check. The SSA employee checks Mr. Adams' Social Security record and advises him that he is ineligible for SSI benefits based on the amount of his monthly Social Security benefit. The employee does not consider whether Mr. Adams would be eligible for State supplementary payments. Because Mr. Adams was told that he would not be eligible for benefits under the SSI program, he does not file an application. The employee does not make a record of Mr. Adams' oral inquiry or take any other action.

A year later, Mr. Adams speaks to a neighbor who receives the same Social Security benefit amount that Mr. Adams does, but also receives payments under the SSI program. Thinking the law may have changed, Mr. Adams recontacts a Social Security office and learns from an SSA employee that he would be eligible for State supplementary payments under the SSI program and that he could have received these payments earlier had he filed an application. Mr. Adams explains that he did not file an application earlier because he was told by an SSA employee that he was not eligible for SSI benefits. Mr. Adams files an application for the benefits, provides the information required under paragraph (f) of this section to show that an SSA employee provided misinformation, and requests a deemed filing date based on the misinformation provided to him earlier.

(b) *Deemed filing date of an application based on misinformation.* Subject to the requirements and conditions in paragraphs (c) through (g) of this section, we may establish a deemed filing date of an application for SSI benefits under the following rules.

(1)(i) If we determine that you failed to apply for SSI benefits for yourself because we gave you misinformation about your eligibility for such benefits, we will deem an application for such

benefits to have been filed with us on the later of—

(A) The date on which the misinformation was provided to you; or

(B) The date on which you met all of the requirements for eligibility for such benefits, other than the requirement of filing an application.

(ii) Before we may establish a deemed filing date of an application for benefits for you under paragraph (b)(1)(i) of this section, you or a person described in § 416.315 must file an application for such benefits. If you die before an application for the benefits is filed with us, we will consider establishing a deemed filing date of an application for such benefits only if a person who would be qualified under § 416.542(b) to receive any benefits due you, or someone on his behalf, files an application for the benefits.

(2)(i) If you had authority under § 416.315 to sign an application for benefits for another person, and we determine that you failed to apply for SSI benefits for that person because we gave you misinformation about that person's eligibility for such benefits, we will deem an application for such benefits to have been filed with us on the later of—

(A) The date on which the misinformation was provided to you; or

(B) The date on which the person met all of the requirements for eligibility for such benefits, other than the requirement of filing an application.

(ii) Before we may consider establishing a deemed filing date of an application for benefits for the person under paragraph (b)(2)(i) of this section, you, such person, or another person described in § 416.315 must file an application for such benefits. If the person referred to in paragraph (b)(2)(i) of this section dies before an application for the benefits is filed with us, we will consider establishing a deemed filing date of an application for such benefits only if a person who would be qualified under § 416.542(b) to receive any benefits due the deceased person, or someone on his behalf, files an application for the benefits.

(c) *Requirements concerning the misinformation.* We apply the following requirements for purposes of paragraph (b) of this section.

(1) This misinformation must have been provided to you by one of our employees while he was acting in his official capacity as our employee. For purpose of this section, an employee includes an officer of SSA.

(2) Misinformation is information which we consider to be incorrect, misleading, or incomplete in view of the facts which you gave to the employee, or of which the employee was aware or should have been aware, regarding your particular circumstances, or the particular circumstances of the person referred to in paragraph (b)(2)(i) of this section. In addition, for us to find that the information you received was incomplete, the employee must have failed to provide you with the appropriate, additional information which he would be required to provide in carrying out his official duties.

(3) The misinformation may have been provided to you orally or in writing.

(4) The misinformation must have been provided to you in response to a specific request by you to us for information about your eligibility for benefits or the eligibility for benefits of the person referred to in paragraph (b)(2)(i) of this section for which you were considering filing an application.

(d) *Evidence that misinformation was provided.* We will consider the following evidence in making a determination under paragraph (b) of this section.

(1) *Preferred evidence.* Preferred evidence is written evidence which relates directly to your inquiry about your eligibility for benefits or the eligibility of another person and which shows that we gave you misinformation which caused you not to file an application. Preferred evidence includes, but is not limited to, the following—

(i) A notice, letter or other document which was issued by us and addressed to you; or

(ii) Our record of your telephone call, letter or in-person contact.

(2) *Other evidence.* In the absence of preferred evidence, we will consider other convincing evidence which includes, but is not limited to, the following—

(i) Your statements about the alleged misinformation, including statements about—

(A) The date and time of the alleged contact(s);

(B) How the contact was made, e.g., by telephone or in person;

(C) The reason(s) the contact was made;

(D) Who gave the misinformation; and

(E) The questions you asked and the facts you gave us, and the questions we asked and the information we gave you, at the time of the contact;

(ii) Statements from others who were present when you were given the alleged misinformation, e.g., a neighbor who accompanied you to our office;

(iii) If you can identify the employee or the employee can recall your inquiry about benefits—

(A) Statements from the employee concerning the alleged contact, including statements about the questions you asked, the facts you gave, the questions the employee asked, and the information provided to you at the time of the alleged contact; and

(B) Our assessment of the likelihood that the employee provided the alleged misinformation;

(iv) An evaluation of the credibility and the validity of your allegations in conjunction with other relevant information; and

(b) Any other information regarding your alleged contact.

(e) *Information which does not constitute satisfactory proof that misinformation was given.* Certain kinds of information will not be considered satisfactory proof that we gave you misinformation which caused you not to file an application. Examples of such information include—

(1) General informational pamphlets that we issue to provide basic program information;

(2) The SSI Benefit Estimate Letter that is based on an individual's reported and projected income and is an estimate which can be requested at any time;

(3) General information which we review or prepare but which is disseminated by the media, e.g., radio, television, magazines, and newspapers; and

(4) Information provided by other governmental agencies, e.g., the Department of Veterans Affairs, the Department of Defense, State unemployment agencies, and State and local governments.

(f) *Claim for benefits based on misinformation.* You may make a claim for benefits based on misinformation at any time. Your claim must contain information that will enable us to determine if we did provide misinformation to you about you about your eligibility for SSI benefits, or the eligibility of a person on whose behalf you were considering applying for benefits, which caused you not to file an application for the benefits. Specifically, your claim must be in writing and it must explain what information was provided; how, when and where it was provided and by whom; and why the information caused you not to file an application. If you give us this information, we will make a determination on such a claim for benefits if all of the following conditions are also met.

(1) An application for the benefits described in paragraph (b)(1)(i) or (b)(2)(i) of this section is filed with us by someone described in paragraph (b)(1)(ii) or (b)(2)(ii) of this section, as appropriate. The application must be filed after the alleged misinformation

was provided. This application may be—

(i) An application on which we have made a previous final determination or decision awarding the benefits, but only if the claimant continues to be eligible for benefits (or again could be eligible for benefits) based on that application;

(ii) An application on which we have made a previous final determination or decision denying the benefits, but only if such determination or decision is reopened under § 416.1488; or

(iii) A new application on which we have not made a final determination or decision.

(2) The establishment of a deemed filing date of an application for benefits based on misinformation could result in the claimant becoming eligible for benefits or for additional benefits.

(3) We have not made a previous final determination or decision to which you were a party on a claim for benefits based on alleged misinformation involving the same facts and issues. This provision does not apply, however, if the final determination or decision may be reopened under § 416.1488.

(g) *Effective date.* This section applies only to misinformation which we provided on or after December 19, 1989. In addition, this section is effective only for benefits payable for months after December 1989.

5. The authority citation for subpart N continues to read as follows:

Authority: Secs. 1102, 1631, and 1633 of the Social Security Act; 42 U.S.C. 1302, 1383, and 1383b; sec. 6 of Pub. L. 98–460, 98 Stat. 1802.

6. Section 416.1402 is amended by removing "and" following the semicolon at the end of paragraph (k), by inserting a semicolon in place of the period at the end of paragraph (l) and adding "and" following such semicolon, and by adding a new paragraph (m) to read as follows:

§ 416.1402 Administrative actions that are initial determinations.

* * * * *

(m) A claim for benefits under § 416.351 based on alleged misinformation.

7. Section 416.1403 is amended by removing "and" following the semicolon at the end of paragraph (a)(7), by inserting semicolons in place of the periods at the end of paragraphs (a)(2), (a)(8), (a)(9), (a)(10) and (a)(11), by adding "and" following such semicolon at the end of paragraph (a)(11), and by adding a new paragraph (a)(12) to read as follows:

§ 416.1403 Administrative actions that are not initial determinations.

(a) * * *

(12) Declining under § 416.351(f) to make a determination on a claim for benefits based on alleged misinformation because one or more of the conditions specified in § 416.351(f) are not met.

* * * * *

[FR Doc. 92–25030 Filed 10–15–92; 8:45 am]

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Food and Drug Administration

21 CFR Part 201

[Docket No. 92N–0165]

Specific Requirements on Content and Format of Labeling for Human Prescription Drugs; Proposed Revision of "Pediatric Use" Subsection in the Labeling

AGENCY: Food and Drug Administration, HHS.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is proposing to amend its regulations governing the content and format of labeling for human prescription drug products. The proposal would revise the current "Pediatric use" subsection of professional labeling to provide for the inclusion of more complete information about use of a drug in children and about hazards associated with this use when such a subsection is included in the labeling. The proposal responds to concerns in FDA and elsewhere that current prescription drug labeling does not always contain adequate information about use of drugs in children. The proposed revision of the "Pediatric use" subsection of the labeling would promote the safe and effective use of prescription drugs in the pediatric population. The proposed rule, if finalized, will be applicable to the labeling of all prescription drug products, including biological products. The proposed rule would continue to provide the manufacturer the option, in lieu of the new requirements, to include the statement "Safety and effectiveness in children have not been established" where a finding of substantial evidence to support a pediatric use statement has not been met for any pediatric population.

DATES: Comments by December 15, 1992. FDA proposes that any final rule that may issue based upon this proposal become effective 1 year after its date of publication in the Federal Register.

ADDRESSES: Submit written comments to the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Philip L. Chao, Center for Drug Evaluation and Research (HFD–362), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–295–8049.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is proposing to amend its regulations pertaining to the specific content and format of prescription drug labeling (21 CFR 201.57) by revising the current "Pediatric use" subsection (§ 201.57(f)(9)) to provide for the inclusion of more information about use of a drug in children. The proposal would acknowledge various methods of establishing substantial evidence to support pediatric labeling claims and would set forth requirements for the presentation of this pediatric information. The proposal would require that the labeling characterize the available data on pediatric use of the drug or indicate that none is available. The proposed changes are intended to address the concern that current labeling often does not provide enough information to promote the safe and effective use of prescription drugs in children.

FDA promulgated current pediatric labeling requirements in 1979 (44 FR 37434, June 26, 1979). The regulation, codified at § 201.57(f)(9), requires that specific pediatric indications, if any, be described under the "Indications and Usage" section of the labeling, with appropriate pediatric dosage provided under the "Dosage and Administration" section. The current regulation also provides that statements on pediatric use of a drug for an indication approved for adults must be based on substantial evidence derived from adequate and well-controlled studies, unless the requirement is waived. If a drug's safety and effectiveness in children cannot be established or if the drug's use in children is associated with a specific hazard, the regulation requires appropriate statements or details.

By establishing a "Pediatric use" subsection and describing its content and format, the 1979 regulations were intended to encourage drug labeling that would regularly provide adequate information about use of prescription drugs in children. Surveys of drug labeling in the years since, however, indicate that this has not been the result. An informal survey done in 1990 by the American Academy of Pediatrics, for instance, examined labeling of all new

molecular entities approved between 1984 and 1989 and found that 80 percent had no information on pediatric use. Other surveys have shown that labeling for many prescription drugs states that safety and effectiveness in children have not been established and contains no information on pediatric use, even for drugs that are commonly prescribed for children.

Without adequate information, physicians may be reluctant to prescribe certain drugs at all for their pediatric patients, or may prescribe them inappropriately, choosing dosages, for instance, that are arbitrarily based on the child's age, body weight, or body surface area without regard for the interaction of those factors or age-related physiological and biochemical factors. As a result, children may be exposed to an increased risk of adverse reactions, or decreased effectiveness of prescription drugs, or may be denied access to valuable therapeutic agents.

Drug manufacturers' failure to provide more information about pediatric use in prescription drug labeling is due in part to the generally held impression that the existing regulation requires that pediatric claims always be based on adequate and well-controlled studies in children. Given the many problems associated with the testing of drugs in children (e.g., obtaining informed consent for tests not directly of benefit for the child, use of placebo controls in a vulnerable population, obtaining adequate blood samples for pharmacokinetic analysis), studies meeting this standard are often difficult to obtain. Yet, existing FDA regulations and policy do not always require that controlled trials be conducted in children. Under § 201.57(f)(9), the need for such studies may be waived where other data can satisfy the requirements of law. The basis for granting such waiver is not, however, clear in the existing regulation. The proposed change in the pediatric labeling regulation would make it clearer that controlled clinical studies in children are not always essential to support labeling statements on pediatric use. Section 201.57(f)(9)(iii) of the proposed rule would describe more fully how the agency would determine that data from adequate and well-controlled studies with adult subjects could provide substantial evidence of effectiveness in children.

A. FDA Initiatives

This proposal is one of a number of initiatives FDA has taken to encourage sponsors to study prescription drugs in children and to stimulate development of sufficient information for labeling to allow the safe and effective use of drugs in children. The agency is now routinely reviewing investigational new drug applications to determine whether studies in children need to be conducted before marketing approval, can be deferred to the postmarketing period, or are not needed. Where appropriate, the agency has been encouraging sponsors of certain investigational drugs to perform studies in children before marketing. Increasingly, sponsors are willing to undertake such studies. In some cases, FDA has elicited an agreement from drug sponsors at the time of marketing approval to carry out additional pediatric studies after approval. In addition, FDA has taken steps to ensure that existing data bases are appropriately examined to determine whether sufficient information already exists to support statements on pediatric use and to identify any remaining deficiencies. FDA reviewers often work with applicants to increase the amount of information about use of the drug in children, and this information has resulted in improved pediatric labeling.

B. Description of the Proposed Rule

Underlying both the existing and proposed pediatric labeling requirements is the principle that pediatric indications and labeling statements about use of a drug in children be supported by adequate scientific data. The proposed rule would expand on the current approach by explicitly recognizing alternatives for establishing substantial evidence of drug effectiveness in children when the drug has been approved for an indication based on adequate and well-controlled studies in adults. The proposed rule would also require the inclusion of more information about specific hazards associated with prescription drug use in children than is the case under current regulations.

As under current FDA policy, proposed § 201.57(f)(9)(i) would require that specific pediatric indications be based on substantial evidence derived from adequate and well-controlled studies in children. (Waiver of any of the criteria for adequate and well-controlled studies set forth in 21 CFR 314.126(b) would remain available under the procedure described in 21 CFR 201.58.) Under the proposed rule, the specific pediatric indication would be described in the "Indications and Usage" section of the labeling, with explanatory information related to the indication included in other sections of the labeling. For instance, appropriate pediatric dosing information would be provided under the "Dosage and Administration" section. The proposed "Pediatric use" subsection would contain additional information related to the safe and effective use of the drug in children, such as the need for specific monitoring.

In a few cases, there will be no additional information for inclusion in a "Pediatric use" subsection, and FDA may determine that the subsection may be omitted from the labeling of these products. FDA expects that such cases will be rare, but invites sponsors who believe that a "Pediatric use" subsection is unnecessary or inappropriate for the labeling of their drug product to notify the agency and provide reasons for omission of a "Pediatric use" subsection as described under proposed § 201.57(f)(9)(vi). The proposed rule would, therefore, encourage sponsors to provide information that would promote the safe and effective use of prescription drugs in pediatric patients. However, under the proposal, sponsors who believe that such information is unnecessary or inappropriate for their drug products could omit pediatric use labeling information provided they notify FDA of the reasons for the omission.

Where a pediatric use is the same as a use approval in the general population, proposed § 201.57(f)(9)(ii) would require that available data be summarized under the "Pediatric use" subsection of the labeling and expanded as needed in other sections, with dosing instructions under the "Dosage and Administration" section. In some cases, the supporting data for the pediatric use will consist of adequate and well-controlled studies in children.

Perhaps the most significant difference between the proposed rule and the current regulation is contained in proposed § 201.57(f)(9)(iii). This proposed section recognizes an alternative way (other than by reliance on adequate and well-controlled studies in children) to conclude that there is substantial evidence of effectiveness in children for drugs already approved for the same use in adults. The proposed regulation would state that, in some cases, a pediatric use statement may be based on adequate and well-controlled studies in adults, provided that additional information exists to show that the course of the disease and the drug effects are sufficiently similar in children and adults to permit extrapolation from the adult data to children. This additional information must include pediatric pharmacokinetic data for determination of pediatric dosage. Other information, such as data from pharmacodynamic studies of the

drug in children, controlled or uncontrolled studies confirming the safety or effectiveness of the drug in children, safety reports, or pertinent premarketing or postmarketing studies or experience may be necessary to establish the applicability of the adult data to children.

Proposed § 201.57(f)(9)(iii) would require that the "Pediatric use" statement appear in a specified format. It would also require prescribed language (or accurate alternative language as determined under proposed § 201.57(f)(9)(vi)) characterizing the information that supports the finding of substantial evidence of effectiveness in children. The intent is that the labeling statement give the prescriber a reasonably detailed picture of the bases for the conclusion that information about use of the drug in adults could be extrapolated to support use in children.

The proposal also addresses situations where a finding of substantial evidence to support a pediatric indication or a pediatric use statement has not been made with regard to a specific subgroup of the pediatric population. Proposed § 201.57(f)(9)(iv) would require that the "Pediatric use" subsection of the labeling contain a statement that appropriately characterizes the limitation such as "Safety and effectiveness in children below the age of (____) have not been established." If use of the drug is in fact associated with a specific hazard in this pediatric subgroup, proposed § 201.57(f)(9)(iv) would add a new requirement that the "Pediatric use" subsection contain information about this hazard or, where appropriate, refer to a more complete description of the hazard in the "Contraindications" or "Warnings" section of the labeling.

Proposed § 201.57(f)(9)(v), like the existing regulation, would apply to cases where a finding of substantial evidence to support a pediatric indication or pediatric use statement has not been met for any pediatric population. In these situations, the "Pediatric use" subsection would contain the following statement: "Safety and effectiveness in children have not been established." If the use of a drug is in fact associated with a specific hazard in the pediatric population, proposed § 201.57(f)(9)(v) would impose the requirement that the "Pediatric use" subsection describe this hazard, or where appropriate, refer to a more complete description of the hazard in the "Contraindications" or "Warnings" sections of the labeling.

Proposed § 201.57(f)(9)(vi) would allow persons who believe that none of the statements or descriptions contained in other sections of the proposed "Pediatric use" regulation apply to the labeling of a particular prescription drug to provide reasons and, where appropriate, propose adoption of alternative labeling for that drug product.

For a few drug products (e.g., those approved for pediatric use only), where all labeling information that is necessary for the safe and effective use of the drug in children would be found in other sections of the labeling, the agency may determine that a "Pediatric use" subsection cab be omitted. In such cases, proposed § 201.57(f)(9)(vi) would require any sponsor who believes that no "Pediatric use" subsection is necessary or relevant to the labeling of its particular drug product to provide FDA with reasons justifying its omission from the "Pediatric use" subsection.

Finally, recognizing the hazards that inactive ingredients can pose to infants and children, proposed § 201.57(f)(9)(vii) would require that prescription drug labeling contain statements about excipients that present an increased risk of adverse effects to the neonate or other pediatric subgroup. These statements would be placed where most appropriate, generally in the "Contraindications," "Warnings," or "Precautions" section of the labeling.

C. Legal Authority

FDA's proposal to revise the "Pediatric use" subsection of prescription drug labeling is authorized by the Federal Food, Drug, and Cosmetic Act (the act) and by the Public Health Service Act (the PHS act). Section 502(a) of the act (21 U.S.C. 352(a)) prohibits false or misleading labeling of drugs, including, under section 201(n) of the act (21 U.S.C. 321(n)), failure to reveal material facts relating to potential consequences under customary conditions of use. Section 502(f) of the act requires drug labeling to have adequate directions for use and adequate warnings against use by children where its use may be dangerous to health, as well as adequate warnings against unsafe dosage or methods or duration of administration, as are necessary to protect users. In addition, section 502(j) of the act prohibits use of drugs that are dangerous to health when used in the manner suggested in their labeling. Drug products that do not meet the requirements of any subsection of section 502 of the act are deemed to be misbranded.

In addition to the misbranding provisions, the premarket approval provisions of the act authorize FDA to require that prescription drug labeling provide the practitioner with adequate information to permit safe and effective use of the drug product. Under section 505 of the act (21 U.S.C. 355), FDA will approve a new drug application only if the drug is shown to be both safe and effective for its intended use under the conditions set forth in the drug's labeling. Section 701(a) of the act (21 U.S.C. 371(a)) authorizes FDA to issue regulations for the efficient enforcement of the act.

Under 21 CFR 201.100(d) of FDA's labeling regulations, prescription drug products must bear labeling that contains adequate information under which licensed practitioners can use the drug safely for their intended uses. Section 201.57 describes specific categories of information, including information for drug use in selected subgroups of the general population, which must be present to meet the requirements of § 201.100. In addition, under 21 CFR 314.125, a new drug application will not be approved unless, among other things, there is adequate safety and effectiveness information for the labeled uses and the product complies with the requirements of part 201 (21 CFR part 201) of the regulations.

Section 351 of the PHS act (42 U.S.C. 262) provides legal authority for the agency to regulate the labeling and shipment of biological products. Licenses for biological products are to be issued only upon a showing that they meet standards "designed to insure the continued safety, purity, and potency of such products" prescribed in regulations (42 U.S.C. 262(d)). The "potency" of a biological product includes its effectiveness (21 CFR 600.3(s)). Section 351(b) of the PHS act prohibits false labeling of a biological product. FDA's regulations at 21 CFR part 201 apply to all prescription drug products, including biological products.

If the proposed rule is adopted as a final rule, a drug product that is not in compliance with revised § 201.57(f)(9) would be considered to be misbranded and an unapproved new drug under the act. A noncomplying product that is a biological product would, in addition, be considered falsely labeled and an unlicensed biological under the PHS act.

D. Proposed Implementation Scheme

FDA proposes that any final rule based on this proposal become effective 1 year after its date of publication in the **Federal Register**. After this date, products whose labeling is not in compliance with the rule will be misbranded drugs under section 502 of the act, or falsely labeled biologicals under section 351 of the PHS act, as well

as unapproved new drugs or unlicensed biologicals (21 U.S.C. 355 or 357).

For products that are subject to section 505 or 507 of the act (21 U.S.C. 355 or 357), FDA urges manufacturers to consider what labeling revisions, if any, will be necessary before FDA publishes the final rule, and to submit supplements proposing any revised labeling at the earliest opportunity. Under the proposed rule, any new or revised pediatric indications or statements on pediatric use under the provisions of proposed § 201.57 (f)(9)(i) through (f)(9)(iii) would require FDA approval of a supplemental application in accordance with § 314.70(b) (21 CFR 314.70(b)). Other changes to proposed § 201.57 (f)(9)(i) through (f)(9)(iii) to add or strengthen precautions, contraindications, warnings, or adverse reactions or to add or strengthen dosage and administration instructions to increase a product's safety could be put into effect at the time a supplement covering the change is submitted to FDA in accordance with § 314.70(c). Minor editorial changes may be made in accordance with § 314.70(d).

Any new or revised statement under proposed § 201.57(f)(9)(vii) regarding inactive ingredients that may be toxic to the neonate or other pediatric subgroup could be made in accordance with the provisions of § 314.70(c).

For products that are the subject of an approved abbreviated application, FDA proposes to require holders to adopt revised labeling that is the same as the labeling for the listed product no later than 4 months after FDA approves the labeling for the listed product. FDA will notify all holders of approved abbreviated applications of the approval of the listed product's labeling.

For those products subject to section 351 of the PHS act, labeling changes should be made in accordance with 21 CFR 601.12. Persons who have questions regarding such changes should contact the Division of Product Certification, Center for Biologics Evaluation and Research (HFB–240), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855 (301–295–8428).

II. Environmental Impact

The agency has determined under 21 CFR 25.24(a)(11) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

III. Economic Impact

FDA has carefully considered the economic impact of this proposed rule and has determined that it requires neither a regulatory impact analysis as specified by Executive Order 12291 nor a regulatory flexibility analysis as defined in the Regulatory flexibility Act (Pub. L. 96–354). The proposed rule would change the requirements of the "Pediatric use" subsection of prescription drug labeling to enable health professionals and consumers to use human drug products more effectively. The proposal would not require that manufacturers conduct new studies in pediatric populations. Although some drug manufacturers would have to make changes in their pediatric use labeling, the agency believes that the overall costs of the proposed rule would be minimal. The proposal describes several ways in which existing information can be gathered and presented to meet the requirements of the "Pediatric use" subsection, yielding valuable guidance for prescribing in the pediatric population. Sponsors of drug products in certain drug classes, such as anti-infective drugs and anticonvulsants, often perform clinical studies using pediatric subjects, and so the proposal would have little impact on those sponsors. Additionally, the proposal describes ways in which existing information about use of a drug can be presented to yield valuable information about use of a drug in children. Thus, the proposed rule would not present an undue burden on most drug sponsors and would impose few, if any, additional requirements.

In summary, the agency concludes that the proposed rule is not a major rule because it would not result in a significant cost to sponsors. Consequently, the agency has determined that this proposed rule is not a major rule as defined in Executive Order 12291. Further, the agency certifies that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act.

IV. Request for Comments

Interested persons may, on or before December 15, 1992, submit to the Dockets Management Branch (address above) written comments regarding this proposal. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 201

Drugs, Labeling, Reporting and recordkeeping requirements.

Therefore, under the Federal Food, Drug, and Cosmetic Act, the Public Health Service Act, and under authority delegated to the Commissioner of Food and Drugs, it is proposed that 21 CFR part 201 be amended as follows:

PART 201—LABELING

1. The authority citation for 21 CFR part 201 continues to read as follows:

Authority: Secs. 201, 301, 501, 502, 503, 505, 506, 507, 508, 510, 512, 701, 704, 706 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 331, 351, 352, 353, 355, 356, 357, 358, 360, 360b, 371, 374, 376); secs. 215, 301, 351, 354–360F, 361 of the Public Health Service Act (42 U.S.C. 216, 241, 262, 263b–263n, 264).

2. Section 201.57 is amended by revising paragraph (f)(9) to read as follows:

§ 201.57 Specific requirements on content and format of labeling for human prescription drugs.

* * * * *

(f) * * *

(9) Pediatric use:

(i) If there is a specific pediatric indication (i.e., an indication different from those approved for adults), which is supported by adequate and well-controlled studies in the pediatric population, it shall be described under the "Indications and Usage" section of the labeling, and appropriate pediatric dosage shall be given under the "Dosage and Administration" section of the labeling. The "Pediatric use" subsection shall cite any limitations on the pediatric indication, need for specific monitoring, specific hazards associated with use of the drug in any subsets of the pediatric population (e.g., neonates), differences between pediatric and adult responses to the drug, and other information related to the safe and effective use of the drug in children. Data summarized in this subsection of the labeling should be discussed in more detail, if appropriate, under the "Clinical Pharmacology" or the "Clinical Studies" section. As appropriate, this information shall also be contained in the "Contraindications," "Warnings," and elsewhere in the "Precautions" sections.

(ii) If these are specific statements on pediatric use of the drug for an indication approved for adults, which are based on adequate and well-controlled studies in children, they shall be summarized in the "Pediatric use" subsection of the labeling and discussed in more detail, if appropriate, under the

"Clinical Pharmacology" and the "Clinical Studies" sections. Appropriate pediatric dosage shall be given under the "Dosage and Administration" section of the labeling. This subsection of the labeling shall also cite any limitations on the pediatric use statement, need for specific monitoring, specific hazards associated with use of the drug in any subsets of the pediatric population (e.g., neonates), differences between pediatric and adult responses to the drug, and other information related to the safe and effective use of the drug in children. As appropriate, this information shall also be contained in the "Contraindications," "Warnings," and elsewhere in the "Precautions" sections.

(iii) FDA may approve a drug for pediatric use based on adequate and well-controlled studies in adults, with other information supporting pediatric use. In such cases, the agency will have concluded that the course of the disease and the effects of the drugs are sufficiently similar in children and adults to permit extrapolation from the adult data to children. The additional information supporting pediatric use must include data on the pharmacokinetics of the drug in children for determination of pediatric dosage. Other information, such as data from pharmacodynamic studies of the drug in children, controlled or uncontrolled studies confirming the safety or effectiveness of the drug in children, pertinent premarketing or postmarketing studies or experience, may be necessary to establish the applicability of the adult data to children. When a drug is approved for pediatric use based on adequate and well-controlled studies in adults with other information supporting pediatric use, the "Pediatric use" subsection of the labeling shall contain either the following statement, or a reasonable alternative: "The safety and effectiveness of (*drug name*) have been established in children age _____ to _____; (note any limitations, e.g., no data for children under 2). Use of (*drug name*) in children is supported by evidence from adequate and well-controlled studies of (*drug name*) in adults with additional data (insert wording that accurately describes the data submitted to support a finding of substantial evidence of effectiveness in children)." Data summarized in the preceding prescribed statement in this subsection of the labeling shall be discussed in more detail, if appropriate, under the "Clinical Pharmacology" or the "Clinical Studies" section. For example, pediatric pharmacokinetic or pharmacodynamic studies and dose-response information should be described in the "Clinical Pharmacology" section. Pediatric dosing instructions shall be included in the "Dosage and Administration" section of the labeling. Any differences between pediatric and adult responses, need for specific monitoring, dosing adjustments, and any other information related to safe and effective use of the drug in children shall be cited briefly in the "Pediatric use" subsection and, as appropriate, in the "Contraindictions," "Warnings," "Precautions," and "Dosage and Administration" sections.

(iv) If the requirements for a finding of substantial evidence to support a pediatric indication or a pediatric use statement have not been met for a particular pediatric population, the "Pediatric use" subsection of the labeling shall contain an appropriate statement such as "Safety and effectiveness in children below the age of (____) have not been established." If use of the drug in this pediatric population is associated with a specific hazard, the hazard shall be described in this subsection of the labeling, or, if appropriate, the hazard shall be stated in the Contraindications" or "Warnings" section of the labeling and this subsection shall refer to it.

(v) If the requirements for a finding of substantial evidence to support a pediatric indication or a pediatric use statement have not been met for any pediatric population, this subsection of the labeling shall contain the following statement: "Safety and effectiveness in children have not been established." If use of the drug in premature or neonatal infants, or other pediatric subgroups, is associated with a specific hazard, the hazard shall be described in this subsection of the labeling, or, if appropriate, the hazard shall be stated in the "Contraindications" or "Warnings" section of the labeling and this subsection shall refer to it.

(vi) If the sponsor believes that none of the statements described in paragraphs (f)(9)(i) through (f)(9)(v) of this section is appropriate or relevant to the labeling of a particular drug, the sponsor shall provide reasons for omission of the statements and may propose alternative statement(s). FDA may permit use of an alternative statement.

(vii) If the drug product contains one or more excipients that present an increased risk of toxic effects to neonates or other pediatric subgroups, a special note of this risk, generally in the "Contraindications," "Warnings," or "Precautions" section, shall be made.

* * * * *

Dated: October 9, 1992.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 92–25102 Filed 10–13–92; 12:51 pm]

BILLING CODE 4160–01–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[IA–33–92]

RIN 1545–AQ78

Information Reporting for Reimbursements of Interest on Qualified Mortgages; Hearing

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of public hearing on proposed regulations.

SUMMARY: This document provides notice of a public hearing on proposed regulations that provide guidance on the reporting of reimbursements of interest paid on qualified mortgages.

DATES: The public hearing will be held on Monday, November 30, 1992, beginning at 1 p.m. Requests to speak and outlines of oral comments must be received by November 16, 1992.

ADDRESSES: The public hearing will be held in the IRS Commissioner's Conference Room, room 3313, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, DC. Requests to speak and outlines of oral comments should be submitted to the Internal Revenue Service, P.O. Box 7604, Ben Franklin Station, Attn: CC:CORP:T:R [IA–33–92], room 5228, Washington, DC 20044.

FOR FURTHER INFORMATION CONTACT: Bob Boyer of the Regulations Unit, Assistant Chief Counsel (Corporate), 202–622–7190, (not a toll-free number).

SUPPLEMENTARY INFORMATION: The subject of the public hearing is proposed regulations that contain proposed amendments to the Income Tax Regulations under section 6050H of the Internal Revenue Code relating to reporting requirements for reimbursements of interest paid in connection with a qualified mortgage. These regulations appear in the proposed rules section of this issue of the **Federal Register.**

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR part 601) shall apply with respect to the public hearing. Persons who have submitted written comments within the time prescribed in the notice of proposed rulemaking and who also

desire to present oral comments at the hearing on the proposed regulations should submit not later than November 16, 1992, an outline of the oral comments/testimony to be presented at the hearing and the time they wish to devote to each subject.

Each speaker (or group of speakers representing a single entity) will be limited to 10 minutes for an oral presentation exclusive of the time consumed by the questions from the panel for the government and answers to these questions.

Because of controlled access restrictions, attendees cannot be admitted beyond the lobby of the Internal Revenue Building until 12:30 p.m.

An agenda showing the scheduling of the speakers will be made after outlines are received from the persons testifying. Copies of the agenda will be available free of charge at the hearing.

By direction of the Commissioner of Internal Revenue.

Dale D. Goode,

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

[FR Doc. 92-25063 Filed 10-15-92; 8:45 am]

BILLING CODE 4830-01-M#

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26 CFR Part 1

[CO-005-90]

RIN 1545-AO46

Returns Relating to Certain Changes in Corporate Control or Capital Structure

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking; withdrawal.

SUMMARY: This document withdraws the notice of proposed rulemaking relating to Internal Revenue Code section 6043(c) that was published in the Federal Register on July 5, 1990. That document contains proposed rules to implement reporting requirements for certain corporations that undergo a change in control or that have a substantial change in capital structure.

FOR FURTHER INFORMATION CONTACT: Keith E. Stanley of the Office of Assistant Chief Counsel (Corporate), Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20334 (Attention: CC:CORP:1) or telephone 202-622-7750 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

On July 5, 1990, the Internal Revenue Service published in the Federal Register a notice of proposed rulemaking (55 FR 27648) under section 6043(c) of the Internal Revenue Code. The proposed regulations would have implemented reporting requirements under section 6043(c) that would have applied to certain corporations that undergo a change in control or that have a substantial change in capital structure. After consideration of comments received and consistent with the Service's goals of simplification and elimination of unnecessary regulatory burdens, the Service has decided to withdraw the proposed rules. As a result, taxpayers are not required to report either current or past transactions under section 6043(c).

Several of the comments to the proposed regulations requested more specific guidance as to which transactions were reportable. Greater precision would enhance the usefulness of the reporting to the Service by targeting transactions with significant tax issues. However, in order to narrow the scope of the reporting requirements, the Service would have needed to develop a set of complicated rules to specify reportable transactions. The complicated rules would have placed a heavy burden on taxpayers, potentially subjecting them to the substantial penalties under section 6652(l) if they failed to properly identify their transactions as reportable. As an alternative, the Service could have based the regulations on broad principles, which would have resulted in the reporting of many more transactions than the Service would have desired to examine. Moreover, some types of transactions that were of particular interest to the Service at the time section 6043(c) was enacted are presently less common. Accordingly, it now appears that the value of the information that would be collected under section 6043(c) regulations does not justify the burden to the public in complying with the rules.

The Service, however, may promulgate regulations under section 6043(c) in the future if it becomes apparent that the information is needed to properly administer the tax system. Such regulations would apply only to transactions occurring after the date regulations under section 6043(c) are published in the Federal Register.

List of Subjects

26 CFR Part 1.6001-1 — 1.6109-2

Income taxes, Administration and procedure, Filing requirements.

26 CFR Part 301

Administrative practice and procedure, Bankruptcy, Courts, Crime, Employment taxes, Estate taxes, Excise taxes, Gift taxes, Income taxes, Investigations, Law enforcement, Penalties, Pensions, Statistics, Taxes, Disclosure of information, Filing requirements.

Withdrawal of Notice of Proposed Rulemaking

Accordingly, under the authority of 26 U.S.C. 7805, the notice of proposed rulemaking that was published in the Federal Register on July 5, 1990, (55 FR 27648) is withdrawn.

Shirley D. Peterson,

Commissioner of Internal Revenue.

[FR Doc. 92-25061 Filed 10-15-92; 8:45 am]

BILLING CODE 4830-01-M

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26 CFR Part 1

[IA-33-92]

RIN 1545-AQ78

Information Reporting for Reimbursements of Interest on Qualified Mortgages

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed amendments to the Income Tax Regulations under section 6050H of the Internal Revenue Code relating to reporting requirements for reimbursements of interest paid in connection with a qualified mortgage.

DATES: Written comments and requests to speak (with outlines of oral comments to be presented) at the public hearing scheduled for Monday, November 30, 1992, at 10 a.m. must be received by November 16, 1992.

ADDRESSES: Send comments and requests to speak at the public hearing along with an outline of your oral comments to: Internal Revenue Service, P.O. Box 7604, Ben Franklin Station, Attn: CC:CORP:T:R (IA-33-92), Room 5228, Washington, DC 20044.

FOR FURTHER INFORMATION CONTACT: Stephen J. Toomey of the Office of Assistant Chief Counsel, Income Tax and Accounting, (202) 622-4960 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

The collection of information requirement contained in this notice of proposed rulemaking has been submitted to the Office of Management and Budget for review in accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3504(h)). Comments on

the collection of information should be sent to the Office of Management and Budget, Attention: Desk Officer for the Department of the Treasury, Office of Information and Regulatory Affairs, Washington, DC 20503, with copies to the Internal Revenue Service, Attn: IRS Reports Clearance Officer T:FP, Washington, DC 20224.

The collection of information requirement in this regulation is in § 1.6050H–2(a)(2)(iv) and § 1.6050H–2(b)(2)(ii). This information is required by the Internal Revenue Service to encourage compliance with the tax laws relating to the deductibility of payments of mortgage interest. The information will be used to determine whether reimbursements of overpayments of interest on a qualified mortgage have been correctly reported on the return of the taxpayer who receives the reimbursement. The likely respondents are business or other for-profit institutions.

The collection of information requirement in § 1.6050H–2(a)(2)(iv) and § 1.6050H–2(b)(2)(ii) is satisfied by including the additional information on a Form 1098 filed with the Service and on the statement furnished to the payor of record (substitute Form 1098). The burden for filing Form 1098 and the statement to the payor of record (substitute Form 1098) is already reflected in the burden estimates for Form 1098.

Background

The proposed regulations provide guidance on the reporting of reimbursements of interest paid on qualified mortgages. The Service has determined that this guidance is necessary because many financial institutions and mortgage servicers have discovered that periodic interest charges on adjustable rate mortgages were incorrectly calculated. Borrowers who overpaid interest in one or more prior years because of the incorrect calculations typically received a reimbursement equal to the amount of the overpayment, plus interest, from the financial institution or mortgage servicer. If the borrower deducted the reimbursed interest in a prior tax year under section 163 of the Internal Revenue Code (Code), the reimbursement represents the recovery of an item that reduced tax in a prior year and, under the tax benefit rule, is income to the borrower in the year of reimbursement. The reporting requirements of these proposed regulations are necessary to determine whether reimbursements of overpaid interest are properly included in taxpayers' income.

Explanation of provisions

Section 6050H of the Code imposes reporting requirements on any person who, in the course of a trade or business, receives from any individual interest aggregating $600 or more for any calendar year on any mortgage. Interest recipients to whom section 6050H applies must, under § 1.6050H–2(a) of the regulations, file a Form 1098 with respect to each individual from whom the interest was received. In addition, under section 6050H(d) and § 1.6050H–2(b)(1) of the regulations, interest recipients must furnish a statement to the individual who paid the interest (the payor of record).

The proposed regulations amend § 1.6050H–2(a)(2) to provide that interest recipients must report on Form 1098 any reimbursement of overpayments of interest on a mortgage in a prior year if the reimbursement relates to interest that was required to be reported on a Form 1098 by any interest recipient. Thus, if an interest recipient that received an interest overpayment in a prior year and reported it on Form 1098 in the prior year now reimburses the payor of record for that overpayment, the reimbursement to the payor of record must be reported on Form 1098 in the current year. Similarly, if an interest recipient that received an interest overpayment in a prior year and reported it on Form 1098 in the prior year sells the mortgage, and the successor interest recipient now makes a reimbursement of the overpaid interest, the successor interest recipient must report the reimbursement on Form 1098 in the current year. In all cases, the reimbursement must be reported on a Form 1098 for the calendar year in which the reimbursement is made. If, however, an amount of overpaid interest is reimbursed in the same calendar year it is overpaid, that amount should not be reported on Form 1098 either as interest received during the calendar year or as a reimbursement of overpaid interest.

The proposed regulations also amend § 1.6050H–2(b)(2), which relates to information that must be included on the statement furnished to the payor of record, to provide that the year or years in which an overpayment of interest was made and the portion of the reimbursement attributable to each year of overpayment must be included on the statement furnished to the payor of record. The payor of record needs this information in order to determine whether the reimbursement is includible in income. If the payor of record did not claim a tax deduction for the overpaid interest, the reimbursement is not includible in the payor of record's income. The additional information required by these regulations to be included on the statement furnished to the payor of record may be included as a separate attachment sent with the statement to the payor of record.

The proposed regulations also amend the filing date requirements for Form 1098 in certain respects. Under the existing regulations, an interest recipient must file Form 1098 on or before February 28 of the year following the year for which it receives the mortgage interest. The proposed regulations provide that if no mortgage interest is required to be reported for a calendar year in which there is a reimbursement required to be reported on Form 1098, the Form 1098 must be filed on or before February 28 of the year following the calendar year in which the reimbursement was paid. Similarly, under existing regulations, an interest recipient must furnish the statement to the payor of record by January 31 of the year following the year for which it receives the mortgage interest, and the proposed regulations provide that if no mortgage interest is required to be reported for a calendar year in which there is a reimbursement required to be reported, the statement required by § 1.6050H–2(b) must be furnished to the payor of record on or before January 31 of the year following the calendar year in which the reimbursement was paid.

These regulations do not address the reporting requirements that may apply to interest paid with respect to reimbursed amounts. Those reporting requirements are already contained in section 6049. In general, if $10 or more of interest is paid on the reimbursement to the borrower, the payor is subject to the Form 1099–INT reporting requirements for that interest pursuant to section 6049.

The regulations are proposed to be effective for Forms 1098 required to be filed after December 31, 1993, without regard to extensions. However, with regard to statements furnished to payors of record, the regulations are proposed to be effective for statements required to be furnished after December 31, 1992.

Special Analyses

It has been determined that these proposed rules are not major rules as defined in Executive Order 12291. Therefore, a Regulatory Impact Analysis is not required. It has also been determined that section 533(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) and the Regulatory Flexibility Act (5 U.S.C. chapter 6) do not apply to these proposed rules, and, therefore, an initial Regulatory Flexibility Analysis is not required. Pursuant to section 7805(f)

of the Internal Revenue Code, these proposed rules will be submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on their impact on small businesses.

Written Comments and Public Hearing

Before these proposed regulations are adopted, consideration will be given to any written comments that are submitted timely (preferably a signed original and eight copies) to the Internal Revenue Service. All comments will be available for public inspection and copying in their entirety.

Written comments, requests to appear at the public hearing, and oral outlines of comments to be presented at the hearing scheduled for Monday, November 30, 1992, must be received by November 16, 1992. See Notice of Public Hearing published elsewhere in this issue of the Federal Register.

Drafting Information

The principal author of these proposed regulations is Stephen J. Toomey of the Office of Assistant Chief Counsel, Income Tax and Accounting, Internal Revenue Service. However, personnel from other offices of the Service and the Treasury assisted in developing these proposed regulations on matters of both substance and style.

List of Subjects

26 CFR 1.6031–1 through 1.6060–1

Income taxes, Reporting and recordkeeping requirements.

Proposed Amendments to the Regulations

Accordingly, 26 CFR part 1 is proposed to be amended as follows:

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Paragraph 1. The authority citation for part 1 is amended by adding the following citation:

Authority: 26 U.S.C. 7805 * * * § 1.6050H–2 is also issued under 26 U.S.C. 6050H. * * *

Par. 2. Section 1.6050H–2 is amended as follows:

1. The word "and" at the end of paragraph (a)(2)(iii) is removed.

2. Paragraph (a)(2)(iv) is redesignated as paragraph (a)(2)(v).

3. A new paragraph (a)(2)(iv) is added to read as set forth below.

4. Paragraphs (a)(3) and (a)(4) are redesignated as paragraphs (a)(4) and (a)(5), respectively, and a new paragraph (a)(3) is added to read as set forth below.

5. Newly designated paragraph (a)(4) is revised to read as set forth below.

6. Paragraphs (b)(2) (ii) and (iii) are redesignated as paragraphs (b)(2) (iii) and (iv), respectively.

7. A new paragraph (b)(2)(ii) and a new paragraph (b)(2)(v) are added to read as set forth below.

8. Paragraph (b)(6) is revised to read as set forth below.

9. The added and revised provisions read as follows.

§ 1.6050H–2, Time, form, and manner of reporting interest received on qualified mortgage.

(a) * * *

(2) * * *

(iv) The amount of any reimbursement to the payor of record of overpayments of interest in a prior year, as discussed in paragraph (a)(3) of this section; and

* * * * *

(3) *Reimbursements of mortgage interest.* An interest recipient must report under paragraph (a)(2)(iv) of this section any reimbursement to the payor of record of overpayments of interest in a prior year if the reimbursement relates to an amount of interest that was required to be reported for that prior year under paragraph (a)(2)(iii) of this section by any interest recipient. Only the interest recipient that makes the reimbursement is required to report the reimbursement under this section. Form 1098 and the statement furnished to the payor of record under paragraph (b) of this section must not include any amount that constitutes interest on the reimbursement paid to the payor of record. For general rules relating to the requirement to report interest payments, see section 6049 and the regulations thereunder. Reimbursements described in this paragraph must be reported on Forms 1098 required to be filed after December 31, 1993, without regard to extensions. However, statements furnished to the payor of record after December 31, 1992, under paragraph (b) of this section must contain the information relating to reimbursements of interest described in paragraph (b)(2)(ii) of this section.

(4) *Time and place for filing return.* An interest recipient must file a return required by paragraph (a) of this section on or before February 28 of the year following the calendar year for which it receives the mortgage interest. If no interest is required to be reported for the calendar year, but a reimbursement of overpayments of interest is required to be reported for the calendar year, then a return required by paragraph (a) of this section must be filed on or before February 28 of the year following the calendar year in which the reimbursement was paid. An interest recipient must file the return required by paragraph (a) of this section with the same Internal Revenue Service Center where it files its other returns.

* * * * *

(b) * * *

(2) * * *

(ii) With respect to the information required to be reported under paragraph (a)(2)(iv) of this section, the year or years in which the interest overpayments were made and the portion of the reimbursement attributable to each year;

* * * * *

(v) With respect to any information required to be reported under paragraph (a)(2)(iv) of this section, an instruction providing that the amount of the reimbursement is not to be deducted and that the amount must be included in the gross income of the payor of record if the reimbursed interest was deducted by the payor of record in a prior year so as to reduce income tax.

* * * * *

(6) *Time and place for furnishing statement.* An interest recipient must furnish a statement required by paragraph (b)(1) of this section to a payor of record on or before January 31 of the year following the calendar year for which it receives the mortgage interest. If no mortgage interest is required to be reported for the calendar year, but a reimbursement of overpayments of interest is required to be reported for the calendar year, then the statement required by paragraph (b)(1) of this section must be furnished on or before January 31 of the year following the calendar year in which the reimbursement was paid. The interest recipient furnishes the statement to the payor of record if it mails the statement to the payor of record's last known address.

* * * * *

Michael P. Dolan,

Acting Commissioner of Internal Revenue.

[FR Doc. 92–24837 Filed 10–15–92; 8:45 am]

BILLING CODE 4830–01–M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 724, 772, 816, 817 and 846

Requirements for Coal Exploration; Surface Coal Mining and Reclamation Operations, Initial Regulatory Program and Permanent Regulatory Program, Individual Civil Penalties; and Surface Coal Mining and Reclamation Operations, Underground Mining Activities, Temporary Cessation of Operations

AGENCY: Office of Surface Mining Reclamation and Enforcement, Department of the Interior.

ACTION: Withdrawal of proposed rules.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) of the Department of the Interior is withdrawing three proposed rules from further consideration. The three proposed rules being withdrawn are: Requirements for Coal Exploration, Individual Civil Penalties, and the Temporary Cessation of Operations. The proposed rules are being withdrawn as a result of comments received during the public comment periods and reviews conducted under the President's Guidelines for Reducing the Burden of Government Regulations.

DATES: This withdrawal is effective October 16, 1992.

FOR FURTHER INFORMATION CONTACT: Andrew F. DeVito, Chief, Branch of Environmental and Economic Analysis, Office of Surface Mining Reclamation and Enforcement, U.S. Department of the Interior, 1951 Constitution Ave., NW., 640 NC, Washington, DC 20240; Telephone (202) 343–5150.

SUPPLEMENTARY INFORMATION: OSM is withdrawing three proposed rules from further consideration. The three proposed rules being withdrawn are: Requirements for Coal Exploration, Individual Civil Penalties, and the Temporary Cessation of Operations. The Requirements for Coal Exploration rule was published in the **Federal Register** on July 12, 1991 (56 FR 32050) and would have amended 30 CFR part 772. The Individual Civil Penalties rule was published on September 26, 1991 (56 FR 48924) and would have amended 30 CFR parts 724 and 846. The Temporary Cessation rule was published on November 26, 1991 (56 FR 600120) and would have amended 30 CFR parts 816 and 817.

After consideration of the comments received during the comment periods for the proposed rules and further consideration of the proposed rules under the President's guidelines for Reducing the Burden of Government Regulations, the Department has decided to withdraw the rules from further consideration.

Accordingly, the proposed rules described above are hereby withdrawn.

Dated: October 9, 1992.

Richard Roldan,

Deputy Assistant Secretary, Land and Minerals Management

[FR Doc. 92–25145 Filed 10–15–92; 8:45 am]

BILLING CODE 4310–05–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 110

[CGD 09–92–24]

Disestablishing Special Anchorage Area, Lake Ontario, Sodus Bay

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is considering a proposal to disestablish the Special Anchorage area in Sodus Bay, Lake Ontario. The regulation as it stands, allows vessels to remain in the anchorage area in periods of darkness without displaying anchor lights as required by the Navigational Rules. The increased congestion and lighting in the area creates a danger of collision with unlighted vessels. In the interest of safety and the prevention of marine incidents including vessels approaching brightly lit piers, the Coast Guard intends to remove the status of "Special Anchorage Area" from Sodus Bay.

DATES: Comments must be received on or before December 24, 1992.

ADDRESSES: Comments should be mailed to Commander (oan), Ninth Coast Guard District, 1240 East 9th Street, Cleveland, Ohio 44199–2060. The comments will be available for inspection and copying at the Aids to Navigation and Waterways Management Branch, room 2083, 1240 East 9th Street, Cleveland, Ohio. Normal office hours are between 7:30 a.m. and 4:30 p.m. (EDT), Monday through Friday, except holidays. Comments may also be hand-delivered to this address.

FOR FURTHER INFORMATION CONTACT: Scott J. Smith, Lieutenant (Junior Grade), U.S. Coast Guard, Aids to Navigation and Waterways Management Branch, Ninth Coast Guard District, 1240 East 9th Street, Cleveland, Ohio 44199–2060, (216) 522–3366.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, data or arguments. Persons submitting comments should include their names and addresses, identify this notice (CGD 09–92–24) and the specific section of the proposal to which their comments apply, and give reasons for each comment. Receipt of comments will be acknowledged if a stamped, self-addressed postcard or envelope is enclosed. The rules may be changed in light of comments received. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned, but one may be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will aid the rulemaking process.

Drafting Information

The drafter of this proposal is Roderick A. Schultz, Captain, U.S. Coast Guard, Commander, Aids to Navigation and Waterways Management Branch.

Discussion of Proposed Regulations

Maritime recreational use of this area has changed decidedly since the issue date of the original regulation. Visiting vessels are now encouraged to use newly constructed piers where electrical and sewage connections are available. This has nearly eliminated the need for an anchorage. The regulation as it stands, allows vessels to remain in the anchorage area in periods of darkness without displaying anchor lights as required by the Navigational Rules. The increased congestion and lighting in the area creates a danger of collision with unlighted vessels. In the interest of safety and the prevention of marine incidents including vessels approaching brightly lit piers, the Coast Guard intends to remove the status of "Special Anchorage Area" from Sodus Bay.

Economic Assessment and Certification

This proposed regulation is considered to be non-significant under Executive Order 12291 on Federal Regulation and nonsignificant under Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact of this proposed regulation has been found to be so minimal that a full regulatory evaluation is unnecessary.

Since the impact of this proposed regulation is expected to be minimal, the Coast Guard certifies that, if adopted, it will not have a significant economic impact on a substantial number of small entities.

Collection of Information

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

Federalism

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

Environment

The Coast Guard considered the environmental impact of this proposal and concluded that, under section 2.B.2 of Commandant Instruction M16475.1B, this proposal is categorically excluded from further environmental documentation.

List of Subjects in 33 CFR Part 110

Anchorage regulations.

Proposed Regulation

In consideration of the foregoing, the Coast Guard proposes to amend part 110 of title 33, Code of Federal Regulations as follows:

1. The authority citation for part 110 continues to read as follows:

Authority: 33 U.S.C. 471, 2030, 2035 and 2071; 49 CFR 1.46 and 33 CFR 1.05–1(g).

§ 110.86 [Removed]

2. In part 110, section 110.86 is removed.

G.A. Penington,

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

[FR Doc. 92–25122 Filed 10–15–92; 8:45 am]

BILLING CODE 4910–14–M

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33 CFR Part 110

[CGD 09–92–23]

Disestablishing Special Anchorage Area, Lake Erie, Put-in-Bay

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is considering a proposal to disestablish the Special Anchorage area in Put-in-Bay, Lake Erie. The regulation as it stands, allows vessels to remain in the anchorage area in periods of darkness without displaying anchor lights as required by the Navigational Rules. In the interest of safety and the prevention of marine incidents due to congestion, the Coast Guard intends to remove the status of "Special Anchorage Area" from Put-in-Bay.

DATES: Comments must be received on or before December 24, 1992.

ADDRESSES: Comments should be mailed to Commander (oan), Ninth Coast Guard District, 1240 East 9th Street, Cleveland, Ohio 44199–2060. The comments will be available for inspection and copying at the Aids to Navigation and Waterways Management Branch, room 2083, 1240 East 9th Street, Cleveland, Ohio. Normal office hours are between 7:30 a.m. and 4:30 p.m. (EDT), Monday through Friday, except holidays. Comments may also be hand-delivered to this address.

FOR FURTHER INFORMATION CONTACT: Scott J. Smith, Lieutenant (Junior Grade), U.S. Coast Guard, Aids to Navigation and Waterways Management Branch, Ninth Coast Guard District, 1240 East 9th Street, Cleveland, Ohio 44199–2060, (216) 522–3366.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, data or arguments. Persons submitting comments should include their names and addresses, identify this notice (CGD 09–92–23) and the specific section of the proposal to which their comments apply, and give reasons for each comment. Receipt of comments will be acknowledge if a stamped, self-addressed postcard or envelope is enclosed. The rules may be changed in light of comments received. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned, but one may be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will aid the rulemaking process.

Drafting Information

The drafter of this proposal is Roderick A. Schultz, Captain, U.S. Coast Guard, Commander, Aids to Navigation and Waterways Management Branch.

Discussion of Proposed Regulations

Maritime recreational use of this area has increased decidedly since the issue date of the original regulation. Customary anchoring extends well outside the limits of the special anchorage area and consists primarily of transient vessels that use their anchor lights. The regulation as it stands, allows vessels to remain in the anchorage area in periods of darkness without displaying anchor lights as required by the Navigational Rules. in the interest of safety and the prevention of marine incidents due to congestion, the Coast Guard intends to remove the status of "Special Anchorage Area" from Put-in-Bay.

Economic Assessment and Certification

This proposed regulation is considered to be non-significant under Executive Order 12291 on Federal Regulation and nonsignificant under Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact of this proposed regulation has been found to be so minimal that a fully regulatory evaluation is unnecessary.

Since the impact of this proposed regulations is expected to be minimal, the Coast Guard certifies that, if adopted, it will not have a significant economic impact on a substantial number of small entities.

Collection of Information

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

Federalism

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

Environment

The Coast Guard considered the environmental impact of this proposal and concluded that, under section 2.B.2 of Commandant Instruction M16475.1B, this proposal is categorically excluded from further environmental documentation.

List of Subjects in 33 CFR Part 110

Anchorage Regulations.

Proposed Regulation

In consideration of the foregoing, the Coast Guard proposed to amend part 110 of title 33, Code of Federal of Regulations as follows:

1. The authority citation for part 110 continues to read as follows:

Authority: 33 U.S.C. 471, 2030, 2035 and 2071; 49 CFR 1.46 and 33 CFR 1.05–1(g).

§ 110.84a [Removed]

2. In part 110, section 110.84a is removed.

Dated: October 7, 1992.

G.A. Penington,

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

[FR Doc. 92–25123 Filed 10–15–92; 8:45 am]

BILLING CODE 4910–14–M

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 36

RIN 2900-AC85

Loan Guaranty: Loans to Purchase Manufactured Homes

AGENCY: Department of Veterans Affairs.

ACTION: Proposed regulations.

SUMMARY: The Department of Veterans Affairs (VA) is proposing to amend its manufactured home loan guaranty regulations (4200 series, 38 CFR part 36) to comply with certain provisions of the Veterans' Home Loan Program Improvements and Property Rehabilitation Act of 1987, as amended by the Veterans' Benefits Amendments of 1989, and the Omnibus Budget Reconciliation Act of 1990. These amendments will change the manufactured home loan program to comply with these laws. Additional changes are being made concerning computation and filing of claims, required insurance coverage, invoicing practices, volume rebates, items which may be included in the loan amount, automatic underwriting authority and definition of terms. The amendments will have the effect of updating the VA manufactured home loan program to reflect current industry practices.

DATES: Comments must be received on or before November 16, 1992. Comments will be available for public inspection until November 25, 1992. VA proposes to make these regulatory amendments effective 30 days after publication of the final regulations.

ADDRESSES: Interested persons are invited to submit written comments, suggestions or objections regarding this proposal to the Secretary of Veterans Affairs (271A), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420. All written comments received will be available for public inspection in room 170, Veterans Services Unit, at the above address between the hours of 8 a.m. and 4:30 p.m., Monday through Friday (except holidays) until November 25, 1992.

A copy of any comments that concern information collection requirements should also be sent to the Office of Management and Budget at the address contained in the Paperwork Reduction section of this preamble.

FOR FURTHER INFORMATION CONTACT: Judith A. Caden, Assistant Director for Loan Policy (264), Loan Guaranty Service, Veterans Benefits Administration, Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 233-3042.

SUPPLEMENTARY INFORMATION: VA is proposing to incorporate into its manufactured home loan regulations several changes to comply with provisions of Public Law 100-198, The Veterans' Home Loan Program Improvements and Property Rehabilitation Act of 1987, as amended by Public Law 100-253, The Veterans' Home Loan Program Amendments of 1988, and Public Law 101-508, the Omnibus Budget Reconciliation Act of 1990. Additional regulatory changes are also proposed as a result of an extensive review of the VA manufactured home loan program.

Overview

Major changes which VA proposes to incorporate into the manufactured home loan guaranty regulations by these amendments are: (1) An increase in the maximum amount of entitlement from $27,500 to $36,000; (2) a change in the percentage of the loan that may be guaranteed; (3) a downpayment requirement; (4) revision of the occupancy requirements; (5) revision of the requirements for refinancing loans on manufactured homes; and (6) a new optional procedure for filing claims upon receipt of VA's resale price estimate. All of the above changes implement statutory revisions and have been accomplished administratively.

Additional changes are included in this proposed regulatory package which will not be implemented until these regulations are published as final regulatory amendments. These changes affect insurance coverage, invoicing practices, volume rebates, the computation and filing of claims, and items which may be included in the loan.

Analysis

It is proposed to amend § 36.4202 in order to revise the definition of manufacturer's invoice cost and prescribe a manufacturer's certification for the truth and accuracy of the invoice. The Department relies upon manufacturer's invoice cost to ultimately determine the maximum loan amount and the Secretary's potential liability in the event of a claim. This definition is being revised to specifically provide that the cost shown must be net of all rebates to the dealer including volume rebates. In the past VA has permitted the cost of volume rebates to be included as part of the manufacturer's invoice cost. However, investigations by the VA Inspector General have shown evidence of fraudulent invoicing practices in which participants in the VA Loan Guaranty Program were found to be certifying invoices as accurate that were later found to contain non-volume rebates. This proposed amendment would require that all prices reflect the actual dealer costs as quoted in an applicable current price list and that incentives to be paid to the dealer are excluded from the invoice cost. The manufacturer would be required to certify under criminal and civil penalties for fraud and misrepresentation that all charges in the invoice are true and accurate. To this end, § 36.4202 is amended to exclude the costs of all volume and non-volume incentives from the manufacturer's invoice costs and to require a manufacturer's certification.

VA treatment of maximum loan amounts and freight costs would also be revised. § 36.4204 prescribes the maximum amount of a manufactured home loan. Public Law 100-198 established the requirement that the loan amount for any manufactured home shall not exceed 95 percent of the purchase price of the property securing the loan. In addition, the regulations currently limit the loan amount to 120 percent of the actual manufacturer's invoice cost, less the cost to the manufacturer of any components removed from the unit by the dealer, plus the dealer's cost for any components the dealer adds to the unit, plus the actual cost of freight not to exceed $400 for a single-wide nor $600 for a double-wide manufactured home and certain other allowable items. The proposed regulations would allow a loan amount equal to 125 percent of the manufacturer's actual invoice cost, including actual freight costs without limit, plus 100 percent of other allowable items subject to a new prescribed overall limit that the total loan may not exceed 145 percent of the manufacturer's invoice. The present ceilings of $400 and $600 for freight on single-wide and double-wide homes, respectively, would be removed.

A detailed list of items included in the manufactured home would be provided to both the purchaser and VA. An independent fee inspection would be conducted at time of loan origination to assure that all items were accounted for and in place. An independent fee inspection would also be required in the event of repossession. The cost of the fee inspection conducted at time of loan origination may be included in the loan amount and charged to the borrower. The costs of fee inspections conducted upon repossession may be included in the debt established against the borrower. These changes would be

accomplished by amending §§ 36.4202 and 36.4232.

The Department realizes that, due to other requirements discussed above, the ceiling of 95 percent of the purchase price may exceed the actual eligible loan amount. As a result, a greater downpayment may be necessary in these situations. These requirements include the limitation that the total loan not exceed 125 percent of the manufacturer's invoice plus or minus the cost of any components added or removed by the dealer.

Additional changes to §§ 36.4204 and 36.4232 are proposed to reduce the number of years for which hazard insurance premiums may be included in the loan amount from 5 years to 1 year. Premiums for this type of insurance coverage are extremely costly, frequently adding $900 to $2,400 to the loan, without adding to the value of the property. The term of a typical manufactured home loan is 15 years, and very little of the loan is amortized for several years. If a default occurs during the early years of the loan, the unpaid loan balance, even after excluding that portion attributable to the insurance premium, is usually not recovered from the proceeds of the sale of the home. Both the lender and VA share this loss. Accordingly, VA proposes to amend these regulations to provide that hazard insurance premiums includable in the loan amount be limited to one year. For subsequent years of coverage the borrower is expected to pay for insurance either directly out of pocket or through monthly payments into an escrow account established by the lender for that purpose. The lender is responsible for assuring that a hazard insurance policy is maintained.

Section 36.4205 of the regulations provides for computation of the amount of guaranty for a loan to purchase a manufactured home guaranteed under 38 U.S.C. 3712. Prior to enactment of Public Law 100–198 the guaranty amount was 50 percent of the original principal amount of the loan or $20,000, whichever was less. The law changed the guaranty amount to 40 percent of the original principal amount of the loan or $20,000, whichever is less. VA is amending its regulations by reducing the percentage of the loan amount that may be guaranteed from 50 percent to 40 percent.

Occupancy requirements for manufactured home loans guaranteed under 38 U.S.C. 3712 and for interest rate reduction refinancing loans (loans to refinance in order to lower the interest rate where the original loan was guaranteed by VA) for manufactured homes are contained in §§ 36.4206 and 36.4223, respectively. Changes to these sections are proposed in order to comply with the requirements of Public Law 100–198.

Prior to enactment of Public Law 100–198, the veteran was required to personally occupy the property as his or her residence or certify that he or she intended, upon the completion of the loan/acquisition of the dwelling unit, to move into the property personally within a reasonable time and to occupy the property as the veteran's residence. Public Law 100–198 provides that the occupancy requirements will be met in the case of a veteran who is unable to occupy the property because of active duty military status if the veteran's spouse certifies that he or she will occupy the property as his or her home. Accordingly, VA proposes to amend §§ 36.4206, 36.4223 and 36.4224 to reflect this change.

It is also proposed to amend the insurance coverage requirements set forth in 38 CFR 36.4222. The present regulation requires holders to procure and maintain hazard insurance policies to the extent customary in the locality and flood insurance where available. A new requirement would be added for insurance against loss for any items missing at time of repossession and for repossession expenses such as breakdown and transport charges, permit and export fees and a limited amount of unpaid park rent. This coverage, generally known as a Broad Lender's Protection Policy or a Modern Credit Protection Policy, is widely available at a modest cost and could be paid for by the veteran and included in the loan amount. If State law prohibits charging the veteran-borrower for this additional coverage, the lender would be required to pay for the coverage.

Public Law 100–198 provides that, for interest rate reduction refinancing loans closed on or after January 21, 1988, previous occupancy by the veteran or spouse will satisfy the occupancy requirements. The Department proposes to amend § 36.4223 accordingly. This section would be further amended to allow lenders who participate in VA's Manufactured Home Loan Program to process interest rate reduction refinancing loans on an automatic basis provided no discount points are charged to the veteran. VA Regulations currently permit lenders to process interest rate reduction refinancing loans automatically in the VA home loan program; this regulatory amendment will bring the VA manufactured home loan program into closer conformity with the VA home loan program. Automatic processing of interest rate reduction refinancing loans will also prevent delays in closing and reduce loan processing time. Since there is no widely-used index to use as a reference for setting points to be charged on interest rate reduction refinancing loans for manufactured homes, these loans will only be eligible for automatic processing when the veteran is charged no points. This change has already been accomplished administratively.

Pursuant to Public Law 101–508, The Omnibus Budget Reconciliation Act of 1990, VA is amending §§ 36.4276 and 36.4283 to provide a new optional procedure holders of manufactured home loans may use in filing claims under the terms of the loan guaranty. This new provision will permit loan holders to elect to file their claims upon receipt of VA's resale price in lieu of the current procedures which require the holder to complete liquidation of the security or, if the unit remains unsold, wait 6 months after repossession before a claim can be filed.

Impact

The majority of these amendments are required by law. The remaining changes are relatively minor in nature. None of these changes will have a major effect on veterans or other program participants. The number of manufactured home loans guaranteed by VA is quite limited. Between FY 1986 and FY 1991, inclusive, fewer than 15,000 manufactured home loans were guaranteed by VA. For these reasons, the Secretary hereby certifies that these proposed regulations will not, if promulgated, have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, title 5, United States Code, sections 601–612. Pursuant to 5 U.S.C. 605(b), these proposed regulations are exempt from the initial and final regulatory analysis requirements of sections 603 and 604.

The proposed regulations have been reviewed under Executive Order 12291, entitled Federal Regulations, and are not considered major regulatory changes as defined in the Executive Order. These regulations will not impact the public or private sectors as major rules. 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, individual industries, government agencies, or geographic regions; 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 Paperwork Reduction Act

Section 37.4204 of this proposed regulatory amendment contains information collection requirements. Public reporting burden for this collection of information is estimated to one-half hour per response with a total of 50 hours (100 respondents annually).

As required by section 3504(h) of the Paperwork Reduction Act, the Department of Veterans Affairs is submitting to the Office of Management and Budget (OMB) a request that it approve this information collection requirement. Organizations and individuals desiring to submit comments for consideration by OMB on this proposed information collection requirement should address them to the Office of Information and Regulatory Affairs, OMB room 3002, New Executive Office Building, Washington, DC 20503, Attention: Joseph P. Lackey.

Catalog of Federal Domestic Assistance Program Number 64.119.

List of Subjects in 38 CFR Part 36

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

Approved: June 2, 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, 3712.

2. In § 36.4202, remove the term "Manufacturer's invoice cost" and the definition that follows and add, in its place, the term "Manufacturer's invoice" and its definition. Also, at the end of the section add the term "Wholesale (base) price list" and its definition; so the added text reads as follows:

§ 36.4202 Definitions.

* * * * *

Manufacturer's invoice. A document, issued by a manufacturer and provided with a manufactured home to a retail dealer, acceptable in form and content to the Secretary which indicates the wholesale (base) price at the factory of the manufactured home model or series including any furnishings, equipment and accessories installed by the manufacturer, net of all rebates to the dealer. The following certification or a reasonable facsimile thereof, signed by an authorized representative of the manufacturer, must appear on the invoice:

"The undersigned certifies that the manufacturer's invoice price shown on this invoice reflects the dealer's cost at point of manufacture, exclusive of any and all freight or transportation charges, net of any and all discounts, bonuses, refunds, rebates (including volume rebates), prizes or anything of value which will inure to the benefit of the dealer at the time of purchase or at any future date."

* * * * *

Wholesale (base) price list. The price list(s) as periodically amended, published and distributed by a home manufacturer to all retail dealers in a given marketing area, quoting the actual wholesale (base) price at the factory for specific models or series of manufactured homes, itemized options, itemized furniture, and specialty items offered for sale to such dealers during a specified period of time. All such wholesale (base) prices shall exclude any costs of trade association fees or charges, discounts, refunds, rebates, prizes, loan discount points or other financing charges, or anything else of more than a nominal value of $10 which will inure to the benefit of a dealer and/or home purchaser at any date, as required to be disclosed in the manufacturer's invoice. Each price list and amendment shall be retained by the manufacturer for a minimum period of six years from the date of publication to be available to VA and other Federal agencies upon request.

3. Section 36.4204 is amended by removing the period at the end of paragraph (a)(7) and adding new text; by redesignating paragraphs (b), (c) and (e) as paragraphs (d), (e) and (g), respectively; by removing the words "will not" in the first sentence of newly designated paragraph (g) and adding, in their place, the word "cannot"; and by adding new paragraphs (b), (c) and (f); so the added text reads as follows:

§ 36.4204 Loan purposes, maximum loan amounts and terms.

(a) * * *

(7) * * *

provided the amount of the loan to refinance does not exceed an amount equal to 95 percent of the reasonable value of the manufactured home securing the loan, as determined by the Secretary.

(b) In the case of a loan to purchase a new manufactured home unit only, the loan amount shall not exceed the lesser of an amount equal to 95 percent of the purchase price of the property securing the loan or the amount computed in paragraph (c), below, provided the total loan amount does not exceed 145 percent of the manufacturer's invoice.

(c) For all manufactured home loans, the maximum loan amount is as follows:

(1) In the case of a loan to purchase a new manufactured home unit only, the loan amount is to be computed as the sum of:

(i) One hundred twenty-five (125) percent of the figure produced by this computation:

Subtract from the manufacturer's invoice cost the manufacturer's invoice cost of any components (furnishings, accessories, equipment) removed from the unit by the dealer. To the remainder add the dealer's cost for any components added by such dealer. The sum so obtained shall be the figure to be multiplied by the specified percentage; and

(ii) One hundred (100) percent of the actual amount of fees and charges permitted in § 36.4232.

(2) A loan to purchase a lot upon which a manufactured home owned by the veteran will be placed is limited to the reasonable value of a developed lot or the reasonable value plus such amount determined by the Secretary to be appropriate to cover the cost of necessary site preparation for an undeveloped lot.

(3) The maximum loan amount for a used manufactured home may not exceed the reasonable value as established by the Secretary, plus:

(i) Actual fees or charges for required recordation of documents;

(ii) The amount of any documentary stamp taxes levied on the transactions;

(iii) The amount of State and local taxes levied on the transactions; and

(iv) The premium for customary physical damage insurance and vendor's single interest coverage on the manufactured home for an initial policy term not to exceed one year.

(4) In the case of an interest rate reduction refinancing loan (38 U.S.C. 3712(a)(1)(F)) the maximum loan may not exceed the sum of:

(i) The balance of the VA loan being refinanced;

(ii) Closing costs as authorized by § 36.4232 or § 36.4254, as appropriate; and

(iii) Allowable discounts, provided that:

(A) The loan application is submitted to the Secretary for prior approval;

(B) The amount of discount is disclosed to the Secretary and the veteran prior to the issuance of the certificate of commitment by the

Secretary. This certificate of commitment shall specify the discount to be paid by the veteran, and this discount may not be increased once the commitment has been issued without the approval of the Secretary;

(C) The discount has been determined by the Secretary to be reasonable in amount; and

(5) For a loan to refinance a purchase money lien on a manufactured home and to purchase a lot (38 U.S.C. 3712(a)(1)(G)) on which the manufactured home is or will be placed:

(i) The loan must be secured by the same manufactured home which must be owned and occupied by the veteran as the veteran's home; and

(ii) The amount of the loan may not exceed an amount equal to the sum of:

(A) The purchase price of the lot, not to exceed the reasonable value thereof, as authorized by § 36.4252;

(B) The amount determined by the Secretary to be appropriate to cover the cost of necessary preparation of the lot;

(C) The balance of the loan being refinanced; and

(D) Closing costs, as authorized by § 36.4232 or § 36.4254, as appropriate, and a reasonable discount with respect to that portion of the loan used to refinance the existing purchase money lien.

(iii) Allowable discounts may be charged to the veteran on the portion of the loan used to refinance the existing purchase money lien provided:

(A) The loan application is submitted to the Secretary for prior approval;

(B) The amount of discount to be paid on the unit portion of the loan is disclosed to the Secretary and the veteran prior to the issuance of the certificate of commitment by the Secretary. The certificate of commitment shall specify the discount to be paid by the veteran on the unit portion of the loan, and this discount may not be increased once the commitment has been issued without the approval of the Secretary; and

(C) The discount on the unit portion of the loan has been determined by the Secretary to be reasonable in amount.

(6) All powers of the Secretary under paragraphs (c)(4) and (5) of this section, except the authority to revise the discount after the commitment is issued, are hereby delegated to those officials designated by § 36.4221(b). The power of the Secretary to approve an increase in the discount on the unit portion of the loan after the commitment is issued is delegated to those officials designated by § 36.4220(a).

* * * * *

(f) An itemized list of all items included in the manufactured home loan as enumerated in § 36.4232 shall be provided to both the purchaser and the Secretary. At the time of loan origination an independent fee inspection shall be conducted to assure that all items included in the loan amount are accounted for and in place. A similar inspection will be conducted in the event of repossession immediately prior to repossession. The costs of the fee inspections may be included in the loan amount or the claim amount and charged to the borrower pursuant to the provisions of § 36.4232(a) and (b).

§ 36.4205 [Amended]

4. Section 36.4205 is amended by removing the words "fifty (50)" in the first sentence of paragraph (a) and adding, in their place, the words "forty (40)"; by removing the dollar amount "$27,500" in the first sentence of paragraphs (b)(1), (b)(2) and (b)(3) and adding, in its place, the dollar amount "$36,000"; and by removing the word "unmarried" in the first sentence of paragraph (f)(1) and adding, in its place, the word "unremarried".

5. In § 36.4206, the first sentence of paragraph (d)(1) is revised to read as follows:

§ 36.4206 Underwriting standards, occupancy, and non-discrimination requirements.

* * * * *

(d) * * *

(1) The veteran certifies, in such form as the Secretary shall prescribe, that he or she will personally occupy the property as his or her home or, if the veteran is on active duty status as a member of the Armed Forces and is for that reason unable to occupy the property, the veteran's spouse must certify that he or she will personally occupy the property as his or her home.

* * *

* * * * *

6. Section 36.4206 is further amended by removing the word "mobile" in the second sentence of paragraph (d)(1) and adding, in its place, the word "manufactured"; by adding a comma and the words "handicap, familial status," after the word "sex" in paragraph (d)(2)(i); and by removing the words "sex, religion," in paragraph (d)(2)(ii) and adding, in their place, the words "religion, sex, handicap, familial status,".

§ 36.4209 [Amended]

7. In § 36.4209, paragraph (b)(2) is amended by removing the semicolon at the end of the paragraph and adding, in its place, a comma and the words "including the itemized list required by section 36.4204(f);".

8. Section 36.4222 is revised to read as follows:

§ 36.4222 Hazard insurance.

(a) The holder shall require insurance policies to be procured and maintained in an amount sufficient to protect the security against risks or hazards to which it may be subjected to the extent customary in the locality. The costs of such required insurance coverage may be paid for by the veteran. Only the costs for one year may be included in the loan amount.

(1) Flood insurance will be required, including coverage of the contents to the extent such contents are security for the loan, for all loans if the security is located in an area identified by the Federal Emergency Management Agency as having special flood hazards and in which the sale of flood insurance is available under the National Flood Insurance Program. The amount of flood insurance required will be equal to the outstanding balance of the loan or the maximum limit of coverage available for the particular type of property under the National Flood Insurance Program, whichever is less.

(2) Broad Lender's Protection Insurance or its equivalent is required to protect against loss for any items missing from the manufactured home at time of repossession and to cover repossession expenses including, but not limited to, breakdown and transport charges, permit and export fees, and an amount, limited by the Secretary, of unpaid park rent.

(b) All monies under such policies covering payment of insured losses shall be applied to restoration of the security or to the loan balance.

9. In § 36.4223, paragraphs (a)(1) and (2) are revised to read as follows:

§ 36.4223 Interest rate reduction refinancing loan.

(a) * * *

(1) The loan application must be submitted to the Secretary for prior approval unless the veteran is not charged a discount, in which case the loan application may be processed on the automatic basis;

(2) The loan must be secured by the same real property and/or personal property as the loan being refinanced and the veteran must own the manufactured home and/or manufactured home lot securing the loan; and

(i) Presently occupy or have previously occupied the manufactured home, a manufactured home on the lot securing the loan, or the manufactured home and the lot securing the loan as his

or her home and must certify in such form as the Secretary shall prescribe that the veteran presently or has previously so occupied the manufactured home or a manufactured home on the lot; or

(ii) When a veteran is on Active Duty status as a member of the Armed Forces and is unable to occupy the manufactured home or a manufactured home on the lot securing the loan as a home because of such status, the veteran's spouse must occupy or must have previously occupied the manufactured home or a manufactured home on the lot as the spouse's home and must certify such occupancy in such form as the Secretary shall prescribe.

* * * * *

§ 36.4224 [Amended]

10. In § 36.4224, paragraph (b), last sentence, remove the words "fifty (50)" and add, in its place the words "forty (40)".

11. In § 36.4232, paragraphs (a)(2) through (a)(5) are redesignated as paragraphs (a)(3), (4), (5), and (7), respectively; in newly designated paragraph (a)(5), remove the words "five (5) years" and add, in their place, the words "one (1) year"; new paragraphs (a)(2) and (a)(6) are added; additional text is added at the end of paragraph (b) before the period; paragraph (d)(1) is revised; and paragraph (e)(5) and its authority citation is removed; the revised and added text reads as follows:

§ 36.4232 Allowable fees and charges; manufactured home unit.

(a) * * *

(2) The costs of independent fee inspections for itemized items included in the manufactured home loan, as required by § 36.4204(f).

* * * * *

(6) The premium for insurance against loss for items missing at time of repossession and for repossession expenses, unless State law prohibits charging borrowers for this coverage, in which case the lender is required to pay for the coverage without reimbursement from the veteran, and

* * * * *

(b) * * *

provided the total loan amount does not exceed 145 percent of the manufacturer's invoice.

* * * * *

(d) * * *

(1) The actual cost of transportation or freight;

* * * * *

§§ 36.4234 and 36.4235 [Amended]

12. In §§ 36.4234 and 36.4235, remove the word "mobile" and add, in its place, the word "manufactured" in the following places:

(a) Section 36.4234(a);

(b) Section 36.4234(a)(1), both places;

(c) Section 36.4234(b) and (c); and

(d) Section 36.4235(a), two places.

§ 36.4253 [Amended]

13. In § 36.4253(b)(9), remove the word "creed" and add, in its place, the words "religion, sex, handicap, familial status".

14. In § 36.4253(c)(2), remove the words "racial and creed" in the paragraph heading and add, in their place, the words "equal opportunity" and remove the word "creed" and add, in its place, the words "religion, sex, handicap, familial status,".

15. Section 36.4276 is amended by adding paragraph (c) to read as follows:

§ 36.4276 Advances and other charges.

* * * * *

(c) In claims filed under § 36.4283(f)(4) of this part, the following costs and expenditures actually incurred and paid may be included in the computation of the indebtedness:

(1) Property preservation or repair costs incurred prior to the date of the liquidation appraisal, to the extent that they contributed to the minimum selling price of the property as determined by the Secretary, and subject to the limitation that they do not exceed the actual cost incurred by the holder, and,

(2) Costs of loan termination, including, but not limited to:

(i) The reasonable and customary expense of transporting the home to the site where it will be repaired and/or resold;

(ii) The cost of the liquidation appraisal;

(iii) A reasonable amount for legal services and trustee fees actually performed, not to exceed a total of $700;

(iv) Court costs in a foreclosure or other judicial proceeding involving the security;

(v) Any other expenses reasonably necessary for repossession of the security or other termination of the loan; and,

(vi) Any other expense or fee that is approved in advance by the Secretary.

16. Section 36.4283 is amended by adding paragraph (f)(4) and by adding the words "and no claim has been filed pursuant to paragraph (f)(4) of this section," after the word "property" in paragraph (g) introductory text, to read as follows:

§ 36.4283 Foreclosure or repossession.

* * * * *

(f) * * *

(4) If the holder has not resold the property, it may elect to submit its claim under Loan Guaranty within 60 days of the date of the Secretary's written advice of the minimum selling price.

(i) For purposes of computation of a claim submitted pursuant to this paragraph, and subject to the limitation that the maximum amount of claim payable shall in no event exceed the amount originally guaranteed, the amount payable on a claim for the guaranty shall be the percentage of the loan originally guaranteed applied to the indebtedness computed as of the date the holder acquired the security. Further:

(A) The minimum selling price determined by the Secretary and provided to the holder shall be credited to the indebtedness as proceeds of sale; or

(B) If no minimum selling price is provided then the current reasonable value of the property as determined by the Secretary and provided to the holder shall be credited to the indebtedness as proceeds of sale; and

The amount payable on the claim shall in no event exceed the remaining balance of the indebtedness.

(ii) Allowable post-acquisition expenditures or costs paid by the holder which may be included in the accounting with the Secretary are limited to those specified in paragraph 36.4276(c).

* * * * *

(g) * * *

17. Section 36.4284 is amended by adding paragraph (e) to read as follows:

§ 36.4284 Computation of guaranty claims.

* * * * *

(e) Appropriate computation of the guaranty, proceeds of liquidation, and allowable costs for claims filed under § 36.4283(f)(4) are specified in § 36.4276(c).

[FR Doc. 92-24925 Filed 10-15-92; 8:45 am]

BILLING CODE 8320-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

43 CFR Part 426

Acreage Limitation

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of intent to propose rulemaking.

SUMMARY: The Bureau of Reclamation (Reclamation) intends to conduct rule

making on revising 43 CFR 426.10. Currently, this provision exempts landholders (owners and lessees) in districts subject to the acreage limitation provisions of Reclamation law from the information requirements in 43 CFR 426.10 if their Reclamation project landholdings total 40 acres or less. Based on its preliminary analysis and completion of the first 3-year cycle of water district compliance reviews, Reclamation has determined there may be ways to increase the exemption threshold that would (1) reduce the public reporting burden and (2) improve Reclamation's ability to administer the Reclamation Reform Act of 1982 (RRA).

DATES: Reclamation invites the public to submit written comments on the proposed rulemaking action. Comments must be submitted on or before November 16, 1992.

ADDRESSES: Written comments must be submitted to Mr. Terry Lynott, Director, Policy and Programs, Bureau of Reclamation, Denver Office, P.O. Box 25007, Denver CO 80225.

FOR FURTHER INFORMATION CONTACT: Mr. Terry Lynott, Director, Policy and Programs, Bureau of Reclamation, Denver Office, PO Box 25007, Denver CO 80225.

SUPPLEMENTARY INFORMATION: The RRA and 43 CFR 426 require landholders to submit forms annually in order to be eligible to receive irrigation water from Reclamation projects. Landholders disclose the Reclamation project land in their holdings on forms known as "certification and reporting forms" and provide other information pertinent to their compliance with Reclamation law. Currently, 43 CFR 426.10 exempts landholders from the forms requirements if the total of their direct and indirect interests in Reclamation project landholdings is 40 acres or less. Reclamation estimates that approximately 45,000 landholders do not fall under the 40-acre exemption threshold, and are therefore required to submit forms annually. The annual burden these reporting requirements impose on the public include about 14,400 hours devoted to forms completion and a total cost of about $216,000. Reclamation's preliminary review indicates that, in most cases, there may be ways to increase the threshold that would both reduce the reporting burden on the public and improve Reclamation's ability to administer the law. Therefore, Reclamation plans to undertake rulemaking to change the 40-acre exemption threshold and will be seeking and reviewing public comments regarding alternative thresholds.

It is anticipated that any revised threshold regulation would not take effect until the fall of 1993.

Dated: October 13, 1992.

Lawrence F. Hancock,

Principal Deputy Commissioner.

[FR Doc. 92–25175 Filed 10–15–92; 8:45 am]

BILLING CODE 4310–09–M

OFFICE OF MANAGEMENT AND BUDGET

Office of Federal Procurement Policy

48 CFR Part 9903

Cost Accounting Standards Board; Thresholds for Cost Accounting Standards Coverage

AGENCY: Cost Accounting Standards Board, Office of Federal Procurement Policy, OMB.

ACTION: Advance notice of proposed rulemaking (ANPRM).

SUMMARY: The Office of Federal Procurement Policy, Cost Accounting Standards Board, is proposing to revise thresholds and procedures for the application of the Cost Accounting Standards (CAS) to negotiated government contracts. Section 26(g)(1) of the Office of Federal Procurement Policy Act, 41 U.S.C. 422(g)(1), requires that the Board, prior to the promulgation of any new or revised Cost Accounting Standard, publish a report and an ANPRM. The Board is taking action on this topic in order to adjust CAS applicability thresholds to levels reflecting experience with price inflation since the thresholds were last promulgated by the previous Board on September 12, 1977. The Board is also proposing changes to the criteria for determining which Standards apply at different threshold levels and the concept of what constitutes modified coverage.

DATES: Comments should be received by December 15, 1992.

ADDRESSES: Comments should be addressed to Richard C. Loeb, Executive Secretary, Cost Accounting Standards Board, Office of Federal Procurement Policy, 725 17th Street, NW., room 9001, Washington, DC 20503. Attn: CASB Docket No. 91–04.

FOR FURTHER INFORMATION CONTACT: Richard C. Loeb, Executive Secretary, Cost Accounting Standards Board (telephone: 202–395–3254).

SUPPLEMENTARY INFORMATION:

A. Regulatory Process

The Cost Accounting Standards Board's rules and regulations are codified at 48 CFR chapter 99. Section 26(g)(1) of the Office of Federal Procurement Policy Act, 41 U.S.C. 422(g)(1), requires that the Board, prior to the establishment of any new or revised Cost Accounting Standard, complete a prescribed rulemaking process. This process consists of the following four steps:

1. Consult with interested persons concerning the advantages, disadvantages and improvements anticipated in the pricing and administration of Government contracts as a result of a proposed Standard.
2. Promulgate an Advance Notice of Proposed Rulemaking.
3. Promulgate a Notice of Proposed Rulemaking.
4. Promulgate a Final Rule.

This proposal is step two in the four step process.

B. Background and Report

On September 12, 1977, the previous Cost Accounting Standards Board (CASB) promulgated rules that exempted certain types of government contractors from the full impact of the application of the Cost Accounting Standards (CAS) to all of their otherwise CAS covered contracts and subcontracts. The regulation issued by the old CASB, formerly part 332 of that Board's rules (4 CFR part 332), entitled "Modified Contract Coverage," was designed to partially address the problem of application of CAS to smaller government contractors, as well as the application of CAS to those contractors for whom government business represented only a relatively small share of total sales volume. The impetus for the development of the concept of modified CAS coverage was the concern expressed at the time, that some business firms (principally smaller firms and non-government segments of major contractors) were avoiding bidding on government contracts because of the perceived burdens associated with the administration of CAS requirements. See Preamble A to CAS part 332, 42 FR 45625, Sept. 12, 1977.

The present requirement for modified CAS coverage appearing at 48 CFR 9903.201–2, entitled "Types of CAS coverage" provides:

(b) *Modified coverage.* (1) Modified coverage requires only that the contractor comply with Standard 9904.401, Consistency in Estimating, Accumulating and Reporting Costs, and

Standard 9904.402, Consistency in Allocating Costs Incurred for the Same Purpose. Modified, rather than full, CAS coverage may be applied to a covered contract of less than $10 million awarded to a business unit that received less than $10 million in CAS-covered contracts in the immediately preceding cost accounting period if the sum of such awards was less than 10 percent of the business unit's total sales during that period * * *

Additional provisions of this section, as well as section 9903.202 of the Board's rules, entitled "Disclosure requirements," currently provide that certain business units that are subject to modified coverage must still file Disclosure Statements (normally required only for contractors subject to full coverage) if the business unit is a part of a larger company that has other business units that are subject to full CAS coverage. See 48 CFR 9903.202–1.

The regulations providing for modified CAS coverage were originally effective on March 10, 1978. In the intervening 14 years, the dollar threshold for modified CAS coverage has not been adjusted. However, prices as measured by the consumer price index have been adjusted by over 100% during this period. Presumably the issues giving rise to the development of the concept of modified CAS coverage in 1977 have been further highlighted during this time frame. The $10 million threshold, once considered to be the mark at which a contractor had sufficient "covered" contracts to be subject to full CAS coverage, has been eroded by the effects of inflation. This dollar threshold may no longer serve as an appropriate size standard that represents a fair demarcation applicable to CAS covered contractors.

The Board is now proposing what it believes to be appropriate adjustments in the threshold for application of modified CAS coverage to covered contractors. In so doing, the CASB has been considering two principal issues: (1) The adjustment should properly reflect the effects of inflation, and (2) the adjustment should protect the interests of the Government while lessening the need to impose the full burdens associated with CAS coverage on affected contractors.

Summary of Proposed Amendments

The Board's ANPRM provides for a modified CAS coverage threshold of $25 million (actual inflation experience rounded to the nearest five million dollar increment). This represents an increase of two-and-one-half times the present threshold, and approximates inflation experience as measured by the consumer price index from the last quarter of calendar year 1977 through the last quarter of 1992 (including estimates for calendar year 1992).

In the Board's judgment, its internal study has indicated that this proposed threshold should provide adequate protection to the Government in the form of cumulative contract dollars remaining subject to full CAS coverage, while significantly reducing the number of contractors that will be required to comply with the full scope of the Standards and the requirement for submission of a Disclosure Statement. The results of the Board's study have also established that the proposed increase in the threshold applicable to modified CAS coverage should result in an approximately 45–50% decrease in the number of contractors (or contractor business segments) subject to full CAS coverage, while the corresponding reduction in CAS-covered dollars will be only 5–6% from current levels. These results would appear to indicate that a substantial reduction in the burdens associated with full CAS coverage will be achieved for a significant number of contractors, and contractor segments, with only a relatively small decrease in the cumulative dollar value of contracts that are subject to the full scope of CAS coverage.

The Board, through this proposal, has also initially determined not to continue the concept of the so-called "trigger contract" threshold in order to simplify CAS coverage criteria. This was the dollar threshold associated with the initiation of CAS coverage, for a particular contractor, based on the award of a single negotiated government contract. Under rules previously in effect (see 4 CFR 331.30(b)(7) and 332, also 48 CFR 30.201–1(b)(7) and 30.201–2(b)), the trigger contract threshold was a single negotiated government contract exceeding $500,000. Once awarded a negotiated government contract of at least this dollar magnitude in a single cost accounting period, a government contractor's segment or business unit was subject to some form of CAS coverage (either full or modified) for all subsequently awarded negotiated contracts exceeding $100,000. Pub. L. 100–679 raised the threshold for individual CAS contract coverage to $500,000 (see CAS recodification, 57 FR 14148, April 17, 1992), which had the effect of eliminating the $500,000 trigger concept. Without an amendment, the minimum individual CAS contract threshold and the initiating CAS "trigger contract" threshold are currently one and the same. Although the Board has not provided for the continuation of the "trigger contract" concept in this ANPRM, it welcomes comments concerning the desirability of this concept, particularly with respect to the initiation of full CAS coverage (as opposed to the initiation of modified CAS coverage). As such, it will consider comments concerning the "trigger contract" concept in the next stage of the development of this proposal, i.e., the Notice of Proposed Rulemaking.

C. Additional Considerations

In the past several months, certain information has come to the Board's attention, that would seem to indicate a potential need for redefining the concept of modified CAS coverage. Based on recent Congressional testimony, it has come to the board's attention that some government contractors, particularly those who do work for certain civilian procurement agencies, may be including specifically identifiable unallowable costs in indirect cost pools which are reflected in the billings submitted to, and reimbursements received from, Federal Government contracting agencies. Conformance with the requirements of CAS 405 would restrict such a practice. Therefore, the Board is proposing to add CAS 405 to the current modified CAS coverage requirements. In the Board's view, it is fundamental that Government contractors, engaged in cost-based contracting, be able to comply with this basic cost accounting concept in the pricing and administration of contracts of any dollar value. It should also be noted that the Board has recently proposed to subject government contract awards to many colleges and universities to the requirements of Cost Accounting Standards that parallel the requirements of CAS 401, 402, 405 and 406.

For all of these reasons, the Board is considering seeking a greater degree of balance between those who would urge it to raise certain CAS applicability thresholds, and those who have argued that these same thresholds should not be adjusted. The Board's consideration of this issue has led to the current proposal that would apply the requirements of at least CAS 401, 402, and 405 to all otherwise non-exempt awards exceeding $500,00 (this would constitute the new definition of modified CAS coverage).

In addition, the Board is proposing in this ANPRM to eliminate the alternative "10 percent or more" sales test criterion for the initiation of full CAS coverage. The Board is taking this step in order to clarify and simplify the rules with respect to the initiation of full CAS coverage. In addition, the elimination of the percent of sales test precludes the

possibility that two contractors with the same amount of covered contracts would be subject to two different levels of coverage.

The approach to the issue of full and modified CAS coverage that is being proposed by the Board seeks to balance cost versus benefits through an adjustment in CAS thresholds that would extend the applicability of a newly proposed definition of modified CAS coverage, while proposing higher cumulative contract dollar value thresholds applicable for so-called full CAS coverage. Also, in light of a comment received, the Board welcomes comments on the advisability of including CAS 406 in the definition of modified CAS coverage.

D. Paperwork Reduction Act

The Paperwork Reduction Act, Public Law 96–511, does not apply to this proposal, and any associated rulemaking, because this proposal would impose no paperwork burden on offerors, affected contractors and subcontractors, or members of the public which require the approval of OMB under 44 U.S.C. 3501, *et seq.* The purpose of this proposal is to decrease the burdens (including paperwork) associated with the administration of the Cost Accounting Standards by covered government contractors and subcontractors.

E. Executive Order 12291 and the Regulatory Flexibility Act

This proposal would serve to eliminate burdens associated with the administration of the Cost Accounting Standards by covered government contractors and subcontractors. The economic impact on contractors and subcontractors is therefore expected to be minor. As a result, the Chairman has determined that this ANPRM will not result in the promulgation of a "major rule" under the provisions of Executive Order 12291, and that a regulatory impact analysis will not be required. Furthermore, this proposal will not have a significant effect on a substantial number of small entities because small businesses are exempt from the application of the Cost Accounting Standards. Therefore, this proposed rule does not require a regulatory flexibility analysis under the Regulatory Flexibility Act of 1980.

F. Public Comments

This ANPRM is based upon concepts contained in the Staff Discussion Paper made available for public comment through a notice published in the **Federal Register** on June 24, 1991, 56 FR 28780. Twenty-three comments were received, including fourteen timely comments, and nine late comments. The comments received and the Board's actions taken in response thereto are summarized below:

Comment: Nine commenters supported the Staff Discussion Paper's proposal for increased "full" CAS coverage and "trigger contract" thresholds.

Response: The Board thanks the commenters for their supportive comments on increased thresholds. However, the Board notes that it has proposed, through this ANPRM, to eliminate the "trigger contract" concept because it believes that this requirement is no longer necessary with the recent 500% increase in the individual contract threshold.

Comment: One commenter urged the Board to revise the staff's proposal to include counting only "net awards" in determining whether certain CAS thresholds are met.

Response: The Board does not agree with the commenter. As the Board understands the commenter's position, "net awards" refers to the total obligated value of the contract at the time of award, excluding as-yet-to-be-obligated incremental funding, and the value of priced options. The Board believes that CAS applicability thresholds are met when the total dollar value of the contract (including as-yet-to-be-provided incremental funding and the potential value of priced options) exceeds the appropriate thresholds. The Board also notes the existence of Department of Defense Working Group Item 76–2, "Application of CAS to Contract Modifications and to Orders Placed Under Basic Agreements," which, to some extent, addresses the issue raised by the commenter. The Board, at the present time, takes no issue with Working Group Item 76–2.

Comment: One commenter (the Department of Defense Office of Inspector General) strongly opposed any revisions to current CAS applicability thresholds. This commenter stated that existing thresholds for modified versus full CAS coverage are of sufficient magnitude to warrant full CAS coverage and the initiation of CAS coverage based on the award of a single negotiated government contract. The commenter also stated its belief that existing thresholds associated with the administration of CAS requirements do not impose hardships or burdens on industry.

Response: The Board does not agree with all aspects of this comment. The Board believes that the effects of inflation over the past fifteen years should be considered in determining CAS applicability thresholds. Moreover, the Board notes that its proposal results in an approximately 45–50% decrease in the number of contractors subject to "full CAS coverage, while reducing the coverage of covered contract dollars by only 5–6%. In the Board's view, this will allow both contractors and administering Government agencies to better focus available resources on contracts of significant dollar value.

Comment: Seven commenters endorsed a joint multi-association proposal to raise the "full" CAS coverage threshold to between $50–100 million; the "trigger contract" threshold to $2.5 million ($5 million for civilian procurement agencies); and the alternative CAS 10% full coverage threshold to 20%. These commenters also recommended raising the threshold for submission of the CASB Disclosure Statement to $100 million. Three other commenters independently supported most of the elements of the multi-association proposal.

Response: The Board believes that CAS applicability and disclosure thresholds should only be adjusted in accordance with inflationary experience. It does not consider the commenters proposed higher levels appropriate given the statutory objectives of the Board and the substantial amounts of public spending involved in covered contracts. In addition, the Board believes that, given the importance of the Disclosure Statement requirements, this obligation should continue to apply in accordance with current disclosure principles. However, the Board does not agree with the commenters that the alternative "10% sales test" is confusing, and could result in inconsistent application of the Standards. For this reason, the Board is proposing to eliminate this threshold test completely.

Comment: Five commenters recommended that the Board use an inflation based "automatic adjustment index" in order to determine appropriate CAS dollar applicability thresholds.

Response: Although the Board is generally sympathetic with the commenters' objectives, the Board declines to adopt the commenters' proposal to use an "automatic adjustment index" to set CAS dollar applicability thresholds. The Board believes that frequently revised thresholds could lead to confusion and would unnecessarily complicate the administration of CAS coverage and contract administration. The Board also believes that such a mechanism will lead to selection of inappropriate dollar amounts and uncertainty among both

government procuring agencies and contractors alike, as to when particular CAS applicability requirements are met. However, the Board intends to periodically review CAS applicability thresholds to ensure that appropriate dollar threshold amounts are established, and that applicability criteria are founded upon well-established concepts.

Comment: Two commenters recommended that the CAS 403 (residual G&A expenses) and CAS 404 (capitalization) thresholds be adjusted to account for inflation.

Response: These two dollar thresholds are beyond the scope of this proposal, as they do not directly relate to the initiation of CAS coverage. However, the Board notes that it is considering a case to amend CAS 404, and may at that time address the issue of necessary adjustments in the CAS 404 capitalization threshold.

Comment: Two commenters recommended that the Board exempt from all CAS coverage, contracts that are awarded on a "competitive basis."

Response: The Board believes that the requirements of the Cost Accounting Standards should generally be applied to negotiated contracts that exceed certain dollar thresholds as determined by the Board, in which contract cost or price is determined through the submission of cost or pricing data. The Board does not agree that the mere existence of competition at some level of the procurement process, e.g., technical competition, should give rise to an exemption from application of the Standards, if the element of adequate price competition, as applied to the instant procurement action, is not present.

Comment: One commenter recommended exempting from CAS coverage contracts that are funded through the use of non-appropriated funds.

Response: The Cost Accounting Standards apply to certain negotiated government contracts through incorporation into the Federal Acquisition Regulation (FAR). The FAR applies only to those contracts which are funded through the use of appropriated funds (see FAR 1.103 and 2.101). Therefore, the Board is uncertain as to reasons why the commenter believes that the Cost Accounting Standards apply to contracts funded with other than appropriated funds.

Comment: One commenter recommended that the Board amend its rules to permit an automatic CAS waiver whenever a waiver from the requirements of the Truth in Negotiations Act (TINA), 10 U.S.C. 2306a and 41 U.S.C. 254(d), has been provided by the relevant procuring agency.

Response: This comment addresses an issue that is beyond the scope of this proposal.

G. Additional Public Comments

Interested persons are invited to participate by submitting data, views or arguments with respect to this ANPRM. All comments must be in writing and submitted to the address indicated in the **"ADDRESSES"** section of this ANPRM.

List of Subjects in 48 CFR Part 9903

Cost accounting standards, Government procurement.

Allan V. Burman,

Administrator for Federal Procurement Policy and Chairman, Cost Accounting Standards Board.

For the reasons set forth in this preamble, chapter 99 of title 48 of the Code of Federal Regulations is proposed to be amended as set forth below:

1. The authority citation for part 9903 of chapter 99 of title 48 continues to read as follows:

Authority: Pub. L. 100-679, 102 Stat 4056, 41 U.S.C. 422.

Subpart 9903.2—CAS Program Requirements

2. Sections 9903.201-2 is amended by revising paragraphs (a) and (b) to read as follows:

9903.201-2 Types of CAS Coverage.

(a) *Full coverage.* Full coverage requires that the business unit comply with all of the CAS in effect on the date of the contract award and with any CAS that become applicable because of later award of a CAS-covered contract. Full coverage applies to contractor business units that—

(1) Receive a single CAS-covered contract award of $25 million or more; or

(2) Received $25 million or more in CAS-covered contract awards during its preceding cost account period.

(b) *Modified coverage.* (1) Modified CAS coverage requires only that the contractor comply with Standard 9904.401, Consistency in Estimating, Accumulating, and Reporting Costs, Standard 9904.402, Consistency in Allocating Costs Incurred for the Same Purpose and Standard 9940.405, Accounting for Unallowable Costs. Modified, rather, than full, CAS coverage may be applied to a covered contract of less than $25 million awarded to a business unit that received less than $25 million in CAS-covered contracts in the immediately preceding cost accounting period. In measuring sales or revenues for a year, a transfer by one segment to another shall be deemed to be a sale or receipt of revenue by the transferor.

(2) If any one contract is awarded with modified CAS coverage, all CAS-covered contracts awarded to that business unit during that cost accounting period must also have modified coverage with the following exception: if the business unit received a single CAS-covered contract award of $25 million or more, that contract must be subject to full CAS coverage. Thereafter, any covered contract awarded in the same cost accounting period must also be subject to full CAS coverage.

* * * * *

3. Section 9903.201-3 is revised to read as follows:

9903.201-3 Solicitation provisions.

Cost Accounting Standards Notices and Certification. The contracting officer shall insert the provision set forth below, Cost Accounting Standards Notices and Certification, in solicitations for proposed contracts subject to CAS as specified in 9903.201. The provision allows offerors to—

(a) Certify their Disclosure Statement status;

(b) [Reserved];

(c) Claim exemption from full CAS coverage and elect modified CAS coverage when appropriate; and

(d) Certify whether award of the contemplated contract would require a change to existing cost accounting practices.

Cost Accounting Standards Notices and Certification (Sept. 1992)

Note: This notice does not apply to small businesses or foreign governments.

This notice is in three parts, identified by Roman numerals I through III.

Offerors shall examine each part and provide the requested information in order to determine Cost Accounting Standards (CAS) requirements applicable to any resultant contract.

I. Disclosure Statement—Cost Accounting Practices and Certification

(a) Any contract in excess of $500,000 resulting from this solicitation, except contracts in which the price negotiated is based on (1) established catalog or market prices of commercial items sold in substantial quantities to the general public, or (2) prices set by law or regulation, will be subject to the requirements of 9903 and 9904, except for those contracts which are exempt as specified in 9903.201-1.

(b) Any offeror submitting a proposal which, if accepted, will result in a contract subject to the requirements of 9903 and 9904 must, as a condition of contracting, submit a

Disclosure Statement as required by 9903.202. The Disclosure Statement must be submitted as a part of the offeror's proposal under this solicitation unless the offeror has already submitted a Disclosure Statement disclosing the practices used in connection with the pricing of this proposal. If an applicable Disclosure Statement has already been submitted, the offeror may satisfy the requirement for submission by providing the information requested in paragraph (c) of Part I of this provision.

Caution: In the absence of specific regulations or agreement, a practice disclosed in a Disclosure Statement shall not, by virtue of such disclosure, be deemed to be a proper, approved, or agreed-to practice for pricing proposals or accumulating and reporting contract performance cost data.

(c) Check the appropriate box below:

☐ (1) Certificate of Concurrent Submission of Disclosure Statement.

The offeror hereby certifies that, as a part of the offer, copies of the Disclosure Statement have been submitted as follows: (i) original and one copy of the cognizant Administrative Contracting Officer (ACO), and (ii) one copy of the cognizant contract auditor.

(Disclosure must be on Form No. CASB DS–1. Forms may be obtained from the cognizant ACO.)

Date of Disclosure Statement:_____

Name and Address of Cognizant ACO where filed:

The offeror further certifies that practices used in estimating costs in pricing this proposal are consistent with the cost accounting practices disclosed in the Disclosure Statement.

☐ (2) Certificate of Previously Submitted Disclosure Statement. The offeror hereby certifies that Disclosure Statement was filed as follows:

Date of Disclosure Statement:_____

Name and Address of Cognizant ACO where filed:

The offeror further certifies that the practices used in estimating costs in pricing this proposal are consistent with the cost accounting practices disclosed in the applicable Disclosure Statement.

☐ (3) Certificate of Monetary Exemption.

The offeror hereby certifies that the offeror, together with all divisions, subsidiaries, and affiliates under common control, did not receive net awards of negotiated prime contracts and subcontracts subject to CAS totaling more than $25 million in the cost accounting period immediately preceding the period in which this proposal was submitted. The offeror further certifies that if such status changes before an award resulting from this proposal, the offeror will advise the Contracting Officer immediately.

☐ (4) Certificate of Interim Exemption.

The offeror hereby certifies that (i) the offeror first exceeded the monetary exemption for disclosure, as defined in (3) above, in the cost accounting period immediately preceding the period in which this offer was submitted and (ii) in accordance with 9903.202–1, the offeror is not yet required to submit a Disclosure Statement. The offeror further certifies that if an award resulting from this proposal has not been made within 90 days after the end of that period, the offeror will immediately submit a revised certificate to the Contracting Officer, in the form specified under subparagraphs (c)(1) or (c)(2) of Part I of this provision, as appropriate, to verify submission of a completed Disclosure Statement.

Caution: Offerors currently required to disclose because they were awarded a CAS-covered prime contract or subcontract of $25 million or more in the current cost accounting period may not claim this exemption (4). Further, the exemption applies only in connection with proposals submitted before expiration of the 90-day period following the cost accounting period in which the monetary exemption was exceeded.

II. Cost Accounting Standards—Eligibility for Modified Contract Coverage

If the offeror is eligible to use the modified provisions of 9903.201–2(b) and elects to do so, the offeror shall indicate by checking the box below. Checking the box below shall mean that the resultant contract is subject to the Disclosure and Consistency of Practices clause in lieu of the Cost Accounting Standards clause.

☐ The offeror hereby claims an exemption from the Cost Accounting Standards clause under the provisions of 9903.201–2(b) and certifies that the offeror is eligible for use of the Disclosure and Consistency of Cost Accounting Practices clause because during the cost accounting period immediately preceding the period in which this proposal was submitted, the offeror received less than $25 million in awards of CAS-covered prime contracts and subcontracts. The offeror further certifies that if such status changes before an award resulting from this proposal, the offeror will advise the Contracting Officer immediately.

Caution: An offeror may not claim the above eligibility for modified contract coverage if this proposal is expected to result in the award of a CAS-covered contract of $25 million or more or if, during its current cost accounting period, the offeror has been awarded a single CAS-covered prime contract or subcontract of $25 million or more.

III. Additional Cost Accounting Standards Applicable to Existing Contracts

The offeror shall indicate below whether award of the contemplated contract would, in accordance with subparagraph (a)(3) of the Cost Accounting Standards clause, require a change in established cost accounting practices affecting existing contracts and subcontracts.

☐ Yes ☐ No

(End of provision)

4. Section 9903.201–4 paragraph (c)(1) is revised to read as follows:

9903.201–4 Contract clauses.

* * * * *

(c) *Disclosure and Consistency of Cost Accounting Practices.* (1) The contracting officer shall insert the clause set forth below, Disclosure and Consistency of Cost Accounting Practices, in negotiated contracts when the contract amount is over $500,000 but less than $25 million, and the offeror certifies it is eligible for and elects to use modified CAS coverage (see 9903.201–2, unless the clause prescribed in paragraph (d) of this subsection is used).

* * * * *

9903.202 Disclosure requirements.

5. Section 9903.202–1 paragraph (b) is revised to read as follows:

9903.202–1 General requirements.

* * * * *

(b) Completed Disclosure Statements are required in the following circumstances:

(1) Any business unit that is selected to receive a CAS-covered contract or subcontract of $25 million or more shall submit a Disclosure Statement before award.

(2) Any company which, together with its segments, received net awards of negotiated prime contracts and subcontracts subject to CAS totaling more than $25 million in its most recent cost accounting period must submit a Disclosure Statement before award of its first CAS-covered contract in the immediately following cost accounting period. However, if the first CAS-covered contract is received within 90 days of the start of the cost accounting period, the contractor is not required to file until the end of 90 days.

* * * * *

[FR Doc. 92–25105 Filed 10–15–92; 8:45 am]

BILLING CODE 3110–01–M

Notices

Federal Register
Vol. 57, No. 201
Friday, October 16, 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.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Committee on Judicial Review; Public Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. No. 92–463), notice is hereby given of a meeting of the Committee on Judicial Review of the Administrative Conference of the United States. The meeting will be held from 9:30–11:30 a.m., on Monday, November 16, 1992, at the Administrative Conference of the United States, suite 500, 2120 L Street, NW., Washington, DC (Library, 5th floor).

The Committee will meet to discuss a study by Professor Lawrence Baxter of Duke University School of Law, on judicial review of prompt corrective action decisions of federal banking regulators.

For further information concerning this meeting, contact Mary Candace Fowler, Office of the Chairman, Administrative Conference of the United States, 2120 L Street, NW., suite 500, Washington, DC (Telephone: 202–254–7020.)

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify the Office of the Chairman at least one day in advance. The committee chairman, if he deems it appropriate, may permit members of the public to present oral statements at the meeting. Any member of the public may file a written statement with the committee before, during, or after the meeting. Minutes of the meeting will be available on request.

Dated: October 8, 1992.

Jeffrey S. Lubbers,

Research Director.

[FR Doc. 92–25062 Filed 10–15–92; 8:45 am]

BILLING CODE 6110–01–M

DEPARTMENT OF AGRICULTURE

Forms Under Review by Office of Management and Budget

October 9, 1992.

The Department of Agriculture has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35) since the last list was published. This list is grouped into new proposals, revisions, extension, or reinstatements. Each entry contains the following information:

(1) Agency proposing the information collection; (2) Title of the information collection; (3) Form number(s), if applicable; (4) How often the information is requested; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to provide the information; (8) Name and telephone number of the agency contact person.

Questions about the items in the listing should be directed to the agency person named at the end of each entry. Copies of the proposed forms and supporting documents may be obtained from: Department Clearance Officer, USDA, OIRM, Room 404–W, Admin. Bldg., Washington, DC 20250, (202) 690–2118.

Extension

Economic Research Service

Agricultural Land Values & Markets Survey

Quarterly; Annually

Farms; Businesses or other for-profit; Federal agencies or employees; Non-profit institutions; Small businesses or organizations; 22,400 responses; 4,716 hours

Roger Hemex, (202) 219–0423.

Larry Roberson,

Deputy Departmental Clearance Officer.

[FR Doc. 92–25087 Filed 10–15–92; 8:45 am]

BILLING CODE 3410–01–M

Agricultural Stabilization and Conservation Service

RIN 0560–AC40

1992 Marketing Quotas and Acreage Allotments of Fire-cured (Type 21), Fire-cured (Types 22–23), Dark Air-cured (Types 35–36), Virginia Sun-cured (Type 37), and Cigar-Filler and Binder (Types 42, 43, 44, 53, 54 & 55) Tobaccos

AGENCY: Agricultural Stabilization and Conservation Service, USDA.

ACTION: Notice of determination of 1992 marketing quotas and acreage allotments.

SUMMARY: The purpose of this notice is to affirm determinations which were made by the Secretary of Agriculture on February 28, 1992, with respect to the 1992 crops of fire-cured (type 21), fire-cured (types 22–23), dark air-cured (types 35–36), Virginia sun-cured (type 37), and cigar-filler and binder (types 42–44 and 53–55) tobaccos. In addition to other determinations, the Secretary declared national acreage allotments for the following kinds of tobaccos: Fire-cured (type 21), 2,158.27 acres; fire-cured (types 22–23), 15,789.47 acres; dark air-cured (types 35–36), 5,341.67 acres; Virginia sun-cured (type 37), 128.16 acres; and cigar-filler and binder (types 42–44 & 53–55), 10,612.85 acres.

This notice also affirms the proclamation made by the Secretary that marketing quotas will be in effect for Virginia sun-cured (type 37) tobacco for the three marketing years beginning October 1, 1992, and sets forth the results of the referendum held during the period March 23–26, 1992, in which producers of this kind of tobacco approved marketing quotas for the 1992, 1993, and 1994 marketing years.

EFFECTIVE DATE: February 28, 1992.

FOR FURTHER INFORMATION CONTACT: Robert L. Tarczy, Agricultural Economist, Tobacco and Peanuts Analysis Division, ASCS, room 3736, South Building, P.O. Box 2415, Washington, DC 20013, (202) 720–8839. The final Regulatory Impact Analysis describing the options considered in developing this notice and the impact of implementing each option is available on request from Robert L. Tarczy.

SUPPLEMENTARY INFORMATION: This notice has been reviewed under USDA

procedures established in accordance with Executive Order 12291 and Departmental Regulation No. 1512–1 and has been classified "not major." This action has been classified "not major" because implementation of these determinations 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 geographical 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 set forth in the Catalog of Federal Domestic Assistance, to which this notice applies are Commodity Loans and Purchases—10.051.

It has been determined that the Regulatory Flexibility Act is not applicable to this notice because neither ASCS nor Commodity Credit Corporation (CCC) is required by 5 U.S.C. 553 or any provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this notice.

This program/activity 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, published at 48 FR 29115 (June 24, 1983).

This notice has been reviewed in accordance with Executive Order 12778. The provisions of this notice do not preempt State law, are not retroactive, and do not involve administrative appeals.

The purpose of this notice is to affirm the determinations of the national marketing quotas for the 1992 crops of fire-cured (type 21), fire-cured (types 22–23), dark air-cured (types 35–36), Virginia sun-cured (type 37), and cigar-filler and binder (types 42–44 & 53–55) tobaccos. On February 28, 1992, the Secretary also announced that a referendum would be conducted by mail with respect to sun-cured tobacco.

During the period March 23–26, 1992, eligible Virginia sun-cured tobacco producers voted in a referendum, to determine whether such producers disapprove marketing quotas for the 1992, 1993, and 1994 marketing years for this tobacco. Of the producers voting, 95.8 percent favored marketing quotas for Virginia sun-cured tobacco. Accordingly, quotas for this kind are in effect for the 1992 marketing year.

In accordance with section 312(a) of the Agricultural Adjustment Act of 1938, as amended (the "Act"), the Secretary of Agriculture is required to proclaim not later than March 1 of any marketing year with respect to any kind of tobacco, other than burley and flue-cured tobacco, a national marketing quota for any such kind of tobacco for each of the next three marketing years if such marketing year is the last year of three consecutive years for which marketing quotas previously proclaimed will be in effect. With respect to sun-cured tobacco, the 1991 marketing year is the last year of three such consecutive years. Accordingly, a marketing quota for sun-cured tobacco has been proclaimed for each of the three marketing years beginning October 1, 1992, October 1, 1993, and October 1, 1994. Sections 312 and 313 of the Act also provides that the Secretary shall announce the reserve supply level and the total supply of fire-cured (type 21), fire-cured (types 22–23), dark air-cured (types 35–36), Virginia sun-cured (type 37), and cigar-filler and binder (types 42–44 & 53–55) tobaccos for the marketing year beginning October 1, 1991, and the amounts of the national marketing quotas, national acreage allotments, national acreage factors for apportioning the national acreage allotments (less reserves) to old farms, and the amounts of the national reserves and parts thereof available for (1) new farms and (2) making corrections and adjusting inequities in old farm allotments for fire-cured (type 21), fire-cured (types 22–23), dark air-cured (types 35–36), Virginia sun-cured (type 37), cigar-filler and binder (types 42–44 & 53–55) tobaccos for the 1992 marketing year.

Section 312(b) of the Act provides, in part, that the amount of the national marketing quota for a kind of tobacco is the total quantity of that kind of tobacco which may be marketed which will make available during such marketing year a supply of such tobacco equal to the reserve supply level. Since producers of these kinds of tobacco generally produce less than their respective national acreage allotments, it has been determined that a larger quota would be necessary to make available production equal to the reserve supply level. The amount of the national marketing quota so announced may, not later than the following March 1, be increased by not more than 20 percent if the Secretary determines that such increase is necessary in order to meet market demands or to avoid undue restriction of marketings in adjusting the total supply to the reserve supply level.

Section 301(b)(14)(B) of the Act defines "reserve supply level" as the normal supply, plus 5 percent thereof, to ensure a supply adequate to meet domestic consumption and export needs in years of drought, flood, or other adverse conditions, as well as in years of plenty. The "normal supply" is defined in section 301(b)(10)(B) of the Act as a normal year's domestic consumption and exports, plus 175 percent of a normal year's domestic use and 65 percent of a normal year's exports as an allowance for a normal year's carryover. A "normal" year's domestic consumption is defined in section 301(b)(11)(B) of the Act as the average quantity produced and consumed in the United States during the 10 marketing years immediately preceding the marketing year in which such consumption is determined, adjusted for current trends in such consumption.

A normal year's exports is defined in section 301(b)(12) of the Act as the average quantity produced in and exported from the United States during the 10 marketing years immediately preceding the marketing year in which such exports are determined, adjusted for current trends in such exports.

On January 7, 1992, a Notice of Proposed Determination was published (57 FR 553) in which interested persons were requested to comment with respect to these issues.

Discussion of Comments

Twenty-six written responses were received in response to the Notice of Proposed Determination. Some respondents discussed more than one kind of tobacco. A summary of these comments by kind of tobacco is as follows:

Fire-cured (type 21) tobacco: Three comments were received. Two comments recommended that quotas be reduced by 40 percent, the other recommended that the marketing quotas established for this kind of tobacco be the same as those for 1991 marketing year.

Fire-cured (types 22–23) tobacco: Nine comments were received. Recommendations ranged from no change from the 1991 marketing quota to a 10 percent increase in quota.

Dark air-cured (types 35–36) tobacco: Seven comments were received. Recommendations ranged from no change to a 10 percent increase in the quota.

Virginia sun-cured (type 37) tobacco: Three comments were received. Two comments recommended that the quota be reduced by 25 percent. The other

recommended that the marketing quota established for this kind of tobacco be at the same level that was applicable for the 1991 marketing year.

Cigar-filler and binder (types 42–44 & 53–55) tobacco: Four comments were received. These comments ranged from recommending a 10 percent decrease in quota to recommending no change in quota from the 1991 marketing year.

Based upon a review of these comments and the latest available statistics of the Federal Government which appear to be the most reliable data available, the following determinations have been made.

Fire-cured (Type 21) Tobacco

The yearly average quantity of fire-cured (type 21) tobacco produced in the United States, which is estimated to have been consumed in the United States, during the 10 marketing years preceding the 1991–92 marketing year is approximately 1.5 million pounds. The average annual quantity of fire-cured (type 21) tobacco produced in the United States and exported from the United States during the 10 marketing years preceding the 1991–92 marketing year was 2.7 million pounds (farm sales weight basis). Domestic use has trended sharply downward. For that reason, a normal year's domestic consumption has been determined to be 0.6 million pounds and a normal year's exports have been determined to be 2.6 million pounds. Application of the formula prescribed by section 301(b)(14)(B) of the Act results in a reserve supply level of 6.3 million pounds.

Manufacturers and dealers reported stocks of fire-cured (type 21) tobacco held on October 1, 1991, of 4.6 million pounds. The 1991 fire-cured (type 21) tobacco crop is estimated to be 3.5 million pounds. Therefore, the total supply of fire-cured (type 21) tobacco for the 1991 marketing year is 8.1 million pounds. During the 1991 marketing year, it is estimated that disappearance will total approximately 3.5 million pounds. By deducting this disappearance from the total supply, a carryover of 4.6 million pounds at the beginning of the 1992 marketing year is obtained.

The difference between the reserve supply level and the estimated carryover on October 1, 1992, is 1.7 million pounds. This represents the quantity of fire-cured (type 21) tobacco which may be marketed which will make available during such marketing year a supply equal to the reserve supply level.

Recently, slightly more than 60 percent of the announced national marketing quota has been produced. Accordingly, it has been determined that a national marketing quota of 2.7 million pounds is necessary to make available production of 1.7 million pounds. Accordingly, a national marketing quota for the 1992 marketing year is 2.7 million pounds.

In accordance with section 313(g) of the Act, dividing the 1992 national marketing quota of 2.7 million pounds by the 1987–91, 5-year national average yield of 1,251 pounds per acre results in a 1992 national acreage allotment of 2,158.27 acres.

Pursuant to the provisions of section 313(g) of the Act, a national acreage factor of 0.60 is determined by dividing the national acreage allotment for the 1992 marketing year, less a national reserve of 0.85 acres, by the total of 1992 preliminary farm acreage allotments. The preliminary farm acreage allotments reflect the factors specified in section 314(g) of the Act for apportioning the national acreage allotment, less the national reserve, to old farms.

Fire-cured (Types 22–23) Tobacco

The yearly average quantity of fire-cured (types 22–23) tobacco produced in the United States, which is estimated to have been consumed in the United States, during the 10 years preceding the 1991 marketing year was approximately 17.8 million pounds. The average annual quantity of fire-cured (type 22–23) tobacco produced in the United States and exported during the 10 marketing years preceding the 1991 marketing year was 17.7 million pounds (farm sales weight basis). Domestic use has trended upward recently while exports remain erratic. A normal year's domestic consumption has for that reason been determined to be 20.6 million pounds and a normal year's exports have been determined to be 17.7 million pounds. Application of the formula prescribed by section 301(b)(14)(B) of the Act results in a reserve supply level of 90.1 million pounds.

Manufacturers and dealers reported stocks of fire-cured (type 22–23) tobacco held on October 1, 1991, of 66.7 million pounds. The 1991 fire-cured (type 22–23) crop is estimated to be 29.4 million pounds. Therefore, the total supply of fire-cured (type 22–23) tobacco for the marketing year beginning October 1, 1992, is 96.1 million pounds. During the 1991–92 marketing year, it is estimated that disappearance will total approximately 34.0 million pounds. By deducting this disappearance from the total supply, a carryover of 62.1 million pounds at the beginning of the 1992 marketing year is obtained.

The difference between the reserve supply level and the estimated carryover on October 1, 1992, is 28.0 million pounds. This represents the quantity of fire-cured (type 22–23) tobacco which may be marketed which will make available during the 1992 marketing year a supply equal to the reserve supply level. About 90 percent of the announced national marketing quota is expected to be produced after productivity adjustments. Accordingly, it has been determined that a national marketing quota for the 1992 marketing year of 31.0 million pounds is necessary to make available production of 28.0 million pounds. In accordance with section 312(b) of the Act, it has been further determined that the 1992 national marketing quota must be increased by about 15 percent in order to avoid undue restriction of marketings. This results in a national marketing quota for the 1992 marketing year of 35.7 million pounds.

In accordance with section 313(g) of the Act, dividing the 1992 national marketing quota of 35.7 million pounds by the 1987–91, 5-year national average yield of 2,261 pounds per acre, results in a 1992 national acreage allotment of 15,789.47 acres.

Pursuant to the provisions of section 313(g) of the Act, a national acreage factor of 1.05 is determined by dividing the national acreage allotment for the 1992 marketing year, less a national reserve of 61 acres, by the total of the 1992 preliminary farm acreage allotments. The preliminary farm acreage allotments reflect the factors specified in section 313(g) of the Act for apportioning the national acreage allotment, less the national reserve, to old farms.

Dark Air-cured (Types 35–36) Tobacco

The yearly average quantity of dark air-cured (types 35–36) tobacco produced in the United States, which is estimated to have been consumed in the United States, during 10 marketing years preceding the 1991–92 marketing year was approximately 11.5 million pounds. The average annual quantity of dark air-cured (type 35–36) tobacco produced in the United States and exported from the United States during the 10 marketing years preceding the 1991 marketing year was 1.9 million pounds (farm sales weight basis). Both domestic use and exports have trended downward. Accordingly, a normal year's domestic consumption has been determined to be 10.3 million pounds and a normal year's exports have been determined to be 1.7 million pounds. Application of the formula prescribed by section 301(b)(14)(B) of the Act results in a reserve supply level of 32.7 million pounds.

Manufacturers and dealers reported stocks of dark air-cured (types 35–36) tobacco held on October 1, 1991, of 25.5 million pounds. The 1991 dark air-cured (types 35–36) tobacco crop is estimated to be 9.1 million pounds. Therefore, the total supply of dark air-cured (types 35–36) tobacco for the 1991 marketing year is 34.6 million pounds. During the 1991 marketing year, it is estimated that disappearance will total approximately 12.0 million pounds. By deducting this disappearance from the total supply, a carryover of 22.6 million pounds at the beginning of 1992 marketing year is obtained.

The difference between the reserve supply level and the estimated carryover on October 1, 1992, is 10.1 million pounds. This represents the quantity of dark air-cured (types 35–36) tobacco which may be marketed which will make available during such marketing year a supply equal to the reserve supply level.

Around 90 percent of the announced national marketing quota is expected to be produced after productivity adjustments. Accordingly, it has been determined that a national marketing quota of 11.1 million pounds is necessary to make available production of 10.1 million pounds. Accordingly, the national marketing quota for the 1992 marketing year is 11.1 million pounds.

In accordance with section 313(g) of the Act, dividing the 1992 national marketing quota of 11.1 million pounds by the 1987–91, 5-year average yield of 2,078 pounds per acre results in a 1992 national acreage allotment of 5,341.67 acres.

Pursuant to the provisions of section 313(g) of the Act, a national acreage factor of 1.05 is determined by dividing the national acreage allotment for the 1992 marketing year, less a national reserve of 32.0 acres, by the total of 1992 preliminary farm acreage allotments. The preliminary farm acreage allotments reflect the factors specified in section 313(g) of the Act for apportioning the national acreage allotment, less the national reserve, to old farms.

Virginia Sun-cured (Type 37) Tobacco

The yearly average quantity of Virginia sun-cured (type 37) tobacco produced in the United States, which is estimated to have been consumed in the United States, during the 10 marketing years preceding the 1991–92 marketing year was approximately 300,000 pounds. The average annual quantity produced in the United States and exported during the same period was approximately 120,000 pounds (farm sales weight basis). Domestic use has shown a sharp downward trend, and exports have shown a moderate downward trend. Accordingly, a quantity of 176,000 pounds has been determined to be a normal year's domestic consumption and a quantity of 100,000 pounds has been determined to be a normal year's exports. Application of the formula prescribed by section 301(b)(14)(B) of the Act results in a reserve supply level of 681,000 pounds.

Manufacturers and dealers reported stocks of Virginia sun-cured (type 37) tobacco held on October 1, 1991, of 640,000 pounds. The 1991 Virginia sun-cured (type 37) tobacco crop is estimated to be 160,000 pounds. Therefore, the total supply of Virginia sun-cured (type 37) tobacco for the 1991 marketing year is 800,000 pounds. During the 1991 marketing year, it is estimated that disappearance will total approximately 200,000 pounds. By deducting this disappearance from the total supply, a carryover of 600,000 pounds at the beginning of the 1992 marketing year is obtained.

The difference between the reserve supply level and the estimated carryover on October 1, 1992, is 81,000 pounds. This represents the quantity of Virginia sun-cured (type 37) tobacco which may be marketed which will make available during such marketing year a supply equal to the reserve supply level. Recently, about half of the announced national marketing quota has been produced. Accordingly, it has been determined that a national marketing quota of 157,000 pounds is necessary to make available production of 81,000 pounds. Accordingly, the national marketing quota for the 1992 marketing year is 157,000 pounds.

In accordance with section 313(g) of the Act, dividing the 1992 national marketing quota of 157,000 pounds by the 1987–91, 5-year national yield of 1,225 pounds per acre results in a 1992 national acreage allotment of 128.16 acres.

Pursuant to the provisions of section 313(g) of the Act, a national acreage factor of 0.75 is determined by dividing the national acreage allotment for the 1992 marketing year, less a national reserve of 0.30 acre, by the total of the 1992 preliminary farm acreage allotments. The preliminary farm acreage allotments reflect the factors specified in section 313(g) of the Act for apportioning the national acreage allotment, less the national reserve, to old farms.

Cigar-filler and Binder (Types 42–44 & 53–55) Tobacco

The yearly average quantity of cigar-filler and binder (types 42–44 & 53–55) tobacco produced in the United States, which is estimated to have been consumed in the United States, during the 10 years preceding the 1991 marketing year was approximately 19.4 million pounds. The average annual quantity of cigar-filler and binder (types 42–44 & 53–55) tobacco produced in the United States and exported from the United States during the 10 marketing years preceding the 1991 marketing year was very small. Domestic use has trended downward and exports are almost non-existent. Accordingly, a normal year's domestic consumption has been established at 14.0 million pounds while a normal year's export has been established at zero pounds. Application of the formula prescribed by section 301(b)(14)(B) of the Act results in a reserve supply level of 40.4 million pounds.

Manufacturers and dealers report stocks of cigar-filler and binder (types 42–44 & 53–55) tobacco held on October 1, 1991, of 26.2 million pounds. The 1991 cigar-filler and binder crop is estimated to be 15.3 million pounds. Therefore, the total supply of cigar-filler and binder (types 42–44 & 53–55) tobacco for the 1991 marketing year is 41.5 million pounds. During the 1991 marketing year, it is estimated that disappearance will total about 15.0 million pounds. By deducting this disappearance from the total supply, a carryover of 26.5 million pounds at the beginning of the 1992 marketing year is obtained.

The difference between the reserve supply level and the estimated carryover on October 1, 1992, is 13.9 million pounds. This represents the quantity of cigar-filler and binder tobacco which may be marketed which will make available during such marketing year a supply equal to the reserve supply level. Less than two-thirds of the announced national marketing quota has been produced recently. Accordingly, it has been determined that a 1992–93 national marketing quota of 21.3 million pounds is necessary to make available production of 13.9 million pounds. Accordingly, the national marketing quota for the 1992 marketing year is 21.3 million pounds.

In accordance with section 313(g) of the Act, dividing the 1992 national marketing quota of 21.3 million pounds by the 1987–91, 5-year national average yield of 2,007 pounds per acre results in a 1992 national acreage allotment of 10,612.85 acres.

Pursuant to the provisions of section 313(g), a national factor of 0.95 is determined by dividing the national acreage allotment for the 1992 marketing year, less a national reserve of 58 acres, by the total of the 1992 preliminary farm

acreage allotments. The preliminary farm acreage allotments reflect the factors specified in section 313(g) for apportioning the national acreage allotment, less the national reserve, to old farms.

Referendum Results for Sun-cured (Type 37) Tobacco

Marketing quotas shall be in effect for the 1992 marketing year for sun-cured (type 37) tobacco. In a referendum held during the period March 23–26, 1992, 95.8 percent of producers of Virginia sun-cured (type 37) tobacco voted in favor of marketing quotas.

The following is a summary of the results of the referendum:

SUN-CURED TOBACCO

State	Total votes	Yes votes	No votes	Percent yes votes
Virginia	48	46	2	95.8

Accordingly, the following determinations announced by the Secretary of Agriculture on March 1, 1992, are affirmed:

Determinations

The following determinations of the Secretary are hereby affirmed for the 1992 marketing year for fire-cured (type 21), fire-cured (types 22–23), dark air-cured (types 35–36), Virginia sun-cured (type 37), and cigar-filler and binder (types 42–44 & 53–55) tobaccos.

With Respect to Fire-cured (Type 21) Tobacco (Marketing Year (MY) Begins October 1)—

(a) *Reserve supply level.* The MY 1992 reserve supply level for fire-cured (type 21) tobacco is 6.3 million pounds.

(b) *Total supply.* The MY 1991 total supply of fire-cured (type 21) tobacco is 8.1 million pounds.

(c) *Carryover.* The estimated carryover of fire-cured (type 21) tobacco (at the start of MY 1992) is 4.6 million pounds.

(d) *National marketing quota.* The MY 1992 national marketing quota for fire-cured (type 21) tobacco is 2.7 million pounds.

(e) *National acreage allotment.* The MY 1992 national acreage allotment for fire-cured (type 21) tobacco is 2,158.27 acres.

(f) *National acreage factor.* The MY 1992 national acreage factor used in determining farm acreage allotments is 0.60.

(g) *National reserve.* The MY 1992 national acreage reserve for fire-cured (type 21) tobacco is 0.85 acres, of which 0.35 acres are made available for the 1992 new farms, and 0.50 acres are made available for making corrections and adjusting inequities in old farm allotments.

With Respect to Fire-cured (Types 22–23) Tobacco (MY Begins October 1)—

(a) *Reserve supply level.* The MY 1992 reserve supply level for dark air-cured (types 22–23) tobacco is 90.1 million pounds.

(b) *Total supply.* The MY 1991 total supply of fire-cured (types 22–23) tobacco is 96.1 million pounds.

(c) *Carryover.* The estimated carryover of fire-cured (types 22–23) tobacco (at the start of MY 1992) is 62.1 million pounds.

(d) *National marketing quota.* The MY 1992 national marketing quota for fire-cured (types 22–23) tobacco is 35.7 million pounds.

(e) *National acreage allotment.* The MY 1992 national acreage allotment for fire-cured (types 22–23) tobacco is 15,789.47 acres.

(f) *National acreage factor.* The MY 1992 national acreage factor used in determining farm acreage allotments is 1.05.

(g) *National reserve.* The MY 1992 national acreage reserve for fire-cured (types 22–23) tobacco is 61 acres, of which 10 acres are made available for 1992 new farms, and 51 acres are made available for making corrections and adjusting inequities in old farm allotments.

With Respect to Dark Air-cured (Types 35–36) Tobacco (MY Begins October 1)—

(a) *Reserve supply level.* The MY 1992 reserve supply level for dark air-cured (types 35–36) tobacco is 32.7 million pounds.

(b) *Total supply.* The MY 1991 total supply of dark air-cured (types 35–36) tobacco is 34.6 million pounds.

(c) *Carryover.* The estimated carryover of dark air-cured (types 35–36) tobacco (at the start of MY 1992) is 22.6 million pounds.

(d) *National marketing quota.* The MY 1992 national marketing quota for dark air-cured (types 35–36) tobacco is 11.1 million pounds.

(e) *National acreage allotment.* The MY 1992 national acreage allotment for fire-cured (types 22–23) tobacco is 5,341.67 acres.

(f) *National acreage factor.* The MY 1992 national acreage factor for fire-cured (types 22–23) tobacco used in determining farm acreage allotments is 1.05.

(g) *National reserve.* The MY 1992 national acreage reserve for fire-cured (types 22–23) tobacco is 32 acres, of which 10 acres are made available for 1992 new farms, and 22 acres are made available for making corrections and adjusting inequities in old farm allotments.

With Respect to Virginia Sun-cured (Type 37) Tobacco (MY Begins October 1)—

(a) *Reserve supply level.* The MY 1992 reserve supply level for Virginia sun-cured (type 37) tobacco is 681,000 pounds.

(b) *Total supply.* The MY 1991 total supply of Virginia sun-cured (type 37) tobacco is 800,000 pounds.

(c) *Carryover.* The estimated carryover of Virginia sun-cured (type 37) tobacco (at the start of MY 1992) is 600,000 pounds.

(d) *National marketing quota.* The MY 1992 national marketing quota for Virginia sun-cured (type 37) tobacco is 157,000 pounds.

(e) *National acreage allotment.* The MY 1992 national acreage allotment for Virginia sun-cured (type 37) tobacco is 128.16 acres.

(f) *National acreage factor.* The MY 1992 national acreage factor for Virginia sun-cured (type 37) tobacco used in determining farm acreage allotments is 0.75.

(g) *National reserve.* The MY 1992 national acreage reserve for Virginia sun-cured (type 37) tobacco is 0.30 acres, of which 0.05 acres are made available for making corrections and adjusting inequities in old farm allotments.

With Respect to Cigar-filler and Binder (Types 42–44 & 53–55 Tobacco (MY Begins October 1)

(a) *Reserve supply level.* The MY 1992 reserve supply level for cigar-filler and binder (types 42–44 & 53–55) tobacco is 40.4 million pounds.

(b) *Total supply.* The MY 1991 total supply of cigar-filler and binder (types 42–44 & 53–55) tobacco is 41.5 million pounds.

(c) *Carryover.* The estimated carryover of cigar-filler and binder (types 42–44 & 53–55) tobacco (at the start of MY 1992) is 26.5 million pounds.

(d) *National marketing quota.* The MY 1992 national marketing quota for cigar-filler and binder (types 42–44 & 53–55) tobacco is 21.3 million pounds.

(e) *National acreage allotment.* The MY 1992 national acreage allotment for cigar-filler and binder (types 42–44 & 53–55) tobacco is 10,612.85 acres.

(f) *National acreage factor.* The MY 1992 national acreage factor for cigar-filler and binder (types 42–44 & 53–55) tobacco used in determining farm acreage allotments in 0.95.

(g) *National reserve.* The MY 1992 national acreage reserve for cigar-filler and binder (types 42–44 & 53–55) tobacco is 58.0 acres, of which 45.0 acres are made available for 1992 new farms,

and 13.0 acres are made available for making corrections and adjusting inequities in old farm allotments.

Proclamation of National Marketing Quota for Sun-cured Tobacco

Since the 1991 marketing year is the last of three consecutive years for which marketing quotas previously proclaimed will be in effect for sun-cured tobacco, a national marketing quota for such kind of tobacco for each of the three marketing years beginning October 1, 1992, October 1, 1993, and October 1, 1994 is proclaimed.

Authority: 7 U.S.C. 1301, 1312, 1313, 1375.

Signed at Washington, DC, on October 8, 1992.

John A. Stevenson,

Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 92-25086 Filed 10-15-92; 8:45 am]

BILLING CODE 3410-05-M

RIN 0560-AC40

1992 National Marketing Quotas for Maryland (Type 32), Cigar-Binder (Type 41), Cigar-Filler (Type 46), and Cigar-Binder (Types 51-52) Tobaccos

AGENCY: Agricultural Stabilization and Conservation Service (ASCS), United States Department of Agriculture (USDA).

ACTION: Notice of Determination of 1992-93 Marketing Quotas.

SUMMARY: The purpose of this notice is to affirm determinations made by the Secretary of Agriculture on February 28, 1992, with respect to the 1992 crops of Maryland (type 32), cigar-filler (type 41), cigar-filler (type 46), and cigar-binder (types 51-52) tobaccos. In addition to other determinations, the Secretary declared national acreage allotments for the following kinds of tobacco: Maryland (type 32), 6,026 acres; cigar-filler (type 41), 611 acres; cigar-filler (type 46), 0 acres; and cigar-binder (types 51-52), 744 acres.

This notice also affirms the proclamation made by the Secretary on February 28 that marketing quotas will not be in effect for these kinds of tobacco for the three marketing years beginning October 1, 1992, and sets forth the results of the separate referenda held during the period March 23-26, 1992, in which producers of each of these kinds rejected marketing quotas for the 1992, 1993, and 1994 marketing years.

EFFECTIVE DATE: February 28, 1992.

FOR FURTHER INFORMATION CONTACT: Robert L. Tarczy, Agricultural Economist, Tobacco and Peanuts Analysis Division, ASCS, room 3736, South Building, P.O. Box 2415, Washington, DC 20013, (202) 720-8839.

SUPPLEMENTARY INFORMATION: This notice has been reviewed under USDA procedures established in accordance with Executive Order 12291 and Departmental Regulation 1512-1 and has been classified as "not major" because these determinations will not result in: (1) an annual effect on the economy of $100 million or more, (2) major increases in costs or prices for consumers, individual industries, Federal, State or local governments, or geographical 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 set forth in the Catalog of Federal Domestic Assistance, to which this notice applies are: Title—Commodity Loan and Purchases; Number 10.051.

It has been determined that the Regulatory Flexibility Act is not applicable to this notice because the Agricultural Stabilization and Conservation Service (ASCS) is not required by 5 U.S.C. 553 or any provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this notice.

This notice has been reviewed in accordance with Executive Order 12778. The provisions of this notice do not preempt State law, are not retroactive, and do not involve administrative appeals.

The program/activity 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, published at 48 FR 29115 (June 24, 1983).

Notice of Determinations

A Notice of Proposed Determinations was published on December 6, 1991, (56 FR 63924) in which comments were requested with respect to the amount of the national marketing quota for the 1992 marketing year for Maryland (type 32), cigar-filler (type 41), cigar-filler (type 46), and cigar-binder (types 51-52) tobaccos; the conversion of the national marketing quotas into national acreage allotments; the amount of the national acreage allotments to be reserved for new farms and for adjustments; and the dates of the marketing quota referenda. No comments were received on any of these kinds of tobacco.

On February 28, 1992, the Secretary of Agriculture determined and announced the following national marketing quotas for the 1992 marketing year: (1) Maryland (type 32) tobacco, 8.75 million pounds; (2) cigar-filler (type 41) tobacco, 1.21 million pounds; (3) cigar-filler (type 46) tobacco, 0 pounds; and (4) cigar-filler (types 51-52) tobacco, 1.291 million pounds. During the period March 23-26 (March 25 for cigar-filler (type 46)), four separate referenda were held. For Maryland (type 32) tobacco, 8.0 percent of those voting favored quotas; for cigar-filler (type 41), 4.6 percent of those voting favored quotas; for cigar-filler (type 46), 50.0 percent of those voting favored quotas and for cigar-binder (types 51-52), 6.8 percent of those voting favored quotas. Because none of the referenda had the 66.7 percent majority necessary to approve marketing quotas, the following determinations made on February 28, 1992, for these kinds of tobacco will not be used in establishing marketing quotas for the 1992 marketing year; rather, there will be no such quotas for the 1992 marketing year. However, such determinations are set forth herein as a matter of public record, as announced by the Secretary.

Quota Determinations for the 1992 Marketing Year (MY)

For Maryland (type 32) tobacco (MY begins October 1):

(a) *Reserve supply level.* The MY 1992 reserve supply level is 16.55 million pounds.

(b) *Total supply.* The MY 1991 total supply is 27.8 million pounds.

(c) *Carryover.* The estimated carryover (at the start of MY 1992) is 7.8 million pounds.

(d) *National marketing quota.* The amount of Maryland (type 32) tobacco that will make available during MY 1992 a supply of such tobacco equal to the reserve supply level of such tobacco is 8.75 million pounds.

(e) *National acreage allotment.* The MY 1992 national acreage allotment is 6,026.17 acres.

(f) *National acreage factor.* The MY 1992 national acreage factor used in determining farm acreage allotments is 1.0.

(g) *National acreage reserve.* The MY 1992 national acreage reserve is 29.0 acres, of which 9.0 acres are made available for new farms, and 20.0 acres are made available for making corrections and adjusting inequities in old farm allotments.

For cigar-filler (type 41) tobacco (MY begins October 1):

(a) *Reserve supply level.* The MY 1992 reserve supply level is 24.91 million pounds.

(b) *Total supply.* The MY 1991 total supply is 36.7 million pounds.

(c) *Carryover.* The estimated carryover (at the start of MY 1992) is 23.7 million pounds.

(d) *National marketing quota.* The amount of cigar-filler (type 41) tobacco that will make available during MY 1992 a supply of such tobacco equal to the reserve supply level is 1.21 million pounds.

(e) *National acreage allotment.* The MY 1992 national acreage allotment is 611.11 acres.

(f) *National acreage factor.* The MY 1992 national acreage factor used in determining farm acreage allotments is 1.0.

(g) *National acreage reserve.* The MY 1992 national acreage reserve is 3.0 acres, of which 1.0 acre is made available for new farms, and 2.0 acres are made available for making corrections and adjusting inequities in old farm allotments.

For cigar filler (type 46) tobacco (MY begins October 1):

(a) *Reserve supply level.* The MY 1992 reserve supply level is zero.

(b) *Total supply.* The MY 1991 total supply is 2.6 million pounds.

(c) *Carryover.* The estimated carryover (at the start of MY 1992) is 2.0 million pounds.

(d) *National marketing quota.* Because the estimated carryover at the beginning of MY 1992 exceeds the reserve supply level, the quantity of cigar-filler (type 46) tobacco which may be marketed during the 1992–93 marketing year is zero.

(e) *National acreage allotment.* The MY 1992 national acreage allotment is zero.

(f) *National acreage factor.* The national acreage factor used in determining farm acreage allotments is zero.

(g) *National acreage reserve.* The MY 1992 national acreage reserve is zero.

For cigar-binder (types 51 & 52) tobacco (MY begins October 1):

(a) *Reserve supply level.* The MY 1992 reserve supply level is 3.191 million pounds.

(b) *Total supply.* The MY 1991 total supply is 3.9 million pounds.

(c) *Carryover.* The estimated carryover (at the start of MY 1992) is 1.9 million pounds.

(d) *National marketing quota.* The amount of cigar-binder (types 51 & 52) tobacco that will make available during MY 1992 a supply of such tobacco equal to the reserve supply level of such tobacco is 1.291 million pounds.

(e) *National acreage allotment.* The MY 1992 national acreage allotment is 744.09 acres.

(f) *National acreage factor.* The national acreage factor for use in determining farm acreage allotments for the 1992–93 marketing year is 1.0.

(g) *National reserve.* The national acreage reserve is 2.25 acres, of which 1.0 acre is made available for 1992 new farms, and 1.25 acres are made available for making corrections and adjusting inequities in old farm allotments.

Affirmation

Accordingly, the quotas determined by the Secretary on February 28, 1992, shall not be in effect.

Authority: 7 U.S.C. 1301, 1312, 1313, 1375.

Signed at Washington, DC on October 8, 1992.

John A. Stevenson,

Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 92-25161 Filed 10-15-92; 8:45 am]

BILLING CODE 3410-05-M

Forest Service

Southwestern Region; Fee Schedule for Communications Uses

AGENCY: Forest Service, USDA.

ACTION: Notice of availability.

SUMMARY: The Southwestern Regional Forester has modified the fee schedule for communications uses authorized on National Forest System lands located in the States of Arizona and New Mexico.

ADDRESSES: Copies of the schedule may be obtained by writing to the Regional Forester, 517 Gold Avenue, SW., Albuquerque, NM 87102.

FOR FURTHER INFORMATION CONTACT: Questions about this policy should be addressed to Doug Salyer, Lands Staff, Forest Service, Southwestern Region, 517 Gold Avenue, SW., Albuquerque, NM 87102, (505) 842-3445.

SUPPLEMENTARY INFORMATION: On August 23, 1989, the Regional Forester for the Southwestern Region published a notice of adoption of fee schedule for communications uses (54 FR No. 162, pages 35039 to 35044). Congress delayed implementation of the fee schedule and directed the Forest Service to review and report to the Appropriations Committees on the ability of fee schedules to reflect values associated with local market conditions. The report was completed and sent to the Appropriations Committee in March of 1991. The fee schedule modifications are based on the findings of the report to Congress and additional administrative review. Most of the modifications either reduce the fees adopted in 1989, or require appraisals or other sound business management principles be used to establish fees. The modified fee schedule reflects the fair market value of the authorized use as required by the Federal Land Policy and Management Act.

Dated: October 6, 1992.

R. Forrest Carpenter,

Deputy Regional Forester.

[FR Doc. 92-25125 Filed 10-15-92; 8:45 am]

BILLING CODE 3410-11-M

DEPARTMENT OF COMMERCE

International Trade Administration

[A-357-807, A-834-804, A-821-804, A-823-804, and A-307-807]

Notice of Postponement of Preliminary Antidumping Duty Determinations of Sales at Less Than Fair Value: Ferrosilicon from Argentina, Kazakhstan, Russia, Ukraine, and Venezuela

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

EFFECTIVE DATE: October 16, 1992.

FOR FURTHER INFORMATION CONTACT: Kimberly Hardin, Office of Antidumping Investigations, Investigations, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 428-0371.

POSTPONEMENT: On October 5, 1992, petitioners in the investigations of ferrosilicon from Argentina and Venezuela, requested that the Department postpone the preliminary determinations in accordance with section 733(c)(1)(A) of the Tariff Act of 1930, as amended (the Act) (19 U.S.C. 1673b(c)(1)(A)). We find no compelling reasons to deny the requests and are, accordingly, postponing the date of the preliminary determinations until December 18, 1992.

Pursuant to sections 19 U.S.C. 1673b(c)(1)(A) and 19 CFR 353.15(b)(3), regarding the investigations of ferrosilicon from Kazakhstan, Russia, and Ukraine, we determine that these cases are "extraordinarily complicated" under section 733(c)(1)(B) of the Tariff Act of 1930, as amended (the Act), because of the complexity of the issues surrounding the possible use of the

intermediate country provision of the Department's regulations. We have determined that additional time is necessary to make the preliminary antidumping duty determinations. We are also required by the Act to affirmatively determine whether parties are cooperating. Regarding this issue, we have received questionnaire responses from Promsyrioimport, the sole exporter of the subject merchandise to the United States during the first month of the period of investigation. In addition, Promsyrioimport also provided information for Kazakhstan and the Russian Federation for the remaining five months of the period of investigation subsequent to the dissolution of the Union of Soviet Socialist Republics. The Ministry of Foreign Economic Relations and Trade of Ukraine provided information to the Department indicating that Ukraine had no shipments of the subject merchandise in 1992, which includes the remaining five months of the period of investigation.

For the reasons cited above, we determine that this investigation is extraordinarily complicated in accordance with section 733(c)(1)(B)(i)(I), (II) and (III) of the Act, that additional time is necessary to make this preliminary determination in accordance with section 733(c)(1)(B)(i) of the Act, and that, for the purpose of extending the preliminary determinations, the responding parties have cooperated. The statutory deadline for issuing this determination is no later than December 18, 1992.

This notice is published pursuant to section 733(c)(2) of the Act and 19 CFR 353.15(b)(3)(d).

Dated: October 9, 1992.

Rolf Th. Lundberg, Jr.,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 92–25174 Filed 10–15–92; 8:45 am]

BILLING CODE 3510–DS–M

[A–412–812]

Preliminary Determination of Sales at Less than Fair Value: New Steel Rail, Except Light Rail, from the United Kingdom

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

EFFECTIVE DATE: October 16, 1992.

FOR FURTHER INFORMATION CONTACT: Erik Warga, Office of Antidumping Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–0922.

PRELIMINARY DETERMINATION: We preliminarily determine that imports of new steel rail, except light rail, (steel rail) from the United Kingdom are being, or are likely to be, sold in the United States at less than fair value (LTFV), as provided in section 733 of the Tariff Act of 1930, as amended (the Act). The estimated margins are shown in the "Suspension of Liquidation" section of this notice.

Case History

Since the initiation of this investigation on May 21, 1992, (57 FR 22457, May 28, 1992), the following events have occurred.

On June 15, 1992, the U.S. International Trade Commission (ITC) issued an affirmative preliminary injury determination in this case. Two other concurrent proceedings, involving imports of steel rail from Japan and Luxembourg, were terminated at the same time because the ITC's preliminary determinations were negative.

On June 23, 1992, the Department of Commerce (the Department) presented an antidumping duty questionnaire to British Steel plc (British Steel). This respondent accounted for at least 60 percent of the exports of the subject merchandise to the United States.

British Steel responded to the sales questionnaire on July 14 and 28, 1992. We issued a deficiency letter on August 27, 1992, and received a response on September 11, 1992.

Scope of the Investigation

The merchandise subject to this investigation is new steel rail, except light rail and girder rail, of other than alloy steel, and over 30 kilograms per meter. Standard and premium carbon steel T rail, crane rail and contact rail (electrical rail) covered by the scope of these investigations are currently classifiable under the following Harmonized Tariff Schedule (HTS) subheadings: 7302.10.1010, 7302.10.1015, 7302.10.1035, 7302.10.1045, and 8548.00.0000. although the HTS subheadings are provided for convenience and customs purposes, our written description of the scope of this investigation is dispositive.

Period of Investigation

The period of investigation (POI) is December 1, 1991, through May 31, 1992.

Such or Similar Comparisons

We have determined that the products covered by this investigation constitute three categories of such or similar merchandise: railroad rail, crane rail, and contact rail. Where, within a such or similar category, there were no sales of identical merchandise in the home market to compare to U.S. sales, we made similar merchandise comparisons on the basis of (1) Class; (2) Type; (3) Profile; (4) Size; (5) Hardness; (6) Length Category; and (7) Length.

Although profile originally was not a matching criterion, our questionnaire instructed respondent to explain what factors it thought should be considered in selecting the most similar merchandise. British Steel responded that, besides those listed in our questionnaire, three additional criteria (profile, presence or absence of welding, and presence or absence of drilled holes) should be considered when matching similar merchandise. Respondent also contended that profile should precede size in the hierarchy, and provided information on the profile category of each model.

We agree that profile is an important characteristic. Based on our analysis of the information presented, we further agree that profile should outweigh size when determining the most appropriate product for matching purposes. In developing the matching instructions in preparation of the questionnaire, we failed to recognize that certain railroad rail is not necessarily standard railroad rail. As a result, the matching criteria listed did not account for all important characteristics of that such or similar category of merchandise. Within that category, a rail's profile (defined as symmetric or asymmetric) is, on its face, an important physical characteristic. Further, symmetric rail is usually a finished product while asymmetric rail is generally a semi-finished product that is suitable for manufacture into other products. Accordingly, we have concluded that it is appropriate to revise our matching criteria to take profile into account, and have done so. With respect to welding and drill holes, we view these characteristics as too minor to include as matching criteria. Any cost differences attributable to these factors will be captured in the difference in merchandise adjustment, where appropriate.

Fair Value Comparisons

To determine whether sales of steel rail from the United Kingdom to the United States were made at less than fair value, we compared the United States price (USP) to the foreign market value (FMV), as specified in the "United States Price" and "Foreign Market Value" sections of this notice.

United States Price

We based USP on purchase price, in accordance with section 772(b) of the Act, because the subject merchandise was sold to unrelated purchasers in the United States before importation and because exporter's sales price methodology was not indicated by other circumstances.

We calculated purchase price based on prices to unrelated customers. We made deductions, where appropriate, for the following movement charges: foreign brokerage, deadfreight, demurrage, foreign dunnage, cargo superintendent fees, ocean freight, marine insurance, U.S. duty, wharfage, U.S. brokerage, and U.S. dunnage.

In accordance with section 772(d)(1)(C) of the Act, we added to USP the amount of value-added tax (VAT) that would have been collected had the merchandise not been exported.

Foreign Market Value

In order to determine whether there was a sufficient volume of sales in the home market to serve as viable basis for calculating FMV, we compared, within each such or similar category, the volume of home market sales of the subject merchandise to the volume of third country sales of subject merchandise, in accordance with section 773(a)(1) of the Act.

We calculated FMV based on prices charged to unrelated customers in the home market. In accordance with 19 CFR 353.58, we compared U.S. sales to home market sales made at the same level of trade, where possible. We made deductions, where appropriate for complaint credits, billing adjustments, rebates, and inland freight. Where appropriate, we added to FMV post-sale price increases and extra charges that were not included in the gross price.

Pursuant to 19 CFR 353.56, we made circumstance-of-sale adjustments for differences in credit expenses, quota rights fees, and VAT. We also made an adjustment for physical differences in the merchandise, in accordance with 19 CFR 353.37.

Currency Conversion

We made currency conversions based on the official exchange rates in effect on the dates of the U.S. price quotations as certified by the Federal Reserve Bank.

Verification

As provided in section 776(b) of the Act, we will verify all information that we determine is acceptable for use in making our final determination.

Suspension of Liquidation

In accordance with section 733(d)(1) of the Act, we are directing the Customs Service to suspend liquidation of all entries of steel rail from the United Kingdom that are entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**. The Customs Service shall require a cash deposit or posting of a bond equal to the estimated preliminary dumping margins, as shown below. This suspension of liquidation will remain in effect until further notice. The LTFV margins are as follows:

Producer/manufacturer/ exporter	Weight-average margin percentage
British Steel plc	71.84
All Others	71.84

ITC Notification

In accordance with section 733(f) of the Act, we have notified the ITC of our determination. If our final determination is affirmative, the ITC will determine whether these imports are materially injuring, or threaten material injury to, the U.S. industry before the later of 120 days after the date of this preliminary determination or 45 days after our final determination.

Public Comment

In accordance with 19 CFR 353.38, case briefs or other written comments in at least ten copies must be submitted to the Assistant Secretary for Import Administration no later than November 9, 1992, and for rebuttal briefs no later than November 16, 1992. In accordance with 19 CFR 353.38(b), we will hold a public hearing, if requested, to afford interested parties an opportunity to comment on arguments raised in case of rebuttal briefs. Tentatively, the hearing will be held on November 18, 1992, at 2 p.m. at the U.S. Department of Commerce, Room 1414, 14th Street and Constitution Avenue, NW., Washington, DC 20230. Parties should confirm by telephone the time, date, and place of the hearing 48 hours before the scheduled time.

Interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Import Administration, U.S. Department of Commerce, Room B–009, within ten days of the publication of this notice. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. In accordance with 19 CFR 353.38(b), oral presentations will be limited to issues raised in the briefs.

If this investigation proceeds normally, we will make our final determination by December 22, 1992.

This determination is published pursuant to section 733(f) of the Act (19 U.S.C. 1673b(f)) and 19 CFR 353.15(a)(4).

Dated: October 8, 1992.

Rolf Th. Lundberg, Jr.,

Acting Assistant Secretary for Import Administration.

[FR Doc. 92–25173 Filed 10–15–92; 8:45 am]

BILLING CODE 3510–DS–M

The Consortia of American Businesses in the Newly Independent States Grant Program

ACTION: Notice.

SUMMARY: The Department of Commerce (the "Department") has selected two applicants for funding with fiscal year 1992 resources through the Department's Consortia of American Businesses in the Newly Independent States (CABNIS) grant program. Each of the two applicants is a non-profit consortium formed to assist for-profit U.S. member companies in establishing a commercial presence and to contribute to the privatization of economies in the newly independent states of the former Soviet republics. The grantees will be required to match federal funding. Each consortium will use the funding to help defray the costs of starting and operating a commercial office in the newly independent states. This notice announces the two grantees.

FOR FURTHER INFORMATION CONTACT: George Muller, Office of Export Trading Company Affairs, Trade Development, U.S. Department of Commerce, telephone (202) 482–5131. This is not a toll free number.

SUPPLEMENTARY INFORMATION: On July 13, 1992, 57 FR 31044, the Department announced the availability of federal grant funds provided by the Agency for International Development for the CABNIS program and the Department's intention to select non-profit organizations to participate as grantees under the program. The total amount of program grant funds available for CABNIS in FY 1992 was $1 million. The anticipated amount available for grants in FY 1993 is $3.5 million. Subject to the availability of funding, the Department will make an additional seven awards during early FY 1993. Grantees will be selected from the 70 applications received by the Department within the August 28, 1991 deadline.

NAMES OF SELECTED GRANTEES: Food Processing Machinery & Supplies Association, Alexandria, VA
Telecommunications Industry Association, Washington, DC.

George Muller,

Director, Office of Export Trading Company Affairs.

[FR Doc. 92-25181 Filed 10-15-92; 8:45 am]

BILLING CODE 3510-DR-M

National Oceanic and Atmospheric Administration

New England Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The New England Fishery Management Council (Council) and its Committees will hold a public meeting on October 21-22, 1992, at the King's Grant Inn, Route 128, at Trask Lane, Danvers, MA; telephone: 508-774-6800. The meeting will begin at 10 a.m. on both days.

The order has not yet been decided, but the following items will be included on the agenda.

On October 21 the meeting will begin with reports from the Council Chairman, the Council Executive Director, the National Marine Fisheries Service Regional Director, the Northeast Fisheries Science Center liaison, the Mid-Atlantic Fishery Management Council liaison and representatives of the Department of State, the Coast Guard, the Fish and Wildlife Service, and the Atlantic States Marine Fisheries Commission.

The Atlantic Sea Scallop Committee report will follow these briefings and will focus on new measures added to the public hearing document now being developed for Amendment #4 to the Scallop Fishery Management Plan (FMP). During the afternoon session, the Large Pelagics Committee will discuss the October 19 open meeting of the International Commission for the Conservation of Atlantic Tunas Advisory Committee. The Monkfish Committee will then update the Council on the voluntary efforts of fishermen to resolve gear conflicts in southern New England.

During the latter part of the afternoon, the Marine Mammal and Endangered Species Committee will review the status of harbor porpoise in the Gulf of Maine and discuss potential mechanisms to reduce fishery interactions. This report will be followed by a complete review of the management measures slated for inclusion in Amendment #5 to the Council's Northeast Multispecies (Groundfish) FMP.

A public hearing will begin at this point to solicit comments on the possible initiation of actions under the Council's Flexible Area Action System. Notice of that hearing is published separately. The regular Council meeting will resume after the hearing on October 22 with a continuation of the review of groundfish issues. Specifically, the remaining portion of the day will be devoted to a detailed discussion of the Amendment #5 effort reduction program. Other business will be discussed before adjourning the meeting on October 22.

For more information contact Douglas G. Marshall, Executive Director, New England Fishery Management Council, 5 Broadway, Saugus, MA 01906; telephone: (617) 231-0422.

Dated: October 9, 1992.

David S. Crestin,

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

[FR Doc. 92-25075 Filed 10-15-92; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in the United Arab Emirates

October 13, 1992.

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

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

EFFECTIVE DATE: October 13, 1992.

FOR FURTHER INFORMATION CONTACT: Jennifer Tallarico, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927-5850. For information on embargoes and quota re-openings, call (202) 482-3715.

SUPPLEMENTARY INFORMATION:

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

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

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 56 FR 60101, published on November 27, 1991). Also see 56 FR 57519, published on November 12, 1991.

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

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

October 13, 1992.

Commissioner of Customs,

Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on November 6, 1991, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton and man-made fiber textile products, produced or manufactured in the United Arab Emirates and exported during the twelve-month period which began on January 1, 1992 and extends through December 31, 1992.

Effective on October 13, 1992, you are directed to amend further the directive dated November 6, 1991 to adjust the limits for the following categories, as provided under the terms of the current bilateral agreement between the Governments of the United States and the United Arab Emirates:

Category	Adjusted twelve-month limit [1]
338/339	487,721 dozen, of which not more than 325,146 dozen shall be in categories 338-S/339-S [2].
340/640	306,806 dozen.
341/641	253,449 dozen.
347/348	362,307 dozen of which not more than 154,832 dozen shall be in Categories 347-T/348-T [3].
351/651	143,428 dozen.
352	138,032 dozen.

[1] The limits have not been adjusted to account for any imports exported after December 31, 1991.

[2] Category 338-S: only HTS numbers 6103.22.0050, 6105.10.0010, 6105.10.0030, 6105.90.3010, 6109.10.0027, 6110.20.1025, 6110.20.2040, 6110.20.2065, 6110.90.0068, 6112.11.0030 and 6114.20.0005; Category 339-S: only HTS numbers 6104.22.0060, 6104.29.2049, 6106.10.0010, 6106.10.0030, 6106.90.2010, 6106.90.3010, 6109.10.0070, 6110.20.1030, 6110.20.2045, 6110.20.2075, 6110.90.0070, 6112.11.0040, 6114.20.0010 and 6117.90.0022.

Category 347–T: only HTS numbers 6103.19.2015, 6103.19.4020, 6103.22.0030, 6103.42.1020, 6103.42.1040, 6103.49.3010, 6112.11.0050, 6113.00.0038, 6203.19.1020, 6203.19.4020, 6203.22.3020, 6203.42.4005, 6203.42.4010, 6203.42.4015, 6203.42.4025, 6203.42.4035, 6203.42.4045, 6203.49.3020, 6210.40.2035, 6211.20.1520, 6211.20.3010 and 6211.32.0040; Category 348–T: only HTS numbers 6104.12.0030, 6104.19.2030, 6104.22.0040, 6104.29.2034, 6104.62.2010, 6104.62.2025, 6104.69.3022, 6112.11.0060, 6113.00.0042, 6117.90.0042, 6204.12.0030, 6204.19.3030, 6204.22.3040, 6204.29.4034, 6204.62.3000, 6204.62.4005, 6204.62.4010, 6204.62.4020, 6204.62.4030, 6204.62.4040, 6204.62.4050, 6204.69.3010, 6204.69.9010, 6210.50.2035, 6211.20.1550, 6211.20.6010, 6211.42.0030 and 6217.90.0050.

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

Sincerely,

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 92–25180 Filed 10–15–92; 8:45 am]

BILLING CODE 3510–DR–F

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

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 commodities and services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

EFFECTIVE DATE: November 16, 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 March 6, July 24, August 14 and 21, 1992, the Committee for Purchase from the Blind and Other Severely Handicapped published notices (57 F.R. 8115, 32976, 36640 and 37958) of proposed additions to the Procurement List.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to produce the commodities and provide the services, fair market price, and impact of the addition on the current or most recent contractors, the Committee has determined that the commodities and services 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 than the small organizations that will furnish the commodities or services to the Government.

2. The action will not have a severe economic impact on current contractors for the commodities or services.

3. The action will result in authorizing small entities to furnish the commodities or 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 or services proposed for addition to the Procurement List.

Accordingly, the following commodities and services are hereby added to the Procurement List:

Commodities

Towel, Machinery Wiping, 7920–01–177–3633

Cover, Helmet, Snow Camouflage, 8415–01–144–1860, 8415–01–144–1861

Services

Document Processing, Bureau of Alcohol, Tobacco and Firearms, National Tracing Center, 3361F 75th Avenue, Landover, Maryland

Janitorial/Custodial, Airway Facilities Sector Field Office, Air Traffic Control Tower, Standiford Field, Louisville, Kentucky

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. 92–25155 Filed 10–15–92; 8:45 am]

BILLING CODE 6820–33–M

Procurement List; 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 a commodity and a service to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

COMMENTS MUST BE RECEIVED ON OR BEFORE: November 16, 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 of 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 commodity and service 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 commodity and service to the Government.

2. The action does not appear to have a severe economic impact on current contractors for the commodity and service.

3. The action will result in authorizing small entities to furnish the commodity and service 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 commodity and service 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 commodity and service to the Procurement List:

Commodity

Magazine, Cartridge
1005–00–921–5004
Nonprofit Agency: Cerebral Palsy Research Foundation of Kansas, Inc., Wichita, Kansas.

Service

Janitorial/Custodial Naval Facilities Engineering Command, Naval and Marine Corps Reserve Center, Western Division, San Bruno, California.

Nonprofit Agency: Toolworks, Inc., San Francisco, California.

Beverly L. Milkman,

Executive Director.

[FR Doc. 92-25156 Filed 10-15-92; 8:45 am]

BILLING CODE 6820-33-M

Procurement List Addition

AGENCY: Committee for Purchase From the Blind and Other Severely Handicapped.

ACTION: Addition to procurement list.

SUMMARY: This action adds to the Procurement List a service to be furnished by a nonprofit agency employing persons who are blind or have other severe disabilities.

EFFECTIVE DATE: November 16, 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: On July 31, 1992, the Committee for Purchase from the Blind and Other Severely Handicapped published notice (57 FR 33943) of a proposed addition to the Procurement List. Comments were received after the close of the comment period from both the national and local offices of the union which represents the workers who are currently providing this service and from a custodial company which is not the current contractor for this service. The union claimed that notice of the proposed action in the **Federal Register** was not an adequate form of notice for its affected members. It also urged the Committee to examine the impact of this addition to the Procurement List on the workers currently providing the service, the community, and disadvantaged businesses that would have performed the service if it remained in the SBA 8(a) Program. The union claimed that this is the last 8(a) contracting opportunity in the area, and that its removal from the 8(a) Program will end the Government's ability to provide emerging minority businesses in this area. It also claimed that addition of this service to the Procurement List would "trade off" opportunity for one disadvantaged group in favor of another. Lastly, the union questioned whether the nonprofit agency which will perform this service had demonstrated the Committee that it "can provide the employment potential and capability" needed to furnish the service to the Government.

The contractor is a minority firm participating in the 8(a) Program, which claims that for the past year it has been taking steps to qualify as the next 8(a) contractor for the service proposed for addition to the Procurement List. The contractor also echoed the union's contention that the addition of this service to the Procurement List would foreclose almost all 8(a) opportunities in that area.

The decision to announce proposed additions to the Procurement List in the **Federal Register** was made by Congress when it enacted the current version of the Committee's authorizing law, which includes a requirement for this form of notice. The Committee's extremely limited budget does not permit it to give actual notice to all parties who might be affected by its many actions, absent an affirmative legal requirement to do so. Consequently, the Committee considers the notice it has given of this action to be adequate.

The union has provided no details to support its claims concerning impact on workers, disadvantaged businesses, or the community. People with severe disabilities have traditionally had unemployment rates exceeding 65%. The Committee's mission is to increase employment for these people. Consequently, the Committee considers that the impact on the workers who are currently providing this service or might provide it in the future as employees of other disadvantaged businesses is outweighed by the employment which will be created for people with severe disabilities, who have higher unemployment rates and could less easily find other employment.

The Air Force contracting office responsible for this service has informed the Committee that it is only one of seventeen major service contracts at Hanscom Air Force Base. Of the 17, two have been proposed for addition to the Procurement List. That leaves fourteen major service contracts at this base alone, not counting other Federal facilities in the area, which may be designated for provision to the Government through the 8(a) Program. Consequently, the Committee does not agree with the union's position that addition of this service to the Procurement List eliminates minority business opportunities through the 8(a) Program in that geographic area.

The Air Force contracting office also told the Committee that it had not been informed of the commenting 8(a) company's interest in providing this service under the 8(a) Program. Based upon the comments of the 8(a) firm and the local union, it appears that a possible role for the commenting company is only in the planning stages at SBA. Therefore, the Committee believes that the addition of this service to the Procurement List at this time would not severely impact the commenting company because it is not currently performing the service and therefore is not dependent upon the contract for its continued viability.

Addition of this service to the Procurement List does foreclose other disadvantaged groups from providing it to the Government. However, if Congress had not intended this to happen, it would not have structured the Committee's program as a mandatory program. As indicated above, other Federal contracting opportunities for minority businesses do exist at Hanscom Air Force Base. Also, contracts performed under the Committee's program nationally represent only a small fraction of the Government contracts performed by small businesses.

Consequently, the Committee does not consider the union's comment to be a sufficient reason for declining to add this service to the Procurement List.

The nonprofit agency which will provide the service, and the central nonprofit agency which represents it to the Committee, have certified to the Committee that the nonprofit agency will employ sufficient people with severe disabilities to provide the service in accordance with the Committee's program. Both the Government procuring activity for this service and the central nonprofit agency have informed the Committee that the nonprofit agency is capable of providing the service. Consequently, the Committee has concluded that addition of the service will generate considerable employment for people with severe disabilities and that the nonprofit agency is capable of providing the service to the Government.

After consideration of the material presented to it concerning the capability of a qualified nonprofit agency to provide the service, fair market price, and the impact of the addition on the current or most recent contractor, the Committee has determined that the service listed below is suitable for procurement by the Federal Government under 41 U.S.C. 46-48c and 41 CFR 51-2.6.

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 service to the Government.

2. The action will not have a severe economic impact on current contractors for the service.

3. The action will result in authorizing small entities to furnish the service 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 service proposed for addition to the Procurement List.

Accordingly, the following service is hereby added to the Procurement List: Janitorial/Custodial, Hanscom Air Force Base, Massachusetts.

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. 92–25157 Filed 10–15–92; 8:45 am]

BILLING CODE 6820–33–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Renewal of the Navy Planning and Steering Advisory Committee

ACTION: Notice.

SUMMARY: Under the provisions of Public Law 92–463, the "Federal Advisory Committee Act," notice is hereby given that the Navy Planning and Steering Advisory Committee (NPSAC) has been renewed, effective October 9, 1992. The NPSAC advises the Secretary of Navy and the Chief of Naval Operations on matters connected with ballistic missile security and anti-submarine warfare. The committee provides a channel of communications by which a distinguished group of experts representing various societal sectors provides valuable input to the Technology Panel of the Chief of Naval Operations Executive Board.

The NPSAC will continue to be composed of approximately 25 members, to include both government and non-government individuals. There will be a well-balanced membership in terms of points of view represented and the functions to be performed. Non-government members will be selected from among technical experts and leaders in their respective fields from industry, academia, and private institutes.

For additional information regarding the NPSAC, please contact Ms. Wanda Rhea, telephone: 703–697–5545

Dated: October 13, 1992.

L. M. Bynum,

Alternate OSD Federal Register Liaison Office, Department of Defense.

[FR Doc. 92–25136 Filed 10–15–92; 8:45 am]

BILLING CODE 3810–01–M

Joint Defense Science Board/Defense Policy Board Task Force on Chemical Weapons, Biological Defense and Proliferation Policy; Meeting

ACTION: Notice of Advisory Committee Meeting.

SUMMARY: The Joint Defense Science Board/Defense Policy Board Task Force on Chemical Weapons, Biological Defense and Proliferation Policy will meet in closed session on 5 November, 1992, at Fort Detrick, Maryland

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Acquisition on scientific and technical matters as they affect the perceived needs of the Department of Defense. The mission of the Defense Policy Board is to advise the Secretary of Defense and the Under Secretary of Defense for Policy on security policy matters as they affect the perceived needs of the Department of Defense. At this meeting, the Task Force will receive briefings and tour facilities involved in biological defense research.

In accordance with section 19(d) of the Federal Advisory Committee Act, Public Law 92–463, as amended (5 U.S.C. App. II, (1988)), it has been determined that this DSB/DPB Task Force meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1988), and that accordingly this meeting will be closed to the public.

Dated: October 12, 1992.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 92–25137 Filed 10–15–92; 8:45 am]

BILLING CODE 3810–01–M

Defense Science Board Task Force on Submarine Service Life; Meetings

ACTION: Notice of Advisory Committee Meetings.

SUMMARY: The Defense Science Board Task Force on Submarine Service Life will meet in closed session on 2 and 3 November, 1992, and on 30 November, 1992, at the MITRE Corporation, McLean, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Acquisition on scientific and technical matters as they affect the perceived needs of the Department of Defense. At these meetings, the Task Force will receive classified briefings and deliberate on findings and conclusions pertaining to the technical issues involved in extending the service life of submarines.

In accordance with section 10(d) of the Federal Advisory Committee Act, Public Law No. 92–463, as amended (5 U.S.C. App. II, (1988)), it has been determined that this DSB Task Force meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1988), and that accordingly this meeting will be closed to the public.

Dated: October 12, 1992.

Linda M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 92–25138 Filed 10–15–92; 8:45 am]

BILLING CODE 3810–01–M

Department of the Army

Draft Environmental Impact Statement Addressing the Relocation of the Woodbridge Research Facility Electromagnetic Pulse Simulators

AGENCY: Department of Defense, United States Army.

ACTION: Notice of availability.

SUMMARY: The Department of Army announces the completion of a Draft EIS addressing the proposed action to relocate existing inactive EMP simulators from the Woodbridge Research Facility, Woodbridge, Virginia and to construct a new simulator, the Vertical EMP Simulator II (VEMPS II), and operating them at a site to be selected. (The notice of intent for this action was previously announced in 54 F.R., No. 207; P. 43847.) This document provides detailed information gathered from six potential location sites. These include one site at Dugway Proving Ground, Utah, four sites at White Sands Missile Range, New Mexico, and one site at Yuma Proving Ground, Arizona.

Alternatives considered in the Draft EIS include the following:

—Alternative 1, which would cease this type of testing, (do not relocate the simulators, the no-action alternative);

—Alternative 2, which considers the conduct of such testing by other means of simulation;

—Alternative 3, which would have other military, Federal departments or contractors conduct such testing;
—Alternative 4, which would relocate and operate those simulators at one of the six sites studied.

All interested parties are invited to comment on the Draft EIS. Public notices requesting input will be issued.

ADDRESSES: Written comments and requests for the Draft EIS may be forwarded to: Director, Harry Diamond Laboratories, Public Affairs Office (Attn: Cathy Coleman), 2800 Powder Mill Road, Adelphi, MD., 20783–1197.

FOR FURTHER INFORMATION CONTACT: Questions regarding this Notice of Availability action may be directed to Ms. Cathy Colman by calling (301) 394–2301.

Lewis D. Walker,

Deputy Assistant Secretary of the Army (Environment, Safety and Occupational Health) OASA (I, L&E).

[FR Doc. 92–25088 Filed 10–15–92; 8:45 am]

BILLING CODE 3710–08–M

Army Science Board; Notice of Partially Closed Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Committee Meeting:

Name of the Committee: Army Science Board (ASB).

Dates of the Meetings: 3, 4 and 5 November 1992.

Time: 0800–1700.

Place: Pentagon.

Agenda: The Army Science Board (ASB) Ad Hoc Panel on "Technology for the Future Land Warrior" will meet to discuss advanced future technology. This meeting will be closed to the public in accordance with Section 552b(c) of Title 5, U.S.C., specifically subparagraphs (4) thereof, and Title 5, U.S.C., Appendix 2, subsection 10(d). The proprietary and nonproprietary information to be discussed is so inextricably intertwined so as to preclude opening any portion of the meeting. The ASB Administrative Officer, Sally Warner, may be contacted for further information (703) 695–0781.

Sally A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 92–25146 Filed 10–15–92; 8:45 am]

BILLING CODE 3710–08–M

Army Science Board; Notice of Closed Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92–463), announcement is made of the following Committee Meeting:

Name of the Committee: Army Science Board (ASB).

Dates of the Meetings: 4 and 5 November 1992.

Time: 0900–1700.

Place: Electric Power Institute, Failure Analysis Corporation, Intel Corporation, Oracle Corporation, Stanford Research Institute, Xerox—Palo Alto Research Center.

Agenda: The Army Science Board's (ASB) ad hoc subgroup on Evaluating and Selecting Proposals will meet to review concerns about unsolicited proposals. This meeting will be closed to the public in accordance with section 552b(c) of title 5, U.S.C., specifically subparagraphs (4) thereof, and title 5, U.S.C., Appendix 2, subsection 10(d). The proprietary and non-proprietary information to be discussed is so inextricably interwined so as to preclude opening any portion of the meeting. The ASB Administrative Officer, Sally Warner, may be contacted for further information (703) 695–0781.

Sally A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 92–25147 Filed 10–15–92; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0097; FAR Case 91–52]

OMB Clearance Request for Information Reporting to the Internal Revenue Service (IRS) (Taxpayer Identification Number); An Amendment

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for a revision to an existing OMB clearance (9000–0097).

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35), the Federal Acquisition Regulation (FAR) Secretariat has submitted to the Office of Management and Budget (OMB) a request for a revision of a currently approved information collection requirement concerning Information Reporting to the IRS, (Taxpayer Identification Number)—An Amendment.

DATES: Comments may be submitted on or before December 15, 1992.

ADDRESSES: Send comments to Mr. Peter Weiss, FAR Desk Officer, OMB, room 3235, NEOB, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Beverly Fayson, Office of Federal Acquisition Policy, GSA (202) 501—4755.

SUPPLEMENTARY INFORMATION:

A. Purpose

Subpart 4.9, Information Reporting to the Internal Revenue Service (IRS), and the provision at 52.204–3, Taxpayer Identification, implement statutory and regulator requirements pertaining to taxpayer identification and reporting. This amendment further revises 4.9 and the provision at 52.204–3 to require the collection and reporting of the Taxpayer Identification Number (TIN) of certain contract modifications. A determination was made that additional FAR coverage was necessary in order to ensure that these contract actions are reported to the Internal Revenue Service.

When the Internal Revenue Service issued its final regulations implementing section 6050M of the Tax Reform Act of 1986 (Pub. L. 99–514), the reporting requirements included the requirement to report certain modifications to contracts that were awarded before January 1, 1989. It was determined that additional FAR coverage was required.

B. Annual Reporting Burden

The annual reporting burden is estimated as follows:

Repondents, 250,000; *responses per respondent,* 12; *total annual responses,* 3,000,000; *preparation hours per response,* 10; and *total response burden hours,* 300,000.

OBTAINING COPIES OF PROPOSALS: Requester may obtain copies of OMB applications or justifications from the General Services Administration, FAR Secretariat (VRS), room 4041, Washington, DC 20405, telephone (202) 501–4755. Please cite OMB Control No. 9000–0097, FAR case 91–52, Information Reporting to the Internal Revenue Service (IRS) (Taxpayer Identification Number)—An Amendment, in all correspondence.

Dated: October 7, 1992.

Beverly Fayson,

FAR Secretariat.

[FR Doc. 92–25127 Filed 10–15–92; 8:45 am]

BILLING CODE 6820–34–M

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0033]

OMB Clearance Request for Contractor's Signature Authority

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for an extension to an existing OMB clearance (9000–0033).

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35), the Federal Acquisition Regulation (FAR) Secretariat has submitted to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection requirement concerning Contractor's Signature Authority.

FOR FURTHER INFORMATION CONTACT: Beverly Fayson, Office of Federal Acquisition Policy, GSA (202) 501–4755.

SUPPLEMENTARY INFORMATION:

A. Purpose

Entities doing business with the Government must identify those persons who have authority to bind the principal. This information is needed to ensure that Government contracts are legal and binding. The information is used by the contracting officer to ensure that authorized persons sign contracts.

B. Annual Reporting Burden

The annual reporting burden is estimated as follows: *Respondents,* 12,000; *responses per respondent,* 10; *total annual responses,* 120,000; *preparation hours per response,* .017; and *total response burden hours,* 2,040.

Obtaining Copies of Proposals: Requester may obtain copies of OMB applications or justifications from the General Services Administration, FAR Secretariat (VRS), room 4037, Washington, DC 20405, telephone (202) 501–4755. Please cite OMB Control No. 9000–0033, Contractor's Signature Authority, in all correspondence.

Dated: October 7, 1992.

Beverly Fayson,

FAR Secretariat.

[FR Doc. 92–25126 Filed 10–15–92; 8:45 am]

BILLING CODE 6820–34–M

DEPARTMENT OF EDUCATION

National Assessment Governing Board Meeting

AGENCY: National Assessment Governing Board; Education.

ACTION: Notice of teleconference meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the Executive Committee of the National Assessment Governing Board. This notice also describes the functions of the Board. Notice of this meeting is required under section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend.

Date: November 4, 1992.

Time: 11 a.m. (E.T.).

Location: National Assessment Governing Board, 800 North Capitol Street, NW, suite 825, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mary Ann Wilmer, Operations Officer, National Assessment Governing Board, suite 825, 800 North Capitol Street, NW., Washington, DC, 20002–4233, Telephone: (202) 357–6938.

SUPPLEMENTARY INFORMATION: The National Assessment Governing Board is established under section 406(i) of the General Education Provisions Act (GEPA) as amended by Section 3403 of the National Assessment of Educational Progress Improvement Act (NAEP Improvement Act), Title III–C of the Augustus F. Hawkins—Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 (Pub. L. 100–297), (20 USC 1221e–1).

The Board is established to formulate policy guidelines for the National Assessment of Educational Progress. The Board is responsible for selecting subject areas to be assessed, developing assessment objectives, identifying appropriate achievement goals for each grade and subject tested, and establishing standards and procedures for interstate and national comparisons.

The Executive Committee of the National Assessment Governing Board will meet November 4, 1992 from 11 a.m. until adjournment, approximately 12:30 p.m. Because this is a teleconference meeting, facilities will be provided so that the public will have access to the Committee's deliberations. The proposed agenda includes (1) review and approval of the agenda for the November 19–21, 1992, full Board meeting, and (2) review of the reduced NAGB budget.

Records are kept of all Board proceedings and are available for public inspection at the U.S. Department of Education, National Assessment Governing Board, 800 North Capitol Street, NW., suite 825, Washington, DC, from 8:30 a.m. to 5 p.m.

Dated: October 14, 1992.

Roy Truby,

Executive Director, National Assessment Governing Board.

[FR Doc. 92–25177 Filed 10–15–92; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

DOE Response to Recommendation 92–3 of the Defense Nuclear Facilities Safety Board concerning the conduct of Operational Readiness Reviews prior to restart of the HB-Line at the Savannah River Site

AGENCY: Department of Energy.

ACTION: Notice and request for public comment; republication.

SUMMARY: Pursuant to section 315(b) of the Atomic Energy Act of 1954, as amended, 42 U.S.C 2286d(b), the Department of Energy (DOE) hereby publishes notice of a response of the Secretary of Energy (Secretary) to Recommendation 92–3 of the Defense Nuclear Facilities Safety Board, published in the **Federal Register** on June 4, 1992, (57 FR 23578) concerning the conduct of Operational Readiness Reviews prior to restart of the HB-Line at the Savannah River Site in the State of South Carolina. This notice replaces the document published on October 7, 1992 (57 FR 46159).

DATES: Comments, data, views, or arguments concerning the Secretary's response are due on or before November 16, 1992.

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

FOR FURTHER INFORMATION CONTACT: Mr. Donald F. Knuth, Deputy Assistant Secretary for Operations, Defense Programs, Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585.

Issued in Washington, DC, on October 13, 1992.

Mario Fiori,

Departmental Representative to the Defense Nuclear Facilities Safety Board.

September 15, 1992.

The Honorable John T. Conway,
Chairman, Defense Nuclear Facilities Safety Board, 625 Indiana Avenue, NW, Suite 700, Washington, D.C. 20004.

Dear Mr. Conway: The purpose of this letter is to provide the final Department of Energy (DOE) response to the Defense Nuclear Facilities Safety Board Recommendation 92–3. The Department accepts Recommendation 92–3 to require that contractor and DOE Operational Readiness Reviews (ORR) be conducted prior to restart of HB-Line. The implementation plan is enclosed.

My interim response to Board Recommendation 92–3 was provided July 14, 1992. You subsequently granted the Department a 45-day extension. In your letter

granting the extension, you also requested specific restart planning documents and lists of ORR participants. These documents are in the final review and approval process and will be formally transmitted to you in the next several weeks.

Sincerely,

James D. Watkins,

Admiral, U.S. Navy (Retired).

Enclosure

Enclosure

Implementation Plan for Recommendation 92–3

The numbers in the discussion below correspond to the individual elements in Recommendation 92–3.

1. *The Department of Energy (DOE) direct Westinghouse Savannah River Company (WSRC) to reopen its Operational Readiness Review (ORR), and that WSRC and DOE conduct adequate ORRs in accordance with previous Board recommendations and DOE implementation plans for ORRs at other facilities.*

WSRC will reopen its ORR, and DOE will conduct another ORR before HB-Line startup. The implementation plans designed for other facilities based on Board recommendations will be used as a guide in the preparation of the HB-Line ORR plan. The approach will be tailored to address the history, current safety posture, and relative risk of HB-Line. The planned conduct of the DOE ORR was discussed with the Board and its staff. The plan for the WSRC ORR has been provided to the Board. The DOE ORR plan with the Criteria Review and Approach Document (CRAD) will be provided to the Board no later than September 30, 1992.

2. *Comprehensive criteria documents be established for judging and measuring readiness to restart. The criteria documents should include the bases for judging which safety issues must be resolved prior to resumption, and which issues may be deferred for resolution subsequent to restart.*

The DOE ORR plan provides a basis for making a judgment for the individual areas being assessed which will provide a measure of the readiness of the facility for restart. The WSRC and DOE ORR plans will require identification of restart and postrestart issues and the basis for their classification.

An important function of the ORR will be to classify issues into those that require corrective actions prior to restart and those which can have corrective actions scheduled for completion after restart. These decisions will be made as a consensus judgement of the ORR team comparing the areas observed to the CRADs and considering the extent of the deficiencies, any compensatory measures, and relative risk. Another important aspect of a successful ORR is to assure closure of issues following completion of the ORR. The DOE ORR plan establishes criteria and contains an approach to achieve closure of ORR findings. This approach will assign responsibility for issue closure to the DOE Field Office, the DOE Field Office with technical assistance, or DOE Headquarters as deemed appropriate by the team.

3. *WSRC issue a Readiness to Proceed Memorandum requesting DOE approval for resumption of operations after WSRC has completed its ORR and has determined that safety issues appropriate for closure prior to resumption have been adequately resolved.*

This will be required by the DOE and WSRC ORR plans.

4. *DOE provide whatever assistance it deems appropriate to WSRC during the contractor's conduct of its ORR, recognizing that such assistance is separate and distinct from DOE's subsequent and independent execution of its own ORR.*

The Department of Energy will provide assistance.

5. *A DOE ORR team, including a Senior Advisory Group, conduct an independent and comprehensive ORR for HB-Line after (a) WSRC has conducted an adequate ORR and is issued a Readiness to Proceed Memorandum requesting DOE approval for resumption of operations, and (b) DOE has sufficient reason to believe that significant deficiencies affecting the resumption and safe operation of HB-Line have been corrected by the contractor.*

The Department of Energy ORR team will be a very senior group. Five of the nine members have been group leaders on previous ORRs or are senior safety experts. In addition, two of the remaining four team members have extensive experience. One was on the staff of the Advisory Committee for Nuclear Facility Safety, and the other has considerable engineering and operations experience on two major ORRs. The remaining two individuals were selected for the team based on their expertise in the respective fields of health physics and plutonium processing. An experienced team leader has been chosen and will use selected team members as an advisory group. WSRC will submit a Readiness to Proceed Memorandum to DOE/Savannah River Site (SRS). This memorandum will identify all deferred items, discrepancies, and open issues related to resumption. This memorandum will be submitted at the completion of the WSRC ORR. Inherent in this item is the completion of the WSRC ORR, starting the processing of the deficiencies through the issue management process, and completion of or, at a minimum, scheduling the corrective actions from the WSRC ORR. The Readiness to Proceed Memorandum recognizes that, while minor resumption activities may still be incomplete, they are scheduled for completion with progress against established milestones clearly illustrated.

6. *The DOE ORR team consists of experienced individuals whose backgrounds collectively include all important facets of the operations involved; that the majority of the team members be independent of HB-Line direct line management responsibilities to ensure an independent and unbiased assessment.*

The team that has been assembled meets these requirements. Additions to the team have been made at the suggestion of the Board and staff to ensure that we have included the correct complement of expertise.

7. *In preparing for the Operational Readiness Reviews for the HB-Line, DOE and WSRC should reexamine the HB-Line Safety Analysis Report (SAR) to ensure that: (a) the accident analyses adequately consider all credible scenarios; (b) all appropriate engineered safety systems which are necessary to prevent accidents or mitigate the on-site and off-site consequences of those accidents are identified; and (c) the information obtained from the updated Fire Hazards Analysis is consistent with the accident analyses.*

WSRC has prepared a Justification for Continued Operation (JCO) for HB-Line. When approved, its purpose will be to augment existing safety documentation to demonstrate an adequate basis to continue operations while completing scheduled safety documentation upgrades. The JCO will contain descriptions and analyses of the bounding consequences of any identified credible scenarios not analyzed in the SAR, including the on-site bounding analysis. The JCO will also identify the engineered safety systems (ESS) necessary to prevent accidents or mitigate their on- and off-site consequences. Because the JCO, combined with the SAR and updated Operational Safety Requirements (OSRs), provide an adequate safety envelope including Limiting Conditions for Operation type controls on items that function as barriers for release of radionuclides, the list of ESS derived will reinforce protection of workers and the public. The JCO is in the approval process and will be provided to the Board by October 2, 1992. Regarding item (c) above, DOE has committed to a thorough review and update of the Fire Hazards Analysis (FHA). Until this new FHA is completed and prior to restart, compensatory procedural measures have been implemented to reduce the probability of fire, reduce fire hazards, and ensure early control of fires. The information obtained from the FHA will be reviewed to ensure it is consistent with the accident analysis and safety envelope defined by the JCO, SAR and OSRs. Procedures are in place to: control and limit ignition sources, control and limit combustibles, require regular facility inspections, ensure rapid fire department response, and control personnel access. Some of these procedures will be evaluated during the WSRC and DOE ORRs to evaluate the effectiveness of their implementation. The compensatory measures will be documented in Compliance Schedule Agreement (CSA) 30 for DOE Order 5480.7 which will be approved by DOE and provided to the Board 10 days prior to restart.

8. *WSRC and DOE should complete their assessment of compliance with DOE safety orders at HB-Line, and finish their review, approval, and implementation of any compensatory measures that are necessary and appropriate to achieve the objectives of order compliance and safe resumption of operations at HB-Line.*

Reviews have been completed for level 1 Orders for all Savannah River Site separations facilities, which include HB-Line. CSAs have been generated for any noncompliance identified and are in various stages of the review and approval process. A list of CSAs with estimated completion, approval, and implementation dates is being developed and will be provided to the Board by September 25, 1992. DOE will evaluate all

CSAs that affect HB-Line and implement, prior to restart, those compensatory measures identified as necessary to assure safe operation. In addition, the WSRC and DOE ORRs will validate these measures and review the CSAs to assure all safety related compensatory measures have been adequately addressed.

The comprehensive criteria for judging and measuring readiness to restart, contained in the DOE ORR plan being developed, will be based, in part, on evaluating compliance with DOE Orders. The ORR will examine, on a performance basis, whether HB-Line has achieved a level of order compliance sufficient to permit safe operation of the facility by evaluating the implementation of selected DOE Orders.

The development of Requirements Identification Documents (RIDs) is addressed in DOE Recommendation 90–2 Implementation Plan. The specific HB-Line RID will be developed in accordance with the completion schedule contained in the Recommendation 90–2 Implementation Plan. It should be noted that facility specific RIDs will be developed subsequent to the development of generic RIDs.

[FR Doc. 92–25159 Filed 10–15–92; 8:45 am]
BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket Nos. ER93–2–000, et al.]

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

October 8, 1992.

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

1. New England Power Co.

[Docket No. ER93–2–000]

Take notice that New England Power Company on October 1, 1992, tendered for filing an interconnection agreement and a revised transmission service agreement, under both of which NEP will provide service to the Middleton (Mass.) Municipal Electric Department. NEP requests an effective date of no later than December 1, 1992.

Under the terms of the interconnection agreement, Middleton will construct a substation which NEP will interconnect with its transmission system. The revised transmission service agreement describes the changed interconnection point saving Middleton's load.

Comment date: October 23, 1992, in accordance with Standard Paragraph E at the end of this notice.

2. San Diego Gas & Electric Co.

[Docket No. ER92–752–000]

Take notice that on September 28, 1992 San Diego Gas & Electric Company (SDG&E) tendered for filing an amendment to its earlier filing of an Umbrella Agreement with BPA which provides for the purchase and sale of surplus energy, and/or surplus capacity, power exchanges, and/or other services which the Parties may agree from time to time to make available and purchase for short-term periods not to exceed 12 months.

In the amended filing SDG&E indicates that no transactions have occurred under this Agreement. SDG&E further requests waiver of the Commission's prior notice requirements and an effective date of August 1, 1992.

Copies of this filing were served upon the Public Utilities Commission of the State of California and BPA.

Comment date: October 22, 1992, in accordance with Standard Paragraph E at the end of this notice.

3. Long Island Lighting Co.

[Docket No. ER93–5–000]

Take notice that the Long Island Lighting Company (LILCO or Company) on October 2, 1992, tendered for filing proposed changes in its FERC Rate Schedule 34, pursuant to which LILCO transmits power and energy from the Power Authority of the State of New York (Power Authority) to two Power Authority customers in LILCO's service area, Grumman Corporation and Brookhaven National Laboratory.

The proposed changes would modify the terms and conditions under which LILCO will transmit an additional five megawatts of Power Authority electricity to Brookhaven National Laboratory. The Company has requested an effective date of October 1, 1992.

Copies of this filing were served upon the Power Authority, Brookhaven National Laboratory, and the New York State Public Service Commission.

Comment date: October 22, 1992, in accordance with Standard Paragraph E at the end of this notice.

4. New England Power Co.

[Docket No. ER93–1–000]

Take notice that on October 1, 1992, New England Power Company (NEP) submitted for filing a Power Sales Contract with the UNITIL Power Corp. for up to a 100 megawatt sale of capacity and energy from NEP's Salem Harbor Unit No. 3 facility beginning December 1, 1992 at a price no greater than the full cost of service of the unit. NEP requests that the Commission allow this Contract to become effective on December 1, 1991.

Comment date: October 22, 1992, in accordance with Standard Paragraph E at the end of this notice.

5. Northeast Utilities Service Co.

[Docket No. ER91–594–000]

Take notice that on October 2, 1992, Northeast Utilities Service Company (NUSCO) tendered for filing additional information requested by the Commission staff in the above referenced docket.

Comment date: October 22, 1992, in accordance with Standard Paragraph E at the end of this notice.

6. Arizona Public Service Co.

[Docket No. ER92–864–000]

Take notice that on September 28, 1992, Arizona Public Service Company (APS) tendered for filing a Notice of Cancellation of FERC Rate Schedule No. 99 between APS and Southern California Edison Company.

Comment date: October 22, 1992, in accordance with Standard Paragraph E at the end of this notice.

7. The Washington Water Power Co.

[Docket No. ER93–6–000]

Take notice that on October 5, 1992 The Washington Water Power Company (WWP), tendered for filing with the Federal Energy Regulatory Commission pursuant to 18 CFR part 35, The Flathead/Clark Fork/Pend Oreille Coordination Agreement between The Washington Water Power Company, Montana Power Company, Seattle City Light, B.C. Hydro & Power Authority and Pend Orielle County Public Utility District.

A copy of the filing was served upon Montana Power Company, Seattle City Light, B.C. Hydro & Power Authority and Pend Orielle County Public Utility District.

Comment date: October 22, 1992, in accordance with Standard Paragraph E at the end of this notice.

8. Consolidated Edison Co.

[Docket No. ER92–856–000]

Take notice that on September 25, 1992, Consolidated Edison Company of New York, Inc. (Con Edison) tendered for filing a Supplement to its Rate Schedule FERC Nol 51, an agreement to provide transmission service for the Power Authority of the State of New York (the Authority). The Supplement provides for a decrease in the monthly transmission charge from $2.43 to $2.26 per kilowatt for transmission of power and energy sold by the Authority to the Long Island Villages of Freeport, Greenport and Rockville Centre (the Villages), thus decreasing annual revenues under the Rate Schedule by a total of $139,050.48. Con Edison has requested waiver of notice requirements

so that the decrease can be made effective as of July 1, 1992.

Con Edison states that a copy of this filing has been served by mail upon the Authority and the Villages.

Comment date: October 22, 1992, in accordance with Standard Paragraph E at the end of this notice.

9. Florida Power Corp.

[Docket No. ER93-4-000]

Take notice that on October 2, 1992, Florida Power Corporation (Florida Power) tendered for filing amendments to the Agreement for Supplemental Resale Service between itself and the City of St. Cloud Florida (St. Cloud), dated January 31, 1990 and designated as FERC Rate Schedule No. 121 (the Agreement). The filing (1) amends Exhibit A, Schedule 1, Original Sheet No. 16, Article 2 of the Agreement; (2) amends the delivery point and increases the amount of energy to be delivered under Exhibit C of the Agreement; and (3) amends Florida Power's base, intermediate and peaking units as well as St. Cloud's percentage KW allocation under Exhibit D of the Agreement.

Florida Power requests that the amendments to Exhibits A and D become effective January 1, 1993. Florida Power requests that the Commission's 60-day notice requirement be waived so that the changes in delivery points and amounts set forth in Exhibit C become effective January 1, 1992.

Comment date: October 22, 1992, in accordance with Standard Paragraph E at the end of this notice.

10. San Diego Gas & Electric Co.

[Docket No. ER92-751-000]

Take notice that on October 1, 1992 San Diego Gas & Electric Company (SDG&E) tendered for filing an amendment to its earlier filing of a Coordination of Services Agreement (Agreement) between SDG&E and the City of Seattle, City Light Department (Seattle).

In the amended filing SDG&E changes the weighting of its generating stations, which reduces the cap on the selling price for economy energy.

SDG&E requests that the Commission allow the Agreement to become effective August 1, 1992 or at the earliest possible date.

Copies of this filing were served upon the Public Utilities Commission of the State of California and Seattle.

Comment date: October 22, 1992, in accordance with Standard Paragraph E at the end of this notice.

11. The United Illuminating Co.

[Docket No. ER93-3-000]

Take notice that on October 1, 1992, The United Illuminating Company (UI) tendered for filing two rate schedules that will govern UI's future wholesale electric sales to non-affiliates and UI's future provision of transmission services.

The first rate schedule, the Wholesale Electric Sales Tariff (Wholesale Tariff), will provide preapproval for UI to engage in firm and non-firm sales of electric capacity and associated energy at market-based rates. Individual transactions under the Wholesale Tariff will be embodied in Purchase Agreements. The rates, terms and conditions of service under the Purchase Agreements will be established solely by arms'-length negotiation between the parties.

The second rate schedule, the Transmission Service Tariff (Transmission Tariff), is an open access transmission tariff designed to mitigate any market power that UI might have through the ownership and control of transmission facilities.

Comment date: October 22, 1992, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraph

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92-25152 Filed 10-15-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP93-1-000, et al.]

Natural Gas Certificate Filings; Trunkline Gas Company, et al.

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

1. Trunkline Gas Company

[Docket No. CP93-1-000]

October 6, 1992.

Take notice that on October 2, 1992, Trunkline Gas Company (Trunkline), P.O. Box 1642, Houston, Texas 77251-1642, filed in Docket No. CP93-1-000 a request pursuant to §§ 157.205 and 157.216(b) of the Regulations under the Natural Gas Act (18 CFR 157.205 and 157.216) for authorization to abandon one sales meter and the related sales service to a farm tap customer, under Trunkline's blanket authorization issued in Docket No. CP86-586-000, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that Trunkline received a termination letter from Mrs. Sidney Thibodeaux, on behalf of her husband, Mr. Sidney Thibodeaux, a farm tap customer in Acadia Parish, Louisiana. It is further stated that Mrs. Thibodeaux informed Trunkline that sales service from Trunkline is no longer required and requested that the farm tap be removed. It is also stated that no sales have occurred since January 1992. Therefore, Trunkline requests authority to abandon the sales service to Sidney Thibodeaux and remove the associated sales meter.

Comment date: November 20, 1992, in accordance with standard paragraph G at the end of this notice.

2. Texas Eastern Transmission Corp.

[Docket No. CP93-2-000]

October 7, 1992.

Take notice that on October 2, 1992, Texas Eastern Transmission Corporation (Tetco), 5400 Westheimer Court, Houston, Texas 77056-5310, filed in Docket No. CP93-2-000 a request pursuant to § 157.205) of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to construct and operate a new delivery point for deliveries of natural gas to the City of St. Joseph, Tennessee on behalf of Woodward Marketing Company (Woodward), a marketer of natural gas, under Tetco's blanket certificate issued in Docket No. CP-82-535-000, all as more fully described in the request which is on file with the Commission and open to public inspection.

Tetco requests authorization to install the proposed delivery point, consisting of a dual 2-inch hot tap and appurtenant facilities, on Tetco's 30-inch Line No. 25 in Lawrence County, Tennessee. It is stated that Tetco transports gas on an interruptible basis for Woodward and that the delivery point is required to accommodate the delivery of gas by

Tetco under Tetco's Rate Schedule IT-1 and pursuant to a transportation agreement between Tetco and Woodward dated July 29, 1992.

It is asserted that the delivery point would be used for the delivery of up to 5,000 Dt equivalent of gas on a peak or average day. It is further asserted that the volumes proposed for delivery will have no effect on Tetco's peak day or annual deliveries. The construction cost of the facilities is estimated at $44,840.

Comment date: November 23, 1992, in accordance with standard paragraph G at the end of this notice.

3. Algonquin Gas Transmission Co.

[Docket No. CP92–742–000]

October 7, 1992.

Take notice that on September 29, 1992, Algonquin Gas Transmission Company (Algonquin), 1284 Soldiers Field Road, Boston, Massachusetts 02135, filed in Docket No. CP92–742–000 a prior notice request with the Commission pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (NGA) to construct and operate a new delivery point and appurtenant facilities for Yankee Gas Services Company (Yankee), under the blanket certificate issued in Docket No. CP87–317–000 pursuant to section 7 of the NGA, all as more fully set forth in the request which is open to public inspection.

Algonquin proposes, at Yankee's request, to construct and operate a new measuring station on land adjacent to existing Algonquin pipeline facilities in Franklin, Connecticut. Algonquin would operate the meter station and certain auxiliary piping, while Yankee would own, operate, and maintain the regulator, heating, and other remaining facilities. Yankee would also install approximately 7.5 miles of 8-inch diameter nonjurisdictional pipeline between the proposed measuring station and the Federal Paperboard Company in Sprague, Connecticut. Algonquin also states that Yankee would pay $200,000 for the facilities constructed and installed by Algonquin.

Algonquin further states that Yankee has requested a transfer of 500 MMBtu per day of natural gas of its firm service entitlement under Algonquin's FERC Rate Schedule F–1 from the existing downstream delivery point at Waterford, Connecticut, to the proposed Franklin delivery point. Construction and operation of the proposed measuring station would have no effect upon Algonquin's peak day or annual commitments under firm service agreements with Yankee by the proposed construction. Algonquin states that its tariff does not prohibit the addition of new delivery points.

Comment date: November 23, 1992, in accordance with standard paragraph G at the end of this notice.

4. Southern Natural Gas Co.

[Docket No. CP91–273–003]

October 8, 1992.

Take notice that on October 1, 1992, Southern Natural Gas Company (Southern) P.O. Box 2563, Birmingham, Alabama 35202, filed in Docket No. CP71–273–003 a petition pursuant to section 7(c) of the Natural Gas Act for authorization to amend its certificate of public convenience and necessity in Docket No. CP71–273 authorizing the operation of Southern's Muldon Storage Field located in Monroe County, Mississippi, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Southern states that by order issued October 8, 1971 in Docket No. CP71–273, the Commission authorized Southern to construct and operate the Muldon Storage Field. Southern further states that the Commission authorized a maximum inventory of 92.82 Bcf for the Muldon Storage Field with a working gas storage capacity of 42.82 Bcf and a maximum daily withdrawn rate of 459,000 Mcf.

Southern asserts that by order issued October 16, 1975, the Commission amended Southern's certificate to authorize Southern to construct and operate additional facilities to expand the Muldon Storage Field. Southern states that the expansion would permit increases in working gas capacity to 52 Bcf and maximum daily withdrawal rate to 750,000 Bcf.

Southern states that it is seeking an amendment to its present certificate for authorization to reclassify 21 Bcf of working storage gas to cushion gas. Southern states that such reclassification is necessary since historical withdrawal performance reflects that Muldon can currently sustain 31 Bcf of working storage. Further, in a report contained in Exhibit H to the Application, Southern states that it has not found any evidence that the maximum capacity of the reservoir has changed. Accordingly, Southern states that the reclassification of 21 Bcf of working storage to cushion gas is appropriate and that the certificated working storage at Muldon should be amended from 52 Bcf to 31 Bcf.

Southern requests that the Commission authorize the reclassification at the Muldon Storage Field on or before April 1, 1993, which is the proposed effective date for its Order No. 636 restructuring proposal in Docket No. RS92–10.

Southern states that the authorization sought will not serve either to change the maximum inventory stored in the reservoir or to change the maximum daily deliverability of the field, however, the reclassification will serve to reflect more accurately the actual working storage capabilities of the field as Southern proceeds with unbundling its storage capacity under its Order 636 restructuring proposal in Docket No. RS92–10.

Comment date: October 29, 1992, in accordance with the first subparagraph of standard paragraph F at the end of this notice.

5. Transwestern Pipeline Co.

[Docket No. CP92–743–000]

October 8, 1992.

Take notice that on September 30, 1992, Transwestern Pipeline Company (Transwestern), 1400 Smith Street, P.O. Box 1188, Houston, Texas 77251–1188, filed a request pursuant to §§ 157.205 and 157.212 for authority to install and operate facilities for a new delivery point for Giant Industries Arizona, Inc. (Giant) on Transwestern's San Juan Lateral pipeline. Such request was made under the blanket certificate authorization issued to Transwestern in Docket No. CP82–534–000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Transwestern proposes to install and operate a tee and side valve as a new point of delivery for Giant at its pumping station in McKinley County, New Mexico, at an estimated cost of $13,000. Transwestern estimates that the average and peak day deliveries of natural gas through the proposed delivery point will be approximately 100 Mcf per day. Transwestern states that the proposed activity is not prohibited by its existing tariff and that it has sufficient capacity to accommodate the changes proposed without detriment or disadvantage to Transwestern's other customers. Transwestern states it will transport the natural gas under its blanket transportation certificate issued in Docket No. CP88–133–000 under § 284.223 of the Commission's Regulations and at rates under Rate Schedule ITS–1.

Comment date: November 23, 1992, in accordance with standard paragraph G at the end of this notice.

6. Northwest Pipeline Corp.

[Docket No. CP92-744-000]

October 8, 1992.

Take notice that on September 30, 1992, Northwest Pipeline Corporation (Northwest), 295 Chipeta Way, Salt Lake City, Utah 84158, filed in Docket No. CP92-744-000 a request pursuant to § 157.205 of the Commission's Regulations to partially abandon existing facilities and to construct and operate replacement facilities at the Sutherlin and the Winchester Meter Stations in Douglas County, Oregon; and to operate its Oakland Meter Station in Douglas County, Oregon at an increased maximum station design capacity to more effectively accommodate its existing firm delivery obligations to The Washington Water Power Company (Water Power), a local distribution company, under Northwest's blanket certificate issued in Docket No. CP82-433-000, pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Northwest proposes to replace a two-inch positive displacement meter, two one-inch regulators and associated piping at the Sutherlin Meter Station in Douglas County, Oregon with a three-inch turbine meter, two upgraded one-inch regulators and associated piping to increase the maximum design delivery capacity of the station from 900 dth per day to approximately 1,860 dth per day at 150 psig. Also, Northwest proposes to replace a two-inch positive displacement meter, a secondary three-inch orifice meter and associated piping at the Winchester Meter Station, in Douglas County, Oregon with a four-inch turbine meter and associated piping to increase the maximum design delivery capacity of the station from 3,030 dth per day to 4,680 dth per day. Northwest states that the estimated cost of replacing the facilities at the Sutherlin and Winchester Meter Stations is $13,900 and $29,650, including the $900 and $1,500 cost of removing the retired facilities, respectively. Northwest indicates that since it initiated this project to replace obsolete equipment, Northwest would not require any cost reimbursement from Water Power.

Further, Northwest requests authorization to operate the previously authorized upgraded Oakland Meter Station at up to 483 dth per day maximum design capacity. Northwest states that the prior notice request, in Docket No. CP92-399-000, inadvertently reversed the existing and proposed maximum design capacity indicating that the maximum design capacity would decrease from 483 dth per day to 183 dth per day for the upgraded facilities authorized at the Oakland Meter Station, in Douglas County, Oregon. Northwest states that no significant impact on Northwest's peak day or annual deliveries is projected from the proposed facility replacements or the proposed operating capacity increase. Northwest's tariff does not prohibit the upgrading of delivery point facilities and any volumes delivered to the Sutherlin and Winchester delivery points would be within the authorized entitlements of any shipper.

Comment date: November 23, 1992, in accordance with standard paragraph G at the end of this notice.

Standard Paragraphs

F. Any person desiring to be heard or make any protest with reference to said file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessary. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 92-25153 Filed 10-15-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP85-221-006]

Frontier Gas Storage Co.; Sale Pursuant to Settlement Agreement

October 8, 1992.

Take notice that on September 23, 1992, Frontier Gas Storage Company (Frontier), c/o Reid & Priest, Market Square, 701 Pennsylvania Ave., NW., Washington, DC 20004, in compliance with the provisions of the Commission's February 13, 1985 Order in Docket No. CP82-487-000 et al., submitted an executed Service Agreement under Rate Schedule LVS-1 providing for the possible sale of up to 5 Bcf of Frontier's gas storage inventory on an "as metered" basis to Prairielands Energy Marketing, Inc. (Prairielands).

Under subpart (b) of Ordering Paragraph (F) of the Commission's February 13, 1985 Order, Frontier is "authorized to commence this sale of its inventory under such an executed service agreement fourteen days after the filing of the agreement with the Commission and may continue making such sale unless the Commission issues an order either requiring Frontier to stop selling and setting the matter for hearing or permitting the sale to continue and establishing other procedures for resolving the matter."

Frontier makes the request that a waiver of the fourteen-day notice requirement of subpart (b) above be granted to permit Frontier to commence service under the agreement on October 1, 1992. Frontier notes that it has filed this service agreement at its earliest opportunity—one day after the service agreement was executed. Frontier will proceed in accordance with the requested waiver, unless it receives a

notification to the contrary from the Commission.

Any person desiring to be heard or to make a protest with reference to said tariff sheet filing should, on or before October 29, 1992, file with the Federal Energy Regulatory Commission (825 North Capitol Street, NE., Washington, DC 20426) a motion to intervene or protest in accordance with the requirements of the Commission's Rules of Practice and Procedures, 18 CFR 385.214 or 385.211. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92–25083 Filed 10–15–92; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–4522–1]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared September 28, 1992 through October 2, 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–FHW–K40188–CA Rating EC2, CA–180 Freeway and Expressway Construction, Chestnut Avenue to Highland Avenue, Funding and Possible COE Section 404 Permit, Fresno County, CA.

Summary: EPA expressed environmental concerns regarding potential project impacts to air quality, water quality, and wetlands. The Final EIS should provide more detail on how the proposed alternatives would alleviate congestion and improve air quality, a stated purpose of building the project.

ERP No. D–SFW–L60008–OR Rating EC2, South Tongue Point Land Exchange and Marine Industrial Park Development Project, Control and Management, Land Acquisition and Possible COE Section 10 and 404 Permits, Lewis and Clark National Wildlife Refuge, Clatsop County, OR.

Summary: EPA expressed environmental concerns based on the potential for adverse effects on Federally listed threatened and endangered species, surface water quality, contaminated sediments, and cumulative impacts. Additional documentation of the section 7 consultation requirements of the Endangered Species Act is needed. In addition, an expanded analysis is requested of the environmental effects of induced growth resulting from this development proposal and of the change in ownership of South Tongue Point.

ERP No. DB–NPS–K61029–CA Rating EC2, Yosemite National Park General Management Plan, Yosemite Housing Project, Implementation, Yosemite National Park, Mariposa County, CA.

Summary: EPA expressed environmental concerns regarding potential project impacts to air quality and requested additional information in the Final Supplemental EIS on air and water quality impacts. EPA commended the National Park Service on its commitment to implement pollution prevention measures, including water and energy conservation measures, in proposed construction activities.

Final EISs

ERP No. F–AFS–J65188–MT

Smeads-Rice Timber Sale, Implementation, Kootenai National Forest, Cabinet Ranger District, Sanders County, MT.

Summary: EPA had no objection to the Forest Service preferred Alternative 8.

ERP No. F–AFS–J65189–MT

Halfmoon Timber Harvest Sale, Road Construction and Reconstruction, Implementation, Flathead National Forest, Hungry Horse Ranger District, Flathead County, MT.

Summary: EPA had no objections to the Forest Service preferred alternative, Alternative 8.

ERP No. F–AFS–L65165–WA

Breezin Timber Sales Management Plan, Implementation, Olympic National Forest, Quilcene Ranger District, Clallam and Jefferson Counties, WA.

Summary: EPA had environmental concerns based on the potential for adverse water quality effects.

ERP No. F–BLM–J67015–WY

Mulligan Draw Gas Field Project, Natural Gas Field Drilling, Operation, Abandonment and Reclamation, Approval, Right-of-Way Grants, COE Section 404 Permits and EPA RCRA Permits, Sweetwater County, WY.

Summary: EPA had no objections to the proposed project. EPA encourages the BLM to address environmental monitoring requirements, as specifically as possible, in the Record of Decision.

ERP No. F–FHW–E40735–AL

Corridor X Construction, US 78 Eight Miles West of Jasper near the Walker/Jefferson County Line, Funding, U.S. Coast Guard Permit and COE Section 404 Permit, Walker County, AL.

Summary: EPA expressed concerns for projected loss of hardwood and mixed hardwood forest habitat and a lack of detailed information on wetland mitigation.

Dated: October 13, 1992.

Marshall Cain,

Senior Legal Advisor, Office of Federal Activities.

[FR Doc. 92–25151 Filed 10–15–92; 8:45 am]

BILLING CODE 6560–50–M

[ER–FRL–4521–9]

Environmental Impact Statements; Notice of Availability

Responsibile Agency: Office of Federal Activities, General Information (202) 260–5076 OR (202) 260–5075. Availability of Environmental Impact Statements Filed October 05, 1992 Through October 09, 1992 Pursuant to 40 CFR 1506.9.

EIS No. 920396, DRAFT EIS, COE, SC, Myrtle Beach (Known as the grand Strand) Shoreline Protection Project, Beach Erosion Protection, Implementation, Horry and Georgetown Counties, SC, Due: November 30, 1992, Contact: Jim Woody (803) 727–4759.

EIS No. 920397, FINAL EIS, AFS, MT, Montanore Mine/Mill Project, Construction and Operation, Permit Approval, Section 404 Permit, Special Use Permit, Kootenai National Forest, Lincoln and Sanders Counties, MT, Due: November 16, 1992, Contact: Richard Steams (406) 293–6211.

EIS No. 920398, DRAFT EIS, AFS, MI, Grand Island National Recreation Area (NRA) Comprehensive Management Plan, Implementation, Hiawatha National Forest, Munising Ranger District, Alger County, MI, Due: December 09, 1992, Contact: Teresa Chase (906) 387–2512.

EIS No. 920399, DRAFT EIS, FHW, AL, Southern Bypass and Weatherly Road Extension Project, Hobbs Island

Road to I–565 Interchange, Funding and COE Section 404 Permit, City of Huntsville, Madison County, AL, Due: December 01, 1992, Contact: Joe D. Wilkerson (205) 223–7370.

EIS No. 920400, DRAFT EIS, FHW, NC, US 13/NC–24 Transportation Project, Improvements, from All American Freeway to I–95 at the existing US–13 Interchange, Funding, COE Section 10 and 404 Permits, City of Fayetteville, Cumberland County, NC, Due: December 04, 1992, Contact: Nicholas Graf, P.E. (919) 856–4346.

EIS No. 920401, FINAL EIS, BLM, CA, Baltic Open-Pit Heap Leach Gold and Silver Mine Project, Construction and Operation, Plan of Operation, Reclamation Plan, Mining Reclamation Plan and Conditional Use Permit, Approval, Kern County, CA, Due: November 16, 1992, Contact: Lee Delaney (619) 375–7125.

EIS No. 920402, DRAFT EIS, USA, NM, AZ, UT, Woodbridge Research Facility (WRF) Electromagnetic Pulse Simulators Relocation Project, Construction and Operation, Sites Selected for Six potential locations, Dugway Proving Ground, UT; Yuma Proving Ground, AZ; and the remaining (4) in White Sands Missile Range, NM, Due: November 30, 1992, Contact: Cathy D. Coleman (301) 394–2301.

Dated: October 13, 1992.

Marshall Cain,

Senior Legal Advisor, Office of Federal Activities.

[FR Doc. 92–25150 Filed 10–15–92; 8:45 am]

BILLING CODE 6560–50–M

[FRL–4522–6]

Discussion and Dialogue Regarding Formation of Wastewater Treatment Facilities Privatization Committee

AGENCY: Environmental Protection Agency.

ACTION: Notice of public meeting.

SUMMARY: We are giving notice of a public meeting to discuss the formation of a Wastewater Treatment Facilities Privatization Committee. This meeting is open to the public without advance registration.

The purpose of the meeting is to discuss organizational matters related to the formation of a committee which could advise EPA with respect to policies and regulations affecting privatization of EPA-funded wastewater treatment facilities. Topics that meeting participants will discuss include: The array of substantive and procedural issues such a committee might consider as part of the scope of its work; the composition of the committee, including possible representatives of parties likely to be interested in or affected by EPA activities related to privatization of wastewater treatment facilities; and possible procedural formats for meetings of the committee.

DATES: The meeting will be held on Thursday, October 29, 1992, from 1 p.m. to 5 p.m. and shall continue on Friday, October 30, 1992, from 9 a.m. to 4 p.m.

ADDRESSES: The location of the meeting will be at the Quality Hotel Capitol Hill, 415 New Jersey Avenue, NW., Washington, DC 20001; (202) 638–1616.

FOR FURTHER INFORMATION CONTACT: Persons needing further information on substantive matters related to this discussion should contact Michael Deane, Alternative Financing Section, U.S. Environmental Protection Agency, 401 M Street, SW. (WH–547), Washington, DC 20460, (202) 260–4060.

Persons needing further information on procedural matters should contact Deborah Dalton, Consensus and Dispute Resolution Program, U.S. Environmental Protection Agency, 401 M. Street, SW., Washington, DC 20460, (202) 260–5495, or the meeting's facilitators: Denise Madigan, ENDISPUTE, Inc., 1201 Connecticut Avenue, NW., suite 501, Washington, DC 20008, (202) 429–8782, or Jack Wofford (as of October 19, 1992), ENDISPUTE, Inc., 73 Tremont Street, 4th Floor, Boston, MA 02108–4101, (617) 228–0200.

Dated: October 13, 1992.

Deborah Dalton,

Deputy Director, EPA Consensus and Dispute Resolution Program, Office of Regulatory Management and Evaluation.

[FR Doc. 92–25167 Filed 10–15–92; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–966–DR]

Florida; Notice of Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

EFFECTIVE DATE: October 8, 1992.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Florida (FEMA–966–DR), dated October 8, 1992, and related determinations.

FOR FURTHER INFORMATION CONTACT: Pauline C. Campbell, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3606.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated October 8, 1992, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*), as follows:

I have determined that the damage in certain areas of the State of Florida, resulting from severe storms, tornadoes, and flooding on October 3, 1992, and continuing is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act ("the Stafford Act"). I, therefore, declare that such a major disaster exists in the State of Florida.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance and Public Assistance in the designated areas. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance will be limited to 75 percent of the total eligible costs.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Major P. May of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of Florida to have been affected adversely by this declared major disaster:

The counties of Baker, Clay, Duval, and Pinellas for Individual Assistance and Public Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance.)

Wallace E. Stickney,

Director.

[FR Doc. 92–25120 Filed 10–15–92; 8:45 am]

BILLING CODE 6718–02–M

FEDERAL MARITIME COMMISSION

Blue Star Pace Limited et al.; Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 800 North Capitol Street, NW., 9th Floor. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the Federal Register in which this notice appears. The requirements for comments are found in § 572.603 of title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 202–009831–012.
Title: New Zealand/United States Atlantic & Gulf Shipping Lines Rate Agreement.
Parties:
Blue Star Pace Limited,
Hamburg-Sudamerikanische Dampfschifffahrts-Gesellschaft Eggert & Amsinck (Columbus Line).
Synopsis: The proposed amendment (1) restates the Agreement, (2) changes the name of the Agreement to New Zealand/United States Container Lines Association, (3) adds Australia-New Zealand Direct Line as a party, (4) expands the scope of the Agreement to include the United States Pacific Coast and (5) clarifies the authority of the parties to discuss and agree upon rates, terms and conditions in the trade.

Agreement No.: 202–011375–002.
Title: Trans-Atlantic Agreement.
Parties:
Atlantic Container line AB,
Sea-Land Service, Inc.,
A.P. Moller-Maersk Line,
Polish Ocean Lines,
Orient Overseas Container Line (UK) Ltd.,
P&O Containers Limited,
Nedlloyd Lijnen BV,
Haag Lloyd AG,
Mediterranean Shipping Co.,
DSR/Senator Joint Service,
Cho Yang Shipping Co.
Synopsis: The proposed amendment will revise the financial security requirements by providing for the posting of a single security fee by each party in lieu of two separate ones. It will also modify individual service contract provisions. The parties have requested a shortened review period.

Agreement No.: 203–011389.
Title: Caribbean Maritime Service Agreement.
Parties:
Tropical Shipping & Construction Co., Ltd.
Compagnie Generale Maritime, S.A.
Synopsis: The proposed Agreement authorizes the parties to share or pool revenues and expenses, agree on rates, charges, practices and conditions of service in the trade between South Florida and Trinidad, St. Vincent, Grenada, Dominica, Martinique and Guadeloupe in the Eastern Caribbean. It also permits each party to publish its own tariff, issue its own bills of lading, market the service in its own name and handle its own cargo claims.

Dated: October 9, 1992.

By Order of the Federal Maritime Commission.

Ronald D. Murphy,
Assistant Secretary.

[FR Doc. 92–25072 Filed 10–15–92; 8:45 am]
BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Brooke Holdings, Inc.; Formation of, Acquisition by, or Merger of Bank Holding Companies

The company listed in this notice has applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that application or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Comments regarding this application must be received not later than November 6, 1992.

A. Federal Reserve Bank of Kansas City (John E. Yorke, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. Brooke Holdings, Inc., Jewell, Kansas, to acquire indirectly, and its subsidiary, Brooke Corporation, Jewell, Kansas, to acquire directly 5.5 percent of the voting shares of Phillips Holdings, Inc., Stuttgart, Kansas, and its proposed subsidiary, Farmers State Bank, Stuttgart, Kansas.

Board of Governors of the Federal Reserve System, October 9, 1992.

William W. Wiles,
Secretary of the Board.

[FR Doc. 92-25109 Filed 10-15-92; 8:45 am]
BILLING CODE 6210-01-F

Edgemark Financial Corporation; Notice of Application to Engage de novo in Permissible Nonbanking Activities

The company listed in this notice has filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than November 6, 1992.

A. Federal Reserve Bank of Chicago (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. Edgemark Financial Corporation, Chicago, Illinois; to engage *de novo* through its subsidiary, EdgeMark Financial Services, Inc., Countryside, Illinois, in providing securities brokerage services in connection with investment advisory services pursuant to §§ 225.25(b)(4)(iii) and (b)(15) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, October 9, 1992.

William W. Wiles,

Secretary of the Board.

[FR Doc. 92-25106 Filed 10-15-92; 8:45 am]

BILLING CODE 6210-01-F

The Farmers and Merchants Bancshares, Incorporated; Notice of Application to Engage de novo in Permissible Nonbanking Activities; Correction

This notice corrects a previous Federal Register notice (FR Doc. 92-23686) published at page 45059 of the issue for Wednesday, September 30, 1992.

Under the Federal Reserve Bank of St. Louis, the entry for The Farmers and Merchants Bancshares, Incorporated is revised to read as follows:

Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. The Farmers and Merchants Bankshares, Incorporated, Stuttgart, Arkansas; to engage *de novo* in residential, commercial, and agricultural real estate appraisal services pursuant to § 225.25(b)(13) of the Board's Regulation Y. These activities will be conducted throughout the State of Arkansas.

Comments on this application must be received by October 26, 1992.

Board of Governors of the Federal Reserve System, October 9, 1992.

William W. Wiles,

Secretary of the Board.

[FR Doc. 92-25107 Filed 10-15-92; 8:45 am]

BILLING CODE 6210-01-F

Tower Bancshares, Inc.; Formation of, Acquisition by, or Merger of Bank Holding Companies; and Acquisition of Nonbanking Company

The company listed in this notice has applied under § 225.14 of the Board's Regulation Y (12 CFR 225.14) for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) to become a bank holding company or to acquire voting securities of a bank or bank holding company. The listed company has also applied under § 225.23(a)(2) of Regulation Y (12 CFR 225.23(a)(2)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies, or to engage in such an activity. Unless otherwise noted, these activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than November 6, 1992.

A. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. Tower Bancshares, Inc., Cloquet, Minnesota; to become a bank holding company by acquiring 94.5 percent of the voting shares of Tower-Soudan Agency, Inc., Tower, Minnesota, and thereby indirectly acquire State Bank of Tower, Tower, Minnesota.

In connection with this application, Applicant also proposes to engage through Tower-Soudan Agency, Inc. in general insurance agency activities pursuant to §§ 225.25(b)(8)(iii) and (vi) of the Board's Regulation Y. These activities will be conducted in Tower, Minnesota.

Board of Governors of the Federal Reserve System, October 9, 1992.

William W. Wiles,

Secretary of the Board.

[FR Doc. 92-25108 Filed 10-15-92; 8:45 am]

BILLING CODE 6210-01-F

FEDERAL TRADE COMMISSION

Hart-Scott-Rodino Antitrust Improvements Act of 1976 and Regulations Thereunder; Amended Statement Concerning Filing Fees

AGENCY: Federal Trade Commission.

ACTION: Notice.

SUMMARY: On October 6, 1992, the President signed legislation into law mandating that a fee of $25,000 must be paid by each person acquiring voting securities or assets who is required to file a premerger notification by the Hart-Scott-Rodino Antitrust Improvements Act of 1976 and the regulations promulgated thereunder. The newly enacted law, Public Law 102–395, amends section 605 of title VI of Public Law 101–162, which originally mandated the collection of a $20,000 filing fee beginning November 28, 1989.

The new provision mandating the $25,000 filing fee became effective October 7, 1992, the first business day after the President signed the legislation. Amended section 605 of title VI also specifies that no premerger notification shall be considered filed until the required fee has been paid. The Commission has issued this amended statement in order to advise the public about the increase in the filing fee.

EFFECTIVE DATE: The increased filing fee requirement became effective on October 7, 1992. Premerger Notification and report forms received after 5 p.m. eastern time on October 6, 1992, will be deemed effective on October 7, 1992.

FOR FURTHER INFORMATION CONTACT: Richard B. Smith, Attorney, Premerger Notification Office, Bureau of Competition (Sixth Street and Pennsylvania Avenue NW., room 301),

Federal Trade Commission,
Washington, DC 20580, 202–326–3100.

SUPPLEMENTARY INFORMATION:

Amended Statement of the Federal Trade Commission on Hart-Scott-Rodino Filing Fees

The United States Congress, in an Act making appropriations for the Departments of Commerce, Justice, and State, the Judiciary and Related Agencies,[1] has mandated that a fee of $25,000 must be paid by "persons acquiring voting securities or assets who are required to file premerger notifications by the Hart-Scott-Rodino Antitrust Improvements Act of 1976 and the regulations promulgated thereunder" (the Act).[2] President Bush signed the legislation into law on October 6, 1992, requiring collection of the $25,000 fee as of October 7, 1992. The new provision mandating the $25,000 filing fee took effect immediately upon the signature of the President. The effective date for implementing the provision requiring the $25,000 filing fee shall be the first business day after the President's signature. 16 CFR 4.3(a) (1992).

The new law specifies that "[f]or purposes of said Act, no notification shall be considered filed until payment of the fee required by this Section." In other words, the waiting period required under the Act does not begin until payment of the filing fee. Notifications filed on or after the effective date that do not include the payment of a $25,000 filing fee shall be deemed deficient and the waiting period will not begin until payment of the appropriate filing fee.

I. Persons With a Fee Payment Obligation

The statute requires persons acquiring voting securities or assets who are required to file premerger notifications by the Act and the regulations [3] promulgated thereunder to pay a filing fee. "Acquiring person" is defined, for purposes of the Act, in Rule 801.2.

In most transactions the Act and Rules specify only one acquiring person who is required to file a premerger notification, and who therefore will be obligated by the proposed statute to pay a filing fee. However, in some transactions more than one person is required under the Act and Rules to file a premerger notification. In these circumstances, each acquiring person required to file a premerger notification will be obligated by the statute to pay a filing fee. Some of the more common transactions in which this is likely to occur are set out below.

For consolidations in which more than one person is an acquiring person required to file a premerger notification, each such person must separately pay a filing fee. (See Rule 801.2(d).)

Example: [4] (1) Assume corporations A and B (each being its own ultimate parent entity) will be consolidated pursuant to an agreement in which a newly formed corporate entity, C, will be the surviving entity. The shareholders of A and B will receive newly issued shares of C as a result of the transaction. Under the Act and Rules, A and B are each an acquiring person and are required to file a premerger notification and pay a filing fee. Any shareholder of A or B who is also an acquiring person required to file a premerger notification under Rule 801.2(a) and (e) must also pay filing fee.

To the extent that the formation of a joint venture or other corporation is reportable pursuant to Rule 801.40, each acquiring person (contributor) required to file a premerger notification under the Act and Rules must pay a filing fee.

When an entity making an acquisition is controlled by more than one person (e.g., a joint bid is being made), each acquiring person required to file a premerger notification under the Act and Rules must pay a filing fee.

Example: (2) Assume corporation A has two ultimate parent entities, "X" and "Y," under Rule 801.1(c). "X" and "Y" will cause A to make a cash tender offer for B's outstanding voting securities. "X" and "Y" must each file a premerger notification and pay a filing fee.

A person acquiring voting securities in secondary acquisitions, separately reportable under Rule 801.4, shall pay a filing fee for each secondary acquisition for which it is required by the Act and Rules to file a premerger notification. This fee shall be in addition to any filing fee that is required in the primary acquisition.

When persons file documents and information with the Commission pursuant to section 7A(c)(6) and (8) of the Act and Rules 802.6(a) and 802.8 in order to obtain an exemption from the filing requirements of the Act, no filing fee is required.

II. Mechanics of Payment

Filing fees shall be paid in accordance with the procedures set forth below.

(A) The filing fee requirement went into effect on November 29, 1989. Effective October 7, 1992, the filing fee is $25,000. Pursuant to Rule 803.10(c)(1), premerger notification and report forms received after 5 p.m. eastern time on October 6, 1992, are deemed effected on October 7, 1992 (the next business day). Premerger notification and report forms received on or after the effective date must be accompanied by the $25,000 filing fee. Premerger notification and report forms received prior to October 7, 1992, and which the Commission's Premerger Notification Office has certified in writing are complete (See Part (I) below), are not affected by the increased filing fee but remain subject to the $20,000 filing fee requirement.

(B) Fees are due and payable at the time of filing premerger notification and report forms. Fees are payable to the "Federal Trade Commission", omitting the name or title of any official of the Commission, by electronic wire transfer, United States postal money order, bank money order, bank cashier's check or certified check in US. currency.

(C) Fees paid by electronic wire transfer shall be deposited to the Treasury's account at the New York Federal Reserve Bank (the "Bank"). To insure that fees paid are attributed to the proper acquiring person, the following information must be given at the time of transfer by the payor to the Bank:

1. Treasury's ABA number: 021030004.

2. Commission's ALC number: 29000001.

3. The payor's name, the acquiring person's name (or a pseudonym if preferred), and an identification of the payment as a "Pre-Merger Filing Fee." (enter in the comment field)

(D) Fees paid by United States postal money order, bank money order, bank cashier's check, or certified check shall be submitted to the Commission's Premerger Notification Office along with the required premerger notification and report forms.

(E) A person required to pay a filing fee shall include in the letter of transmittal that accompanies its premerger notification and report forms a statement that a filing fee has been paid, the method of payment and, if payment was made by electronic wire

[1] The newly passed law (H.R. 5678, Pub. L. 102–395) amends section 605 of title VI of Public Law 101–162 (103 Stat. 1031), which originally mandated the collection of a filing fee beginning November 28, 1989, by striking "$20,000" and inserting in lieu thereof "$25,000."

[2] References to "the Act" refer to section 7A of the Clayton Act, 15 U.S.C. 18a, as added by section 201 of the Hart-Scott-Rodino Antitrust Improvements Act of 1976. Pub. L. 95–435, 90 Stat. 1390.

[3] References to "Regulations" and "Rules" in this statement refer to the Premerger Notification Rules, 16 CFR parts 801–803.

[4] Throughout the examples, persons are designated ("A", "B", etc.) with quotation marks, and entities are designated (A, B, etc.) without quotation marks. Unless otherwise indicated, assume that the size-of-person, size-of-transaction and commerce tests are satisfied.

transfer, the date of transfer and any pseudonym used to identify the acquiring person.

(F) Any filing that is not accompanied by payment of a filing fee is deficient within the meaning of Rule 803.10(c)(2). Payment of a filing fee does not preclude a determination that a filing is deficient for any other reason.

(G) Except as provided in this paragraph, no filing fee received by the Commission will be returned to the payor and no part of the filing fee shall be refunded. However, if it is determined that premerger notification was not required by the Act and Rules, the filing fee shall be returned. The determination of whether a premerger notification was not required by the Act and Rules will be made by the Commission's Premerger Notification Office at the time notification is filed, based on the information and representations contained in the filing persons' Notification and Report Forms.

If the Commission's staff determines, based on the persons' filings, that notification was not required, staff will notify the parties and refund the filing fee. However, once the Commission's staff has determined that premerger notification was required, the filing fee shall not be refunded, even if the filing persons and/or the transaction do not meet the reporting thresholds at the time of consummation.

If the Commission's staff determines, based on the persons' filings, that premerger notification was not required, but the filing persons represent that premerger notification will be required at the time of consummation, premerger notification will be determined to be required and no part of the filing fee shall be refunded.

(H) Filing fees are to be paid solely to the Commission. No additional fee is required to be submitted to the Antitrust Division of the Department of Justice.

(I) In accordance with current policy, the Commission staff will send a letter to persons filing under the Act to verify the receipt of completed notification and report forms and to identify the expiration date of the waiting period. Such notice will henceforth acknowledge receipt of a filing fee.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 92-25076 Filed 10-15-92; 8:45 am]

BILLING CODE 6750-01-M

GENERAL SERVICES ADMINISTRATION

Steering Committee for the African Burial Ground, New York, NY; Meeting

Notice is hereby given that the Steering Committee for the African Burial Ground, New York, NY, will meet on Monday, October 26, 1992 at 12 p.m. in the 23rd floor auditorium of the Landmarks Preservation Commission, 225 Broadway, New York, NY.

The purpose of the meeting is to consider present and future activities affecting the pavilion portion of the federal construction site at Foley Square, including, but not limited to, the review of proposals regarding the human remains on the pavilion site; the analysis, curation and reinterment of remains exhumed from the "Negro Burial Ground"; and the construction of a memorial or other improvement on the pavilion site. Also for consideration will be concerns relating to access to the pavilion site, status of the GSA research design, the exhibit/interpretive display/artwork in the tower building, and other related matters. The meeting will be open to the public.

Additional meetings will be held at noon (generally on the fourth Monday of every month) at a place to be announced, as follows:

1992: Nov. 23, and Dec. 21

1993: Jan. 25, Feb. 22, Mar. 22, Apr. 26, May 24, June 28.

Please call (212) 264-0456 prior to each meeting to confirm the date, time, and location of the meeting. All meetings will be open to the public.

Meetings may be continued to the following day(s), if necessary, and shall be so announced during the meeting. Seating may be limited.

Other questions regarding meetings may be directed to: Chairman Howard Dodson, Chief, Schomberg Center for Research in Black Culture, New York Public Library, 515 Malcolm X. Boulevard, New York, NY 10037-1801, Tel: (212) 491-2200.

Less than 15 days notice is being given for the October 26 meeting due to the urgency of the matters to be discussed. It is necessary that the first meeting of the Steering Committee be held as soon as possible.

Dated: October 7, 1992.

By:

William J. Diamond,

Regional Administrator, General Services Administration, Region 2, 26 Federal Plaza, New York, NY 10278, Telephone: (212) 264-2600.

[FR Doc. 92-25121 Filed 10-15-92; 8:45 am]

BILLING CODE 6820-34-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[OIS-018-N]

Medicare and Medicaid Programs; Quarterly Listing of Program Issuances and Coverage Decisions

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: General notice.

SUMMARY: This notice lists HCFA manual instructions, substantive and interpretive regulations and other **Federal Register** notices, and statements of policy that were published during April, May, and June 1992 that relate to the Medicare and Medicaid programs. Section 1871(c) of the Social Security Act requires that we publish a list of Medicare issuances in the **Federal Register** at least every 3 months. Although we are not mandated to do so by statute, for the sake of completeness of the listing, we are including all Medicaid issuances and Medicare and Medicaid substantive and interpretive regulations (proposed and final) published during this timeframe.

We also are providing the content of the revision to the Medicare Coverage Issues Manual published between April 1 and June 30, 1992. On August 21, 1989 (54 FR 34555), we published the content of the Manual and indicated that we will publish quarterly any updates. Adding the Medicare Coverage Issues Manual changes to this listing allows us to fulfill this requirement in a manner that facilitates identification of coverage and other changes in our manuals.

FOR FURTHER INFORMATION CONTACT:

Margaret Cotton, (410) 966-5260 (For Medicare Instruction Information)

Sam DellaVecchia, (410) 966-5395 (For Medicare Coverage Information)

Dusty Kowalewski, (410) 965-3377 (For Medicaid Instruction Information)

Margaret Teeters, (410) 966-4678 (For All Other Information)

SUPPLEMENTARY INFORMATION:

I. Program Issuances

The Health Care Financing Administration (HCFA) is responsible for administering the Medicare and Medicaid programs, which pay for health care and related services for 35 million Medicare beneficiaries and 31 million Medicaid recipients. Administration of these programs involves (1) providing information to Medicare beneficiaries and Medicaid recipients, health care providers, and

the public; and (2) effective communications with regional offices, State governments, State Medicaid Agencies, State Survey Agencies, various providers of health care, fiscal intermediaries, and carriers who process claims and pay bills, and others. To implement the various statutes on which the programs are based, we issue regulations under authority granted the Secretary under sections 1102, 1871, and 1902 and related provisions of the Social Security Act (the Act) and also issue various manuals, memoranda, and statements necessary to administer the programs efficiently.

Section 1871(c)(1) of the Act requires that we publish in the **Federal Register** at least every 3 months a list of all Medicare manual instructions, interpretive rules, statements of policy, and guidelines of general applicability not issued as regulations. We published our first notice June 9, 1988 (53 FR 21730). Although we are not mandated to do so by statute, for the sake of completeness of the listing of operational and policy statements, we are continuing our practice of including Medicare substantive and interpretive regulations (proposed and final) published during this timeframe. Since the publication of our last quarterly listing on June 12, 1992 (57 FR 24797), we decided to add Medicaid issuances to our quarterly listings. Accordingly, we are listing in this notice, Medicaid issuances and Medicaid substantive and interpretive regulations published from April 1 through June 30, 1992.

II. Medicare Coverage Issues

We receive numerous inquiries from the general public about whether specific items or services are covered under Medicare. Providers, carriers, and intermediaries have copies of the Medicare Coverage Issues Manual, which identifies those medical items, services, technologies, or treatment procedures that can be paid for under Medicare. On August 21, 1989, we published a notice in the **Federal Register** (54 FR 34555) that contained all the Medicare coverage decisions issued in that manual.

In that notice, we indicated that revisions to the Coverage Issues Manual will be published at least quarterly in the **Federal Register**. We also sometimes issue proposed or final national coverage decision changes in separate **Federal Register** notices. Table IV of this notice contains the text of the revision to the Coverage Issues Manual published between April 1 and June 30, 1992. Readers should find this an easy way to identify both issuance changes to all our manuals and the text of changes to the Coverage Issues Manual.

Revisions to the Coverage Issues Manual are not published on a regular basis but on an as needed basis. We publish revisions as a result of technological changes, medical practice changes, responses to inquiries we receive seeking clarifications, or the resolution of coverage issues under Medicare. If no Coverage Issues Manual revisions were published during a particular quarter, our listing will reflect that fact.

Not all revisions to the Coverage Issues Manual contain major changes. As with any instruction, sometimes minor clarifications or revisions are made within the text. We have reprinted manual revisions as transmitted to manual holders. The new text is shown in italics. We will not reprint the table of contents, since the table of contents serves primarily as a finding aid for the user of the manual and does not identify items as covered or not.

We issued updates that included the text of changes to the Coverage Issues Manual in the following issues of the **Federal Register**:

- March 20, 1990 (55 FR 10290).
- February 6, 1991 (56 FR 4830).
- July 5, 1991 (56 FR 30752).
- November 22, 1991 (56 FR 58913).
- January 22, 1992 (57 FR 2558).
- March 16, 1992 (57 FR 9127).
- June 12, 1992 (57 FR 24797).

The issuance update found in Table IV of this notice, when added to material from the manual published on August 21, 1989, and the updates listed above constitute a complete manual as of June 30, 1992. Parties interested in obtaining a copy of the manual and revisions should follow the instructions in section IV of this notice.

III. How to Use the Listing

This notice is organized so that a reader may review the subjects of all manual issuances, memoranda, substantive and interpretive regulations, or coverage decisions published during this timeframe to determine whether any are of particular interest. We expect it to be used in concert with previously published notices. Most notably, those unfamiliar with a description of our Medicare manuals may wish to review Table I of our first three notices (53 FR 21730, 53 FR 36891, and 53 FR 50577); those desiring information on the Medicare Coverage Issues Manual may wish to review the August 21, 1989 publication; and those seeking information on the location of regional depository libraries may wish to review Table IV of our first notice. We have divided this current listing into four tables.

Table I describes where interested individuals can get a description of all previously published HCFA Medicare manuals and memoranda. Because we are including Medicaid issuances in this quarterly listing for the first time, Table I also gives a brief description of Medicaid manuals and memoranda.

Table II of this notice lists, for each of our manuals or Program Memoranda, a transmittal number unique to that instruction and its subject matter. A transmittal may consist of a single instruction or many. Often it is necessary to use information in a transmittal in conjunction with information currently in the manuals.

Table III lists all substantive and interpretive Medicare and Medicaid regulations and general notices published in the **Federal Register** during the quarter covered by this notice. For each item, we list the date published, the **Federal Register** citation, the title of the regulation, and the Parts of the Code of Federal Regulations (CFR) which have changed.

Table IV sets forth the revision to the Medicare Coverage Issues Manual that was published during the quarter covered by this notice. For the revision, we give a brief synopsis of the revision as it appears on the transmittal sheet, the manual section number, and the title of the section. We present a complete copy of the revised material, no matter how minor the revision, and identify the revision by printing in italics the text that was changed. If the transmittal includes material unrelated to the revised section, for example, when the addition of revised material causes other sections to be repaginated, we do not reprint the unrelated material.

IV. How to Obtain Listed Material

A. Manuals

An individual or organization interested in routinely receiving any manual and revisions to it may purchase a subscription to that manual. Those wishing to subscribe should contact either the Government Printing Office (GPO) or the National Technical Information Service (NTIS) at the following addresses:

Superintendent of Documents, Government Printing Office, ATTN: New Order, P.O. Box 371954, Pittsburgh, PA 15250–7954, Telephone (202) 783–3238, Fax number (202) 512-2250 (for credit card orders); or

National Technical Information Service, Department of Commerce, 5825 Port

Royal Road, Springfield, VA 22161, Telephone (703) 487–4630.

In addition, individual manual transmittals and Program Memoranda listed in this notice can be purchased from NTIS. Interested parties should identify the transmittal(s) they want. GPO or NTIS can give complete details on how to obtain the publications they sell.

B. Regulations and Notices

Regulations and notices are published in the daily **Federal Register**. Interested individuals may purchase individual copies or subscribe to the **Federal Register** by contacting the GPO at the same address indicated above for manual issuances. When ordering individual copies, it is necessary to cite either the date of publication or the volume number and page number.

C. Rulings

Rulings are published on an infrequent basis by HCFA. Interested individuals can obtain copies from the nearest HCFA Regional Office or review them at the nearest regional depository library. We also sometimes publish Rulings in the **Federal Register**.

V. How to Review Listed Material

Transmittals or Program Memoranda can be reviewed at a local Federal Depository Library (FDL). Under the Federal Depository Library Program, government publications are sent to approximately 1400 designated libraries throughout the United States. Interested parties may examine the documents at any one of the FDLs. Some may have arrangements to transfer material to a local library not designated as an FDL. To locate the nearest FDL, individuals should contact any library.

In addition, individuals may contact regional depository libraries, which receive and retain at least one copy of nearly every Federal Government publication, either in printed or microfilm form, for use by the general public. These libraries provide reference services and interlibrary loans; however, they are not sales outlets. Individuals may obtain information about the location of the nearest regional depository library from any library.

Superintendent of Documents numbers for each HCFA publication are shown in Table II, along with the HCFA publication and transmittal numbers. To help FDLs locate the instruction, use the Superintendent of Documents number, plus the HCFA transmittal number. For example, to find the Intermediary Manual, Part 3—Claims Process (HCFA-Pub. 13–3) transmittal entitled "Electronic Media Claims," use the Superintendent of Documents No. HE 22.8/6 and the HCFA transmittal number 1567.

VI. General Information

It is possible that an interested party may have a specific information need and not be able to determine from the listed information whether the issuance or regulation would fulfill that need. Consequently, we are providing information contact persons to answer general questions concerning these items. Copies are not available through the contact persons. Individuals are expected to purchase copies or arrange to review them as noted above.

Questions concerning Medicare items in Tables I or II may be addressed to Margaret Cotton, Office of Issuances, Health Care Financing Administration, Room 688 East High Rise, 6325 Security Blvd., Baltimore, MD 21207, Telephone (410) 966–5260.

Questions concerning Medicaid items in Tables I or II may be addressed to Dusty Kowalewski, Medicaid Bureau, Office of Medicaid Policy, Health Care Financing Administration, Room 233 East High Rise, 6325 Security Blvd., Baltimore, MD 21207, Telephone (410) 965–3377.

Questions concerning items in Table IV may be addressed to Sam DellaVecchia, Office of Coverage and Eligibility Policy, Health Care Financing Administration, Room 445 East High Rise, 6325 Security Blvd., Baltimore, MD 21207, Telephone (410) 966–5395.

Questions concerning all other information may be addressed to Margaret Teeters, Regulations Staff, Health Care Financing Administration, Room 132 East High Rise, 6325 Security Blvd., Baltimore, MD 21207, Telephone (410) 966–4678.

Table I.—Description of Manuals, Memoranda, and HCFA Rulings

A. An extensive descriptive listing of manuals and memoranda was previously published on June 9, 1988 at 53 FR 21730 and supplemented on September 22, 1988 at 53 FR 36891 and December 16, 1988 at 53 FR 50577. Also, a complete description of the Medicare Coverage Issues Manual was published on August 21, 1989 at 54 FR 34555.

B. Because we are including Medicaid issuances for the first time in this quarterly listing, we are providing the following brief description of the various Medicaid manuals and memoranda that we maintain.

1. State Medicaid Manual (HCFA-Pub. 45)

This manual provides instructions, regulation citations, and information for implementing provisions of title XIX of the Act. These materials contain both official interpretations of, and guidance concerning, the law and regulations. The official interpretations are binding on State Medicaid agencies. Interpretations and instructions relating to common policy under titles I, IV–A, X, XIV, XVI, and XIX of the Act are also included. This manual consists of the following parts:

- Part 1—Grants to States for Medical Assistance Programs (HCFA-Pub. 45–1)
- Part 2—State Organization (HCFA-Pub. 45–2)
- Part 3—Eligibility (HCFA-Pub. 45–3)
- Part 4—Services (HCFA-Pub. 45–4)
- Part 5—Early and Periodic Screening, Diagnosis, and Treatment of Individuals Under Age 21 (HCFA-Pub. 45–5)
- Part 6—Payments for Services (HCFA-Pub. 45–6)
- Part 7—Quality Control (HCFA-Pub. 45–7)
- Part 8—Program Integrity (HCFA-Pub. 45–8)
- Part 9—Utilization Control (HCFA-Pub. 45–9)
- Part 11—Medicaid Management Information System (HCFA-Pub. 45–11)
- Part 13—Pre-print State Plans (HCFA-Pub. 45–13)
- Part 15—MEDIRS (HCFA-Pub. 45–15)

2. Program Memoranda (Nonmanual Issuances)

These transmittals are used to communicate information or requests for action of a one-time only, nonrecurring nature. They are issued to Medicaid State Agencies as HCFA-Pub. 17 and to State Survey Agencies as HCFA-Pub. 65.

3. Medicare/Medicaid Sanction—Reinstatement Report (HCFA-Pub. 69)

The monthly Medicare/Medicaid Sanction—Reinstatement Report provides a list of physicians or practitioners, providers, and other health care suppliers that have been excluded from participation in the Medicare and Medicaid programs. It also includes an attached list of individuals who have been reinstated.

The Bi-annual Cumulative Sanction Report provides a complete record of all sanction actions that are in effect nationwide. This report also includes a list of those individuals who have been reinstated.

Table II.—Medicare and Medicaid Manual Instructions, April through June 1992

Trans. No. Manual/Subject/Publication Number

Intermediary Manual, Part 2—Audits, Reimbursement Program Administration (HCFA-Pub. 13–2) (Superintendent of Document No. HE 22.8/6–2)

388 • Assessment of Benefit Savings Attributable to Medical Review Activities
Types of Savings to Report; Denials
Completion of the Report of Benefit Savings
Data from Automated System
Medical Review Activity Reports
Retain Data to Support Savings Reported on the RBS
The Contractor Performance Evaluation Program
Payment Safeguards Criterion
Regional Home Health Intermediary Performance Evaluation Program
Regional Home Health Intermediary Criterion
389 • Systems Security Authority
Contractor Systems Security Administrative Measures
Contractor System Security Specific Minimum Safeguards

Intermediary Manual, Part 3—Claims Process (HCFA-Pub. 13–3) (Superintendent of Documents No. HE 22.8/6)

1568 • Verifying Provider Notification Procedure
Form HCFA–1450 Consistency Edits
Additional Payment Amounts for Hospitals With Disproportionate Share of Low Income Patients
Reporting Outpatient Surgery and Other Services
Skilled Nursing Facilities
Processing Beneficiary Demand Bills for Noncovered Admissions
Processing Beneficiary Complaints and Inquiries Regarding Demand Bills
Review of SNF Denial Notices for Demand Bill Request
Rental or Purchase of DME
Coordination with Carriers
Part A Denials
1569 • Osteoporosis Injections as HHA Benefit
Billing for Parenteral and Enteral Nutrition
1570 • Monthly Intermediary Part A and Part B Appeals Report (Form HCFA–2511)—General
1571 • Review of Form HCFA–1450 for Inpatient and Outpatient Bills
1572 • Review of Form HCFA–1450 Consistency Edits
Establishing Pacemaker Registry Records—Pacemaker ICD-9-CM Procedure Codes
Monthly Intermediary Workload Report (Form HCFA–1566)—General
Checking Reports
Type of Bill
Body of Report
Form HCFA–1566—Medicare Program Intermediary Workload Report, Pages 1–11
1573 • Screening Pap Smears
1574 • Quarterly Supplement to Intermediary Workload Report (Form HCFA–1566a)
Monthly Intermediary Report on Independent Rural Health Clinic Bill Workloads
Monthly PRO Adjustment Bill Report

Carriers Manual, Part 2—Program Administration (HCFA-Pub. 14–2) (Superintendent of Documents No. HE 22.8/7–3)

118 • The Contractor Performance Evaluation Program
Payment Safeguards Criterion
Service Criterion
Common Working File Host Performance Evaluation Program
119 • Systems Security Authority
Contractor Systems Security Administrative Measures
Contractor Systems Security Specific Minimum Safeguards

Carriers Manual, Part 3—Claims Process (HCFA-PUB. 14–3) (Superintendent of Documents No. HE 22.8/7)

1419 • Parenteral and Enteral Nutrition (PEN) Claims Jurisdiction
Evidence of Medical Necessity for Parenteral and Enteral Nutrition Therapy
Parenteral and Enteral Nutrition
Payment for Parenteral and Enteral Nutrition Nutrients, Supplies, and Equipment
1420 • Carrier Appeals Report
1421 • Reasonable Charges as Basis for Payments
Determination of Inflation Indexed Charge (IIC) for Nonpysician Services
Payment Under Fee Schedule for Physicians' Services
Payment Rules for Nonphysician Practitioner Services
1422 • Billing for Physician Assistant, Nurse Practitioner, or Clinical Nurse Specialist
Billing for SNF and NF Visits
Explanatory and Denial Messages
Explanatory and Denial Messages
Inter-Fields Verification of BMAD Files
1423 • Requirements for Processing Electronic Media Claims
New National Standard EMC Format
Telecommunication Systems and Methods
Establishing a System to Process Electronic Media Claims
Claims Review
Agreements
Initial Testing
Certificates of Medical Necessity and Other Attachments
Sampling of Claims Requiring Electronic Attachments
Data Sets for Electronic Media Claims
Technical Assistance for Electronic Media Claims
Software and Hardware Requirements
1424 • Reporting
Classification of Claims for Counting
Medicare Quarterly Supplement to the Carrier Performance Report (Forms HCFA–1565A and HCFA–1565C)
1425 • Submission of Claims to Medigap Insurers
General Requirements
Completion of the Claim Form
Medigap Assignment Selection
EOMB Messages
Remittance Notice Messages
Returned Medigap Notices
Charging Medigap Insurers
Electronic Transmission
Paper Submission
Medigap Electronic Claims Transfer Agreements
1426 • Denial of Medicare Payment for Compounded Drugs Produced in Violation of the Federal Food, Drug, and Cosmetic Act
1427 • Erythropoietin (Epoietin/EPO) Furnished to ESRD Home Patients

Program Memorandum Intermediaries (HCFA-Pub. 60A) (Superintendent of Documents No. HE 22.8/6–5)

A–92–1 • Expiration of the Supplemental Payment to Small Rural Medicare-Dependent Hospitals
A–92–2 • Extension of Due Date for Filing Provider Cost Reports on Form HCFA–2552–89

Program Memorandum Carriers (HCFA–Pub. 60B) (Superintendent of Documents No. HE 22.8/6–5)

B–92–4 • Physician Education on Enteral Nutrition and the Certification for Medical Necessity
B–92–5 • Change in the Implementation of Medicare Carriers Manual Transmittal No. 1411
B–92–6 • Collection of Information on Suppliers of Durable Medical Equipment, Prosthetics, Orthotics, and Supplies

State Operations Manual (HCFA-Pub. 7) (Superintendent of Documents No. HE 22.8/12)

249 • Survey Team Workload
250• Use of the Survey Protocol in the Survey Process
Emphasis, Components and Applicability
Team Size and Composition
Survey Procedures
251 • Individual and Family Resident Rights Interview Probes
252 • Survey Team Composition and Workload Report

Regional Office Manual, Medicare (HCFA-Pub. 23–2) (Superintendent of Documents No. HE 22.8/8)

319 • Overall Structure
Conduct of QMS Reviews
Universe
Conduct of the Systems Review
Findings
Sample Selection
Documentation
Conduct of the Metholodogy Review
Universe Identification and Sampling
Documentation to Submit
Errors
320 • The Contractor Performance Evaluation Program
Scheduling Reviews
CPEP Review Completion Dates
Sampling Techniques
Scoring Methodology
Errors
Scoring Examples
CPEP Review Report
Notifying Contractors of CPEP Scores
Appeals
Recording and Reporting CPEP Scores

Separate Evaluation of CPEP Standards
321 • Systems Security—Authority
RO Responsibilities
Provide Technical Guidance
Monitor Compliance
Report to BPO
Coordinate External Audits
Special Budget Requests
Schedule/Checklist Exhibits

Hospital Manual (HCFA-Pub. 10) (Superintendent of Documents No. HE 22.8/2)

635 • Billing for Enteral and Parenteral Nutritional Therapy Covered as a Prosthetic Device
636 • Screening Pap Smears
637 • Pacemaker Registry
Completion of Form HCFA–1450 for Inpatient and/or Outpatient Billing
Form HCFA–1450 Consistency Edits

Home Health Agency Manual (HCFA-Pub. 11) (Superintendent of Documents No. HE 22.8/5)

252 • Billing for Enteral and Parenteral Nutritional Therapy Covered as a Prosthetic Device
HCPCS Codes for Billing Enteral and Parenteral Therapy
Billing for DME Furnished as a Home Health Benefit
Billing for Osteoporosis Injections

Skilled Nursing Facility Manual (HCFA-Pub. 12) (Superintendent of Documents No. HE 22.8/3)

310 • Billing for Enteral and Parenteral Nutritional Therapy Covered as a Prosthetic Device

Health Maintenance Organization/ Competitive Medical Plan Manual (HCFA-Pub. 75) (Superintendent of Documents No. HE 22.8/21:989)

10 • Nature of Arrangements
Hospital and Nursing Facility Services
Hospital Admitting Privileges
Professional Services
Other Health Professionals
Direct Physician Supervision
Services for Which Arrangements Are Not Necessary
Supplemental Services
Availability and Accessibility of Services
Geographic Location
Hours of Operation
After Hours Care
Monitoring
Methods of Monitoring
Continuity of Care
Systems for Assuring Continuity of Care

Coverage Issues Manual (HCFA-Pub. 6) (Superintendent of Documents No. HE 22.8/14)

58 • Laparoscopic Cholecystectomy

State Medicaid Manual, Part 2—State Organization and General Administration (HCFA-Pub. 45–2) (Superintendent of Documents No. HE 22.8/10)

79 • Annual Report on Home and Community-Based Services Waivers (Form HCFA–372)
80 • Federal Reporting Requirements
• Statistical Report on Medical Care: Eligibles, Recipients, Payments, and Services (Form HCFA–2082)

State Medicaid Manual, Part 4—Services (HCFA-Pub. 45–4) (Superintendent of Documents No. HE 22.8/10)

59 • Private Duty Nursing Services
60 • Phlebotomy and Case Management Services Associated with the Drug Clozaril

Medicare/Medicaid Sanction—Reinstatement Report (HCFA-Pub. 69)

92–4 • Cumulative Report of Physicians/ Practitioners, Providers and/or Other Health Care Suppliers Sanctioned/ Reinstated (April 1992)
92–5 • Report of Physicians/Practitioners, Providers and/or Other Health Care Suppliers Excluded/Reinstated (April 1992)
92–6 • Report of Physicians/Practitioners, Providers and/or Other Health Care Suppliers Excluded/Reinstated (May 1992)
92–7 • Report of Physicians/Practitioners, Providers and/or Other Health Care Suppliers Excluded/Reinstated (June 1992)

TABLE III—REGULATIONS AND NOTICES PUBLISHED APRIL THROUGH JUNE 1992

Publication date/citation	42 CFR Part	Title
Final Rules		
04/15/92 (57 FR 13046)	412	Medicare Program; Medicare Geographic Classification Review Board—Procedures and Criteria.
06/12/92 (57 FR 24961)	400, 405, 407, 410, 417, 420, 424, 488, 491, 498.	Medicare Program; Payment for Federally Qualified Health Care Services.
06/18/92 (57 FR 27290)	405, 420, 421, 424.	Medicare Program; Carrier Jurisdiction for Claims for Durable Medical Equipment, Prosthetics, Orthotics and Supplies (DMEPOS) and Other Issues Involving Suppliers, and Criteria and Standards for Evaluating Regional DMEPOS Carriers.
06/24/92 (57 FR 28100)	431	Medicaid Program; Coordination of Medicaid With Special Supplemental Food Program for Women, Infants, and Children (WIC).
06/30/92 (57 FR 29142)	400, 435, 436, 440, 441.	Medicaid Program; Home and Community-Based Services Waivers for Individuals Age 65 or Older.
Proposed Rules		
06/04/92 (57 FR 23618)	412, 413	Medicare Program; Changes to the Hospital Inpatient Prospective Payment Systems and Fiscal Year 1993 Rates.
Notices		
04/15/92 (57 FR 13106)		Medicare and Medicaid Programs; Small Business Innovation Research Grants for Fiscal Year 1992 (Correction Notice Published 06/24/92 (57 FR 28183)).
04/27/92 (57 FR 16759)		Semiannual Regulatory Agenda.
05/29/92 (57 FR 22773)		Medicare Program; Recognition of the Community Health Accreditation Program Standards for Home Care Organizations.
06/11/92 (57 FR 24797)		Medicare Program; Quarterly Listing of Program Issuances and Coverage Decisions.
06/16/92 (57 FR 26871)		Medicare Program; Peer Review Organizations; Revised Scopes of Work for the District of Columbia, Puerto Rico, the Virgin Islands, and all States Except Delaware, Florida, Missouri, Montana, Nebraska, Nevada, Oklahoma, Rhode Island, South Carolina, Washington, and Wyoming.
06/18/92 (57 FR 27309)		Medicare Program; Criteria and Standards for Evaluating Regional Durable Medical Equipment, Prosthetics, Orthotics and Suppliers (DMEPOS) Carriers; Request for Comments.

Table IV.—Medicare Coverage Issues Manual

(For the reader's convenience, new material and changes to previously published material are in italics. If any part of a sentence in the manual instruction has changed, the entire line is shown in italics. The transmittal includes material unrelated to revised sections. We are not reprinting the unrelated material.) Transmittal No. 58; section 35–91, Laparoscopic Cholecystectomy.

Corrected Implementing Instructions—Effective Date: November 18, 1991

Section 35–91, Laparoscopic Cholecystectomy.—This section has been corrected to reflect use of existing CPT codes 49310 and 49311, and ICD–9–CM code 51.23 for coverage of laparoscopic cholecystectomy. The erroneously cited Q codes in Transmittal 54 of the Coverage Issues Manual are deleted.

35–91 Laparoscopic Cholecystectomy (Effective for services performed on and after November 18, 1992).

Laparoscopic cholecystectomy is a covered surgical procedure in which a diseased gall bladder is removed through the use of instruments introduced via cannulae, with vision of the operative field maintained by use of a high-resolution television camera-monitor system (video laparoscope). For inpatient claims, use ICD–9–CM code 51.23, Laparoscopic cholecystectomy. For all other claims use CPT codes 49310 for laparoscopy, surgical; cholecystectomy (any method), and 49311 for laparoscopy, surgical: cholecystectomy with cholangiography.

(Catalog of Federal Domestic Assistance Program No. 93.773, Medicare—Hospital Insurance, Program No. 93.774, Medicare—Supplementary Medical Insurance Program, and Program No. 93.714, Medical Assistance Program)

Dated: September 18, 1992.

William Toby, Jr.,

Acting Deputy Administrator, Health Care Financing Administration.

[FR Doc. 92–25111 Filed 10–15–92; 8:45 am]

BILLING CODE 4120–01–M

National Institutes of Health

National Cancer Institute; Meeting of the Cancer Research Manpower Review Committee

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Cancer Research Manpower Review Committee, National Cancer Institute, on October 18–20, 1992, The Saint James Hotel, 950 24th Street, NW., Washington, DC 20037.

This meeting will be open to the public on October 18, 1992, from 7:30 p.m. to 8 p.m., to review administrative details and other cancer research manpower review issues. Attendance by the public will be limited to space available.

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 will be closed to the public on October 18 from 8 p.m. to recess and on October 19 through 20 from 8 a.m. to adjournment 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 disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

The Committee Management Officer, National Cancer Institute, Building 31, room 10A06, National Institutes of Health, Bethesda, Maryland 20892 (301/496–5708) will provide summaries of the meeting and rosters of committee members upon request.

Dr. Mary Bell, Scientific Review Administrator, Cancer Research Manpower Review Committee, National Cancer Institute, Westwood Building, room 809, National Institutes of Health, Bethesda, Maryland 20892 (301/496–7978) will furnish substantive program information.

Catalog of Federal Domestic Assistance Program Numbers: 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control.

Dated: October 9, 1992.

Susan Feldman,

Committee Management Officer, NIH.

[FR Doc. 92–25191 Filed 10–15–92; 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 meetings of the following Heart, Lung, and Blood Special Emphasis Panels.

These meetings will be open to the public to discuss administrative details relating to Special Emphasis Panel (SEP) business for approximately one half hour at the beginning of the first session of each meeting. Attendance by the public will be limited to space available. These meetings will be closed thereafter in accordance with the provisions set forth in section 552b(c)(4) and 552b(c)(6), title 5, United States Code and section 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 disclosure 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 summaries of the meetings 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 Clinical Investigator Development Awards (KOB)
Scientific Review Administrator: Dr. Lynn M. Amende, Telephone: 301–496–8818
Dates of Meeting: October 16–27, 1992
Place of Meeting: Chevy Chase Holiday Inn, Chevy Chase, Maryland
Time of Meeting: 7 p.m.

Name of Panel: NHLBI SEP on Demonstration and Education Research Grant Applications and Small Grant Applications Meeting
Scientific Review Administrator: Dr. Louise Corman, Telephone: 301–496–7363
Dates of Meeting: October 27–28, 1992
Place of Meeting: Stouffer Concourse Hotel, Arlington, Virginia
Time of Meeting: 10:30 a.m.

Name of Panel: NHLBI SEP for Review of Minority Faculty Development Awards, Short Term Training for Minority Students Awards, and Institutional National Research Service Awards for Predominantly Minority Institutions.
Scientific Review Administrator: Dr. Kathryn W. Ballard, Telephone: 301–496–7361
Dates of Meeting: October 29, 1992
Place of Meeting: Bethesda Holiday Inn, Bethesda, Maryland
Time of Meeting: 8:30 a.m.

(Catalog of Federal Domestic Assistance Program Nos. 93.837, Heart and Vascular Diseases Research; 93,838, Lung Diseases Research; and 93.839, Blood Diseases and Resources Research, National Institutes of Health)

Dated: October 9, 1992.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 92-25192 Filed 10-15-92; 8:45 am]

BILLING CODE 4140-01-M

National Institute of Allergy and Infectious Diseases; Notice of Meeting: Microbiology and Infectious Diseases Research Committee

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Microbiology and Infectious Diseases Research Committee, National Institute of Allergy and Infectious Diseases, on October 22-23, 1992, in Building 31A, Conference Room 4, at the National Institutes of Health, Bethesda, Maryland 20892.

The meeting will be open to the public from 8 a.m. to 10 a.m. on October 22, to discuss administrative details relating to committee business and for program review. 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 will be closed to the public for the review, discussion, and evaluation of individual grant applications and contract proposals from 10 a.m. until recess on October 22, and from 8 a.m. until adjournment on October 23. These applications, proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and proposals, the 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. Peter R. Jackson, Scientific Review Administrator, Microbiology and Infectious Diseases Research Committee, NIAID, NIH, Solar Building, room 4C13, Rockville, Maryland 20892, telephone 301-496-8426, will provide substantive program information.

(Catalog of Federal Domestic Assistance Program No. 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health)

Dated: October 9, 1992.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 92-25193 Filed 10-15-92; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Community Planning and Development

[Docket No. N-92-1917; FR-3350-N-01]

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.

EFFECTIVE DATE: October 16, 1992.

ADDRESSES: For further information, contact James Foresberg, Department of Housing and Urban Development, room 7262, 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 the December 12, 1988 court order in *National Coalition for the Homeless* v. *Veterans Administration*, No. 88-2503-OG (D.D.C.), HUD publishes a Notice, on a weekly basis, identifying unutilized, underutilized, excess and surplus Federal buildings and real property that HUD has reviewed for suitability for use to assist the homeless. Today's Notice is for the purpose of announcing that no additional properties have been determined suitable or unsuitable this week.

Dated: October 9, 1992.

Paul Roitman Bardack,

Deputy Assistant Secretary for Economic Development.

[FR Doc. 92-25068 Filed 10-15-92; 8:45 am]

BILLING CODE 4210-29-M

Office of Administration

[Docket No. N-92-3516]

Submission of Proposed Information Collection to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and should be sent to: Angelai Antonelli, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Kay F. Weaver, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, Southwest, Washington, DC 20410, telephone (202) 708-0050. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Ms. Weaver.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the description of the need for the information and its proposed use; (4) the agency form number, if applicable; (5) what members of the public will be affected by the proposal; (6) how frequently information submissions will be required; (7) an estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (8) whether the proposal is new or an extension, reinstatement, or revision of an information collection requirement; and (9) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Authority: Section 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Section 7(d) of

the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: October 9, 1992.

John T. Murphy,

Director, IRM Policy and Management Division.

Notice of Submission of Proposed Information Collection to OMB

Proposal: Shelter Plus Care—Annual Progress Report (FR–2877).

Office: Community Planning and Development.

Description of the Need for the Information and its Proposed Use: The information is necessary to monitor and evaluate the Shelter Plus Care program. The Shelter Plus Care program was newly created by Section 837 of the Cranston-Gonzalez National Affordable Housing Act which amended Title IV of the Stewart B. McKinney Homeless Assistance Act by adding Subtitle F. The Annual Progress Report will provide information needed to chart the accomplishments of the programs, to monitor each grantee's program, and to evaluate the overall program.

Form Number: HUD–40085–A.

Respondents: State or Local Governments and Non-Profit Institutions.

Frequency of Submission: Annually.

Reporting Burden:

	Number of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
HUD–40085–A	80		1		15		1,200
Recordkeeping	80		1		45		3,600

Total Estimated Burden Hours: 4,800.

Status: New.

Contact: James N. Forsberg, HUD, (202) 708–4300; Mary Ellen O'Connell, HUD (202) 708–1234; Angelai Antonelli, OMB, (202) 395–6880.

Dated: October 9, 1992.

[FR Doc. 92–25057 Filed 10–15–92; 8:45 am]

BILLING CODE 4210–01–M

Office of Inspector General

[Docket No. N–92–3517]

The Performance Review Board

AGENCY: Office of Inspector General, Department of Housing and Urban Development.

ACTION: Notice of appointments.

SUMMARY: The Office of Inspector General of the Department of Housing and Urban Development (HUD) announces the appointments of Gretchen C. Schwarz of the Department of Education, James R. Ebbitt of the Department of Agriculture, and Edward J. Murphy, Jr., of the HUD Office of General Counsel, as members, and John J. Daly of the HUD Office of General Counsel and John W. Lainhart IV of the Department of Transportation as alternate members to the HUD Office of Inspector General Performance Review Board. The chairperson is to be elected from within the members. No members of the board are from the HUD Office of Inspector General. The address of the Board is: Department of Housing and Urban Development, Office of Inspector General, room 8254, Washington, DC, 20410–4500. These appointments do not affect the appointments to the Department's Performance Review Board as announced by the Secretary on May 7, 1992 (57 FR 19840).

FOR FURTHER INFORMATION CONTACT: Persons desiring any further information about the Performance Review Board and its members may contact Norm Phelps, Director, Office of Personnel and Training, Department of Housing and Urban Development, Washington, DC 20410, telephone (202) 708–2000. (This is not a toll free number.)

Authority: Section A, para. 1, 56 FR 52557 (Oct. 21, 1991.)

Dated: September 25, 1992.

John J. Connors,

Deputy Inspector General, Office of Inspector General, Department of Housing and Urban Development.

[FR Doc. 92–25069 Filed 10–15–92; 8:45 am]

BILLING CODE 4210–01–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Availability of a Draft Recovery Plan for the Virgin River Chub (Gila robusta seminuda) and Woundfin (Plagopterus argentissimus) for Review and Comment

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of document availability.

SUMMARY: The U.S. Fish and Wildlife Service (Service) announces the availability for public review of a draft Virgin River Fishes Recovery Plan covering the woundfin (*Plagopterus argentissimus*) and the Virgin River chub (*Gila robusta seminuda*). These fish occur in the Virgin River in Utah, Arizona, and Nevada. The Service solicits review and comment from the public on this draft recovery plan.

DATES: Comments on the draft recovery plan must be received on or before December 15, 1992, to receive consideration by the Service.

ADDRESSES: Persons wishing to review the draft recovery plan may obtain a copy by contacting the Field Supervisor, Fish and Wildlife Enhancement, U.S. Fish and Wildlife Service, 2060 Administration Building, 1745 West 1700 South, Salt Lake City, Utah 84104. Written comments and materials regarding this draft recovery plan should be sent to the Field Supervisor a the Salt Lake City address given above. Comments and materials received are available on request for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Henry Maddux, Biologist, (see **ADDRESSES** above) at telephone (801) 524–5630.

SUPPLEMENTARY INFORMATION:

Background

Restoring an endangered or threatened animal or plant to the point where it is again a secure, self-sustaining member of its ecosystem is a primary goal of the Fish and Wildlife Service's (Service) endangered species program. To help guide the recovery effort, the Service is working to prepare recovery plans for most of the listed species native to the United States. Recovery plans describe actions considered necessary for conservation of the species, establish criteria for the recovery levels for downlisting or delisting them, and estimate time and cost for implementing the recovery measures needed.

The Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*), requires the development of recovery plans for listed species unless such a plan would not promote the conservation of a particular species. Section 4(f) of the Act, as amended in

1988, requires that public notice and an opportunity for public review and comment be provided during recovery plan development. The Service will consider all information presented during a public comment period prior to approval of each new or revised recovery plan. The Service and other Federal Agencies also will take these comments into account in the course of implementing approved recovery plans.

The Woundfin (*Plagopterus argentissimus*) is a small minnow, rarely more than about 3 inches in length, with morphologic adaptations to the swift, shallow, sand-bottomed stream it inhabits. The Virgin River chub (*Gila robusta seminuda*) is a medium-sized minnow of about 8 inches in length, which prefers deep pools along the Virgin River. Both species occur in the Virgin River in Utah, Arizona, and Nevada. While Virgin River chub historically occurred only in the Virgin River, the woundfin once occurred in various rivers in Arizona in portions of the Salt, Verde, Gila, and Colorado Rivers, in addition to the Virgin River.

The Woundfin was listed under the Act as an endangered species on October 13, 1970 (35 FR 16047), and the Virgin River chub was listed as an endangered species on August 24, 1989 (54 FR 35305). These species are considered endangered primarily due to extensive modifications to their habitat from construction of dams and reservoirs and from irrigation diversions. Such activities have destroyed habitats utilized by these species, blocked the species movements, altered water flows, and caused direct mortality to these species due to dewatering of the stream. This habitat alteration has been exacerbated by the introduction of nonnative fish, in particular the red shiner, which is also a major factor contributing to these species decline.

A recovery plan for the woundfin was originally prepared in July 1979 and revised on March 1, 1985. With the listing of the Virgin River chub, the recovery plan is again being revised to incorporate recovery of the Virgin River chub and is being renamed as the Virgin River Fishes Recovery Plan. Recovery efforts for these two species primarily cover protection and restoration of their habitat through maintaining appropriate water flows and eliminating the introduced red shiner. Reintroduction of these species is also planned once the habitat is protected and restored. Recovery will also be accomplished through an artificial propagation program to support reintroduction and through obtaining additional information on these species biology and ecology.

Public Comments Solicited

The Service solicits written comments on the recovery plan described. All comments received by the date specified in the DATES section above will be considered prior to approval of the recovery plan.

Authority

The authority for this action is section 4(f) of the Endangered Species Act, 16 U.S.C. 1533(f).

Dated: October 7, 1992.

Ralph O. Morgenweck,

Regional Director.

[FR Doc. 92-25128 Filed 10-15-92; 8:45 am]

BILLING CODE 4310-55-M

Receipt of Applications for Permit

The following applicants have applied for a permit to conduct certain activities with endangered species. This notice is provided pursuant to section 10(c) of the Endangered Species Act of 1973, *as amended* (16 U.S.C. 1531, *et seq.*):

PRT-771750

Applicant: New York Zoological Society, Bronx, NY.

The applicant requests a permit to export blood samples collected from 250 radiated tortoises (*Geochelone radiata*) which are either captive-born or removed from the wild but being held in captivity in the U.S. Samples will be used in genetic studies at the University of Kent, Canterbury, Great Britain.

PRT-772443

Applicant: N.E.W. Zoo, Green Bay, WI.

The applicant requests a permit to purchase in interstate commerce one Galapagos tortoise (*Geochelone elephantopus*) from Life Fellowship Bird Sanctuary, Seffner, Florida, for enhancement of survival of the species through educational display.

PRT-772857

Applicant: Zoological Society of San Diego, San Diego, CA.

The applicant requests a permit to import three captive-hatched male and two captive-hatched female Fiji-banded iguanas (*Brachylophus fasciatus*) from the Taronga Zoo, Mosman, Australia for captive breeding.

PRT-772856

Applicant: Zoological Society of San Diego, San Diego, CA.

The applicant requests a permit to export two captive-hatched male and two captive-hatched female Fiji-banded iguanas (*Brachylophys fasciatus*) to the Taronga Zoo, Mosman, Australia for captive breeding.

PRT-772588

Applicant: International Crane Foundation, Baraboo, WI.

The applicant requests a permit to import one male captive-hatched Black-necked crane (*Grus nigricollis*) from Vogelpark Walsrode Zoo, Walsrode, Germany, for the enhancement of propagation or survival of the species.

PRT-772589

Applicant: International Crane Foundation, Baraboo, WI.

The applicant requests a permit to import two male captive-hatched Siberian White Cranes (*Grus leucogeranus*) from Vogelpark Walsrode Zoo, Walsrode, Germany, for the enhancement of propagation or survival of the species.

Written data or comments should be submitted to the Director, U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, room 432, Arlington, Virginia 22203 and must be received by the Director within 30 days of the date of this publication.

Documents and other information submitted with these applications are available for review by any party who submits a written request for a copy of such documents to, or by appointment during normal business hours (7:45-4:15) in, the following office within 30 days of the date of publication of this notice: U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, room 432, Arlington, Virginia 22203. Phone: (703/358-2104); FAX: (703/358-2281).

Dated: October 9, 1992.

Susan Jacobsen,

Acting Chief, Branch of Permits, Office of Management Authority.

[FR Doc. 92-25067 Filed 10-15-92; 8:45 am]

BILLING CODE 4310-55-M

Public Meeting and Extending the Public Comment Period on the Selkirk Mountains Woodland Caribou (Rangifer tarandus caribou) Revised Recovery Plan

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of public meeting and extending time period for public comment.

SUMMARY: The U.S. Fish and Wildlife Service (Service), pursuant to the

Endangered Species Act of 1973, as amended (Act), gives notice that a public meeting will be held on the Revised Selkirk Mountains Woodland Caribou Recovery Plan, and that the comment period has been extended to December 10, 1992. The public meeting and extension of the comment period will allow all interested parties to submit written comments on the proposal. The notice of document availability for the Selkirk Mountains Woodland Caribou Recovery Plan was published on June 10, 1992 (57 FR 24652).

DATES: The comment period on the recovery plan is reopened and extended until December 10, 1992. The public meeting will be held from 2 to 4 p.m. and from 7 to 9 p.m. on November 10, 1992, in Bonners Ferry, Idaho.

ADDRESSES: Persons wishing to review the draft revised recovery plan may obtain a copy by contacting the Assistant Regional Director, Fish and Wildlife Enhancement, U.S. Fish and Wildlife Service, Eastside Federal Complex, 911 N.E. 11th Avenue, Portland, Oregon 97232–4181 or 503/231–6131. The public meeting will be held at the old Bonners Ferry High School auditorium located on Oak Street in Bonners Ferry, Idaho. Written comments and materials concerning the recovery plan should be sent to the above address. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Charles H. Lobdell, Boise Field Office, 4696 Overland Road, Room 576, Boise, Idaho at 208/334–1931.

SUPPLEMENTARY INFORMATION:

Background

Restoring endangered or threatened animals and plants to the point where they are again secure, self-sustaining members of their ecosystems is a primary goal of the Service's endangered species program. To help guide the recovery effort, the Service prepares recovery plans for most of the listed species native to the United States. Recovery plans describe actions considered necessary for conservation of the species, establish criteria for the recovery levels for downlisting or delisting them, and estimate time and cost for implementing the recovery measures needed.

The Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.) (Act) requires the development of recovery plans for listed species. Section 4(f) of the Act, as amended in 1988, requires that public notice and an opportunity for public review and comment be provided during recovery plan development. The Service will consider all information presented during the public comment period prior to approval of each new or revised recovery plan. The Service and other Federal agencies will also take these comments into account in the course of implementing approved recovery plans.

The Selkirk Mountains woodland caribou lives in old growth forest types above 4,000 feet elevation in the Selkirk Mountains of northern Idaho and northwestern Washington. The species faces extinction due to human caused mortality and habitat deterioration. The woodland caribou, which weighs 200 to 400 pounds, is not quite 4-feet tall at the shoulder, and is the only member of the deer family able to travel when snow reaches the depth it does in the Selkirks. Large hooves and long dewclaws aid stability where footing is treacherous. These natural snowshoes keep caribou from sinking into all but the loosest snow. To survive, caribou have evolved behaviors, such as staying in dense cedar-hemlock stands during early winter where the forest canopy slows the accumulation of deep snow and some green browse is available. Later in the season, as the snow hardens and supports their weight, caribou leave the lower elevation forests for open ridges above. There they walk on top of the snow to reach arboreal lichen (old men's beard) hanging from tree branches high above the forest floor. They have, over time, come to depend on this mossy-looking plant for food to get through the winter.

The revised recovery plan resulted from a year-long effort by scientists from State and Federal agencies and the University of Idaho. It calls for reducing human-caused mortality by preventing poaching and misidentification by hunters; and maintaining habitat by reducing fire and insect impacts to forest habitat and through better management of timber harvesting. Once finished, the plan will guide the actions of all Federal and State agencies whose actions affect the conservation of this species. The ultimate goal is to restore the species to a secure status in its native ecosystem.

The Service has scheduled a public meeting to present information and receive comments on the revised recovery plan on the Selkirk Mountains woodland caribou on November 10, 1992, from 2 to 4 p.m. and from 7 to 9 p.m. at the old Bonners Ferry High School auditorium located on Oak Street in Bonners Ferry, Idaho. Parties wishing to make a statement should bring a written copy of their statement to the meeting. Oral questions and statements will be accepted, but may be limited in length if the number of parties present at the meeting necessitates such a limitation. There are, however, no limits to the length of written comments which may be presented at the public meeting or mailed to the Service. Written comments should be submitted to the Service on or before December 10, 1992, to the ADDRESS given above.

Author

The primary author of this notice is Mr. Richard P. Howard, U.S. Fish and Wildlife Service, Boise Field Office, 7696 Overland Rd., Room 576, Boise, Idaho 83705.

Authority: The authority for this action is section 4(f) of the Endangered Species Act, 16 U.S.C. 1533(f).

Dated: September 28, 1992.

Marvin L. Plenert,

Regional Director, Region 1, U.S. Fish and Wildlife Service.

[FR Doc. 92–25176 Filed 10–15–92; 8:45 am]

BILLING CODE 4310–55–M

Meeting: Klamath River Basin Fisheries Task Force

AGENCY: Fish and Wildlife Service, Department of the Interior.

ACTION: Notice of meeting.

SUMMARY: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App. I), this notice announces a meeting of the Klamath River Basin Fisheries Task Force, established under the authority of the Klamath River Basin Fishery Resource Restoration Act (16 U.S.C. 460ss et seq.). The meeting is open to the public.

DATES: The Klamath River Basin Fisheries Task Force will meet from 9 a.m. to 5 p.m. on Wednesday and Thursday, November 4 and 5, 1992.

PLACE: The meeting will be held at the Siskiyou County Museum conference room, 910 South Main Street, Yreka, California.

FOR FURTHER INFORMATION CONTACT: Dr. Ronald A. Iverson, Project Leader, U.S. Fish and Wildlife Service, P.O. Box 1006, Yreka, California 96097–1006, telephone (916) 842–5763.

SUPPLEMENTARY INFORMATION: For background information on the Task Force, please refer to the notice of their initial meeting that appeared in the **Federal Register** on July 8, 1987 (52 FR 25639). In its 2-day meeting, the Klamath River Basin Fisheries Task Force will discuss their long range plan amendment document which includes

issue and problem statements regarding water quality, quantity, land use, and the state of the aquatic resource in the upper Klamath Basin, above Iron Gate Dam. Public testimony will be accepted each day in the morning and afternoon sessions. Representatives from the U.S. Bureau of Reclamation and the Klamath River Compact will describe consumptive use and flow releases in the mainstem Klamath River below Iron Gate Dam for the 1992 irrigation season, and will answer questions from the Task Force regarding the 1993 irrigation season. In addition, the Task Force will hear reports from ad hoc committees on internal matters such as the role of the U.S. Fish and Wildlife Service staff office; the development of technical comments for the Water Quality Control Plan for the North Coast Region and for the proposed 1993 suction dredge mining regulations; financial compensation for technical work group members; coordination of the three Klamath Basin Federal advisory committees. The Task Force will discuss the existing timber harvest rules packages as administered by the California Department of Forestry, and will hear an annul report from U.S. Fish and Wildlife Service staff on the state of the restoration program. Actions should include a Task Force decision on how to proceed with the long range plan amendment document; what to provide by way of comment to the State of California agencies responsible for water quality and mining regulations; how to include county Fish and Game Commissions in the restoration program. The Task Force will also schedule a future meeting date and identify future agenda items.

Dated: October 9, 1992.

Marvin L. Plenert,

Regional Director, U.S. Fish and Wildlife Service.

[FR Doc. 92-25129 Filed 10-15-92; 8:45 am]

BILLING CODE 4310-55-M

Bureau of Reclamation

Quarterly Status Tabulation of Water Service and Repayment Contract Negotiations

AGENCY: Bureau of Reclamation (Reclamation), Interior.

ACTION: Notice.

SUMMARY: Notice is hereby given of proposed contractual actions pending through December 1992. This notice is one of a variety of means being used to inform the public about proposed contractual actions for water service and repayment. The Reclamation announcements of individual repayment and water service contract actions will be published in the **Federal Register** and in newspapers of general circulation in the areas determined by Reclamation to be affected by the proposed action. Announcements may be in the form of news releases, legal notices, official letters, memorandums, or other forms of written material. Meetings, workshops, and/or hearings may also be used, as appropriate, to provide local publicity. These public participation procedures do not apply to proposed contracts for the sale of surplus or interim irrigation water for a term of 1 year or less. Either of the contracting parties may invite the public to observe any contact proceedings. All public participation procedures will be coordinated with those involved in complying with the National Environmental Policy Act.

ADDRESSES: The identity of the approving officer and other information pertaining to a specific contract proposal may be obtained by calling or writing the appropriate regional office at the address and telephone numbers given for each region in the supplementary information.

FOR FURTHER INFORMATION CONTACT: Dick L. Porter, Chief, Contracts and Repayment Division, Bureau of Reclamation, 1849 C St. NW., Washington, DC 20240; telephone 202-208-3014.

SUPPLEMENTARY INFORMATION: Pursuant to section 226 of the Reclamation Reform Act of 1982 (96 Stat. 1273) and 43 CFR 426.20 of the rules and regulations published in 48 FR 54785, December 6, 1983, Reclamation will publish notice of proposed or amendatory repayment contract actions for any contract for the delivery of water for irrigation or other uses in newspapers of general circulation in the affected area at least 60 days prior to contract execution. Pursuant to the "Final Reviewed Public Participation Procedures" for water service and repayment contract negotiations, published in 47 FR 7763, February 22, 1982, a tabulation is provided below of all proposed contractual actions in each of the five Reclamation regions. Each proposed action listed is, or is expected to be, in some stage of the contract negotiation process during October, November, or December of 1992. When contract negotiations are completed, and prior to execution, each proposed contract form must be approved by the Secretary, or pursuant to delegated or redelegated authority, the Commissioner of Reclamation or one of the Regional Directors. In some instances, congressional review and approval of a report, water rate, or other terms and conditions of the contract may be involved.

Public participation in and receipt of comments on contract proposals will be facilitated by adherence to the following procedures:

1. Only persons authorized to act on behalf of the contracting entities may negotiate the terms and conditions of a specific contract proposal.

2. Advance notice of meetings or hearings will be furnished to those parties that have made a timely written request for such notice to the appropriate regional or project office of Reclamation.

3. Written correspondence regarding proposed contracts may be made available to the general public pursuant to the terms and procedures of the Freedom of Information Act (80 Stat. 383), as amended.

4. Written comments on a proposed contract or contract action must be submitted to the appropriate Reclamation officials at the locations and within the time limits set forth in the advance public notices.

5. All written comments received and testimony presented at any public hearings will be reviewed and summarized by the appropriate regional office for use by the contract approving authority.

6. Copies of specific proposed contracts may be obtained from the appropriate Regional Director or his designated public contract as they become available for review and comment.

7. In the event modifications are made in the form of a proposed contract, the appropriate Regional Director shall determine whether republication of the notice and/or extension of the comment period is necessary.

Factors considered in making such a determination shall include, but are not limited to: (i) The significance of the modification, and (ii) the degree of public interest which has been expressed over the course of the negotiations. As a minimum, the Regional Director shall furnish revised contracts to all parties who requested the contract in response to the initial public notice.

Acronym Definitions Used Herein

(BCP) Boulder Canyon Project
(CAP) Central Arizona Project
(CUP) Central Utah Project
(CVP) Central Valley Project
(CRSP) Colorado River Storage Project
(D&MC) Drainage and Minor Construction
(FR) Federal Register
(IDD) Irrigation and Drainage District

(ID) Irrigation District
(M&I) Municipal and Industrial
(O&M) Operation and Maintenance
(P–SMBP) Pick-Sloan Missouri Basin Program
(Pub. L.) Public Law
(R&B) Rehabilitation and Betterment
(SRPA) Small Reclamation Project Act
(WCUA) Water Conservation and Utilization Act
(WD) Water District

Pacific Northwest Region

Bureau of Reclamation, 550 West Fort Street, Box 043, Boise, Idaho 83724–0043, telephone 208–334–1894.

1. Cascade Reservoir Water Users, Boise Project, Idaho: Repayment contracts for irrigation and M&I water; 19,201 acre-feet of stored water in Cascade Reservoir.

2. Individual Irrigators, M&I, and Miscellaneous Water Users: Columbia Basin, Minidoka, Umatilla, and Crooked River Projects; Idaho, Montana, Oregon, and Washington: Temporary (interim) repayment and water service contracts for surplus project water for irrigation or M&I use to provide up to 10,000 acre-feet of water annually for terms up to 5 years; long-term contracts for similar service for up to 1,000 acre-feet of water annually.

3. Rogue River Basin Water Users, Rogue River Basin Project, Oregon: Water service contracts; $5 per acre-foot or $50 minimum per annum for terms up to 40 years.

4. Willamette Basin Water Users, Willamette Basin Project, Oregon: Water services contracts; $1.50 per acre-foot or $50 minimum per annum for terms up to 40 years.

5. New Dry Creek Ditch Company, Ltd., Boise Project, Idaho; North Unit ID, Deschutes Project, Oregon: American Falls Reservoir District Number 2, Burgess Canal Company, Clark and Edwards Canal and Irrigation Company, Craig-Mattson Canal Company, Danskin Ditch Company, Enterprise Canal Company, Ltd., Farmers Friend Irrigation Company, Ltd., Lenroot Canal Company, Liberty Park Canal Company, Long Island Irrigation Company, Parks and Lewisville Irrigation Company, Ltd., Parson Ditch Company, Peoples Canal and Irrigation Company, Poplar ID, Rigby Canal and Irrigating Company, Rudy Irrigation Canal Company, Ltd., Wearyrick Ditch Company, all in the Minidoka Project, Idaho; Juniper Flat ID, Wapinitia Project, Oregon; Roza ID, Yakima Project, Washington: Amendatory repayment and water service contracts; purpose is to conform to the Reclamation Reform Act of 1982 (Pub. L. 97–293).

6. Forty-four Palisades Reservoir Shareholders, Minidoka Project, Idaho-Wyoming: Contract amendments to extend term for which contract water may be subleased to other parties.

7. City of Cle Elum, Yakima Project, Washington: Amendatory or replacement M&I water service contract: 2,200 acre-feet (1,350 gallons per minute) annually for a term of up to 40 years.

8. Baker Valley ID, Baker Project, Oregon: Irrigation water service contract on a surplus interruptible basis to serve up to 13,000 acres; sale of excess capacity in Mason Reservoir (Phillips Lake) for a term of up to 40 years.

9. Crooked River Project, Oregon: Irrigation repayment or water service contracts with several individuals, with the Ochoco Irrigation District, and with North Unit Irrigation District for a total of up to 25,000 acre-feet of storage space in Prineville Reservoir (Arthur R. Bowman Dam).

10. Palisades Water Users, Inc., Minidoka-Palisades Project, Idaho: Repayment contract for additional 500 acre-feet of storage space in Palisades Reservoir.

11. Willow Creek Water Users, Willow Creek Project, Oregon: Repayment or water service contracts for a total of up to 3,500 acre-feet of storage space in Willow Creek Reservoir.

12. Five Project Spaceholders, Minidoka-Palisades Project, Idaho-Wyoming: Contract amendments to provide for rental of water to third parties.

13. Bridgeport ID, Bridgeport, Washington: Warren Act contract for the use of an irrigation outlet in Chief Joseph Dam.

14. Hermiston ID, Umatilla Project, Oregon: Repayment contract for reimbursable cost of dam safety repairs to Cold Springs Dam.

15. Ochoco ID and Various Individual Spaceholders, Crooked River Project, Oregon: Repayment contract for reimbursable cost of dam safety repairs to Arthur R. Bowman and Ochoco Dams.

16. The Dalles ID, The Dalles Project, Oregon: SRPA loan repayment contract: $2,000,000 proposed loan obligation.

17. Oroville-Tonasket ID, Chief Joseph Dam Project, Washington: SRPA loan repayment contract; $661,500 proposed loan obligation.

18. State of Idaho, Payette Division of the Boise Project, Idaho: Proposed repayment contracts with the State of Idaho for the sale of uncontracted space in Cascade and Deadwood Reservoirs.

19. Sidney Irrigation Cooperative, Willamette Basin Project, Oregon: Irrigation water service contract for approximately 2,300 acre-feet; $1.50 per acre-foot for a term of up to 40 years.

20. P.P.R.T. Water System, Inc., Idaho: Amendatory contract to defer the 1992 construction installments of a contract for a loan to construct facilities authorized pursuant to the Emergency Drought Act of 1977.

21. Douglas County, Oregon: SRPA loan repayment contract; proposed loan obligation of $20,715,760 and grant of $9,228,380.

22. Mitigation, Inc., Palisades/Ririe Projects, Idaho: Contract for storage space in Palisades and Ririe Reservoirs (18,900 and 80,500 acre-feet, respectively) pursuant to section 5(a) of the Fort Hall Indian Water Rights Act of 1990.

23. U.S. Fish and Wildlife Service, Boise Project, Idaho: Irrigation water service contract for the purchase of approximately 200 acre-feet of storage space annually in Anderson Ranch Reservoir for a 40-year period; water to be used on crops for wildlife mitigation purposes.

24. City of Madras, Deschutes Project, Oregon: Renewal of municipal water service contract for approximately 125 acre-feet per acre annually from the project water supply for a 40-year period; water to be used for lawn watering.

25. Willamette Basin water users, Willamette Basin Project, Oregon: Add language to form of water service contract to provide for periodic reviews, with adjustments made if necessary, to mitigate for adverse impact to natural resources.

26. Bitter Root ID, Bitter Root Project, Montana: Repayment contract for reimbursable cost of dam safety repairs to Como Dam.

27. Gem ID, Owyhee Project, Oregon-Idaho: Repayment contract for emergency drought loan for the reconstruction of a pumping plant utilizing funds appropriated by Pub. L. 102–27.

28. Vale ID, Vale Project, Oregon: Repayment contract for emergency drought loan for construction of water saving measures, including the replacement of open ditches with buried pipe, utilizing funds appropriated by Pub. L. 102–27.

Mid-Pacific Region

Bureau of Reclamation, 2800 Cottage Way, Sacramento, California 95825–1898, telephone 916–978–5030.

1. Tuolumne Regional WD, CVP, California: Water service contract for up to 9,000 acre-feet from New Melones Reservoir.

2. Irrigation water districts, individual irrigators, M&I and miscellaneous water users, California, Oregon, and Nevada: Temporary (interim) water service contracts for available project water for irrigation, M&I or fish and wildlife purposes providing up to 10,000 acre-feet of water annually for terms up to 5 years; temporary Warren Act contracts for use of project facilities for terms up to 1 year; long-term contracts for similar service for up to 1,000 acre-feet annually.

Note: Copies of the standard form of temporary water service contract for the various types of service are available, upon written request, from the Regional Director at the address shown above.

3. Friant Division Contractors, CVP, California: Renewal of existing long-term water service contracts with contractors on the Friant-Kern and Madera Canals or diverters from Millerton Reservoir; most contracts expire 1992–1997, two contracts expire later; water quantities in existing contracts range from 1,200 to 175,440 acre-feet.

4. Shasta Dam Area Public Utilities District, CVP, California: Renewal/Increase of M&I water supply contract; less than 6,000 acre-feet.

5. U.S. Fish and Wildlife Service, CVP, California: Long-term contract for approximately 150,000 acre-feet of CVP water for Federal refuges in the CVP service area.

6. Contra Costa WD, CVP, California: Amendatory water service contract to add the operation of the Los Vaqueros Project, including an additional point of delivery; the amendment will also conform the contract to current Reclamation policies, including the water ratesetting policy.

7. Centerville Community Services District, CVP, California: Water service contract for up to 800 acre-feet of M&I water annually.

8. Shasta County Water Agency, CVP, California: Amendatory water service contract to provide for reduction in annual entitlement of 800 acre-feet.

9. California Department of Corrections, CVP, California: Water service for up to 1,000 acre-feet of water annually to serve the Sierra Conservation Center (a State prison) near Jamestown, California.

10. Redwood Valley WD, SRPA, California: Amendatory loan repayment contract to restructure annual repayment schedule.

11. Sutter Butte Mutual Water Company, CVP, California: Water service contract for a long-term supplemental water supply to provide Company's water users an alternate water supply during periods of deficiency in their appropriative water rights; annual water quantity not determined at this time.

12. Butte Slough Irrigation Company, CVP, California: Water service contract for a long-term supplemental water supply to provide Company's water users an alternate water supply during periods of deficiency in their appropriative water rights; annual water quantity not determined at this time.

13. Madera ID, Hidden Unit, CVP, California: Renewal of existing water service contract for 24,000 acre-feet of water which expires February 28, 1993.

14. Chowchilla WD, Buchanan Unit, CVP, California: Renewal of existing water service contract for 24,000 acre-feet of water which expires February 28, 1993.

15. Truckee Carson ID, Newlands Project, Nevada: Contract for repayment of construction costs of Newlands Project.

16. San Luis WD, CVP, California: Amendatory water service contract to provide that the District pay full O&M rate for all deliveries resulting from the Azhderian Pumping Plant enlargement and the cost of service rate for such deliveries beginning in 1996 and each year thereafter.

17. Carmichael ID, CVP, California: Water service contract for a long-term supplemental water supply to provide District's water users an alternate water supply during periods of deficiency in their appropriative water rights; annual water quantity not determined at this time.

18. Delta Mendota Canal Contractors, CVP, California: Renewal of existing long-term water service contracts with contractors on the Delta-Mendota Canal whose contracts expire in 1994–2003; water quantities in existing contracts range from 70 to 50,000 acre-feet.

19. City of Redding, CVP, California: Amendment to Contract No. 14–06–200–5272A to add point of diversion on turnout, Spring Creek Power Conduit, to facilitate proposed water treatment plant for Buckeye service area.

20. U.S. Department of Veterans Affairs, CVP, California: Contract for M&I water proposes in support of the new San Joaquin Valley National Cemetery near Santa Nella, California.

21. Century Ranch Water Company, Inc., CVP, California: Long-term exchange contract for M&I, less than 100 acre-feet; Stony Creek Watershed above Black Butte Dam.

22. State of California, Department of Forestry, CVP, California: Water right exchange agreement, less than 100 acre-feet; above Black Butte Dam.

23. San Luis WD, CVP, California: Amendment to Contract No. 14–06–200–7758 to transfer lands and allocated share of CVP water supply to San Luis WD.

24. Romero WD, CVP, California: Amendment to Contract No. 14–06–200–7758 to transfer lands and allocated share of CVP water supply to San Luis WD.

25. IDs and similar water user entities, CVP, California: Amendatory water service contracts; to change the definition of "year" to conform to the standard CVP water year of March 1 through the end of February.

26. Sacramento River water rights settlement contractors, CVP, California: Contract amendment for assignment under voluntary land ownership transfers to provide for the current CVP water rates and update standard contract articles.

27. City of Tracy, CVP, California: Amend water service Contract No. 14–06–200–7858A to reallocate up to 13,300 acre-feet from Mercy Springs WD, Contract No. 14–06–200–3365A, to City of Tracy and terminate the Mercy Springs WD contract.

28. Sierra Pacific Power Company and Pyramid Lake Tribe, Washoe and Truckee-Storage Projects, Nevada and California: Interim contract, authorized under Pub. L. 101–618, to convey and/or store non-project water.

29. Naval Air Station and Truckee Carson ID, Newlands Project, Nevada: Amend water service Agreement No. 14–06–400–1024 for the use of project water on Naval Air Station land.

30. Del Puerto WD, CVP, California: Amend water service Contract No. 14–06–200–922 to include M&I use.

31. El Dorado County Water Agency, San Juan Suburban WD, and Sacramento County Water Agency, CVP, California: M&I water service contract to supplement existing water supply: 15,000 acre-feet for El Dorado County Water Agency, 13,000 acre-feet for San Juan Suburban WD, and 22,000 acre-feet for Sacramento County Water Agency.

32. Non-Federal entity, CVP, California: Cost-sharing agreement with a yet to be determined non-Federal entity for the Folsom Dam and Reservoir reoperation.

33. Central Coast Water Authority, Cachuma Project, California: Long-term 40 year Warren Act contract for use of Cachuma Project facilities when excess capacity exists. A total of 13,750 acre-feet of water per year from the California State Water Project will be made available under a Warren Act

contract to users along the South Coast of California.

34. Pershing County Water Conservation District, Humboldt Project, Nevada: Safety of Dams repayment contract for modification of Rye Patch Dam; reimbursable obligation of the District approximately $750,000.

35. California Department of Fish and Game, CVP, California: Renewal of existing long-term agreement for furnishing water for fish hatchery purposes.

36. City of Tracy, CVP, California: Amend water service Contract No. 14–06–200–7858A to reallocate up to 2,990 acre-feet from Widren WD, Contract No. 14–06–200–8018, to City of Tracy and terminate the Widren WD contract.

37. Sierra Pacific Power Company, Washoe Project, Nevada and California: Long-term Warren Act contract for use of Federal reservoirs.

38. Corning Canal, Tehama-Colusa Canal, and Cross Valley Canal Water Users; CVP; California: Renewal of existing long-term water service contracts with contractors on the Canals, whose contracts expire in 1995; water quantities in existing contracts range from 400 to 62,200 acre-feet.

39. Bella Vista WD, CVP, California: Renewal of existing long-term water service contract which expires December 31, 1994; water quantity in existing contract is 24,000 acre-feet.

40. Clear Creek Community Services District, CVP, California: Renewal of existing long-term water service contract which expires December 31, 1994; water quantity in existing contract is 15,300 acre-feet.

Lower Colorado Region

Bureau of Reclamation, P.O. Box 61470 (Nevada Highway and Park Street), Boulder City, Nevada 89006–1470, telephone 702–293–8536.

1. Agricultural and M&I water users, CAP, Arizona: Water service subcontracts for percentages of available supply for irrigation entities and up to 640,000 acre-feet per year for M&I use.

2. Southern Arizona Water Rights Settlement Act: Sale of up to 28,200 acre-feet per year of municipal effluent to the City of Tucson, Arizona.

3. Milton and Jean Phillips, Kenneth or Ann Easterday, Robert E. Harp, Cameron Brothers Construction Co., Ogram Farms, Bruce Church, Inc., Stephen Sturges; Sunkist Growers, Inc., Clayton Farms, BCP, Arizona: Water service contracts, as recommended by Arizona Department of Water Resources, with agricultural entities located near the Colorado River for up to an additional 20,424 acre-feet per year total.

4. Arizona State Land Department, State of Arizona, BCP, Arizona: Contract for 6,292 acre-feet per year of Colorado River water for agricultural use and related purposes on State-owned land.

5. Gila River Indian Community, CAP, Arizona: Water service contract for delivery of up to 173,100 acre-feet per year.

6. Armon Curtis, Arlin Dulin, Jacy Rayner, Glen Curtis, Jamar Produce Corporation, and Ansel T. Hall, BCP, Arizona: Water service contracts; purpose is to amend their contracts to exempt them from the Reclamation Reform Act of 1982 (Pub. L. 97–293).

7. Indian and non-Indian agricultural and M&I water users, CAP, Arizona: New and amendatory contracts for repayment of Federal expenditures for construction of distribution systems.

8. Imperial ID, Lower Colorado Water Supply Project, California: Contract providing for O&M of the project well field.

9. Lower Colorado Water Supply Project, California: Water service and repayment contracts with nonagricultural users in California adjacent to the Colorado River for an aggregate consumptive use of up to 10,000 acre-feet of Colorado River water per year in exchange for an equivalent amount of water to be pumped into the All-American Canal from a well field to be constructed adjacent to the canal.

10. County of San Bernardino, SRPA, California: Repayment contract for a $29.6 million loan.

11. Tohono O'odham Nation, SRPA, Arizona: Repayment contract for a $7.3 million loan for the Schuk Toak District.

12. Bullhead City, Consolidated Water Co., Lake Havasu City, Havasu Water Co., Quartzsite, McAllister Subdivision, City of Parker, Marble Canyon, and Arizona State Land Department, BCP, Arizona: Contracts for additional M&I allocations of Colorado River water to entities located along the Colorado River in Arizona for up to 15,146 acre-feet per year as recommended by the Arizona Department of Water Resources.

13. National Park Service for Lake Mead National Recreation Area, Supreme Court Decree in *Arizona* v. *California*, and BCP in Arizona and Nevada: Memorandum of Understanding for delivery of Colorado River water for the National Park Service's Federal Establishment present perfected right of 500 acre-feet of diversions annually, and the National Park Service's Federal Establishment perfected right pursuant to Executive Order No. 5125 (April 25, 1930).

14. Imperial ID and/or The Metropolitan WD of Southern California, BCP, California: Construction and funding contract to conserve water along a portion of the All-American Canal in accordance with Title II of the All-American Canal Lining Act, dated January 25, 1988.

15. Coachella Valley WD and/or The Metropolitan WD of Southern California, BCP, California: Construction and funding contract to conserve water along a portion of the Coachella Branch of the All-American Canal in accordance with Title II of the All-American Lining Act, dated January 25, 1988.

16. Elsinore Valley Municipal WD, SRPA, California: Repayment contract for a $22.3 million loan.

17. Mohave Valley ID, BCP, Arizona: Amendment of current contract for additional Colorado River water, change in service areas, diversion points, and RRA exemption.

18. Miscellaneous present perfected rights entitlement holders, BCP, Arizona and California. Contracts for entitlements of Colorado River water as decreed by the U.S. Supreme Court in *Arizona* v. *California*, as supplemented or amended, and as required by section 5 of the BCP. Miscellaneous present perfected rights holders are listed in the *Arizona* v. *California* settlement.

19. Federal Establishment present perfected rights entitlement holders: Individual contracts for administration of Colorado River water entitlements of the Colorado River, Fort Mojave, Quechan, and Cocopah Indian Tribes.

20. Yuma County Water Users' Association, Yuma Project, Arizona: Contract to enable the Association to administer non-irrigation water within its service area.

21. Havasu Water Company, Lower Colorado Water Supply Project, California: Temporary contract to convert a test well to a production well for no more than 200 acre-feet of Project water.

22. City of Yuma, BCP, Arizona: Contract amendment to add additional points of diversion.

23. Fort McDowell Indian Community, SRPA, Arizona: Repayment contract for a $13 million loan.

24. Imperial ID and The Metropolitan WD of Southern California, BCP, California: Temporary contract to store approximately 200,000 acre-feet of water that is expected to be saved over a 2-year period under a test water conservation program that involves land fallowing and a modified irrigation plan for alfalfa.

25. Crystal Beach Water Conservation District, BCP, Arizona: Water service contract for delivery of 132 acre-feet per year of Colorado River water for domestic use, as recommended by the Arizona Department of Water Resources.

26. Southern Nevada Water Authority. BCP, Nevada: Assignment of a portion of the Colorado River Commission's entitlement to the Southern Nevada Water Authority.

27. HoHoKam ID; Central Arizona Water Conservation District; and the Cities of Chandler, Glendale, Mesa, Phoenix, Scottsdale, and Tempe; CAP; Arizona: Agreement to provide the cities with Cliff Dam replacement water and discontinue use of HoHoKam ID distribution system.

Upper Colorado Region

Bureau of Reclamation, P.O. Box 11568, (125 South State Street), Salt Lake City, Utah 84147, telephone 801–524–5435.

1. Individual irrigators, M&I, and miscellaneous water users, Utah, Wyoming, Colorado, and New Mexico: Temporary (interim) water service contracts for surplus project water for irrigation or M&I use to provide up to 10,000 acre-feet of water annually for terms up to 5 years; long-term contracts for similar service for up to 1,000 acre-feet of water annually.

(a) The Benevolent and Protective Order of the Elks, Lodge No. 1747, Farmington, New Mexico: Navajo Reservoir water service contract; 20 acre-feet per year for municipal use; contract term for 40 years from execution.

2. Southern Ute Indian Tribe, Animas-La Plata Project, Colorado: Repayment contract for 26,500 acre-feet per year for M&I use and 2,600 acre-feet per year for irrigation use in Phase One and 700 acre-feet in Phase Two; contract terms to be consistent with binding cost sharing agreement and water rights settlement agreement.

3. Ute Mountain Ute Tribe, Animas-La Plata Project, Colorado and New Mexico: Repayment contract; 6,000 acre-feet per year for M&I use in Colorado; 26,400 acre-feet per year for irrigation use in Colorado; 900 acre-feet per year for irrigation use in New Mexico; contract terms to be consistent with binding cost sharing agreement and water rights settlement agreement.

4. Navajo Indian Tribe, Animas-La Plata Project, New Mexico: Repayment contract for 7,600 acre-feet per year for M&I use.

5. La Plata Conservancy District, Animas-La Plata Project, New Mexico: Repayment contract for 9,900 acre-feet per year for irrigation use.

6. Uintah Water Conservancy District, Jensen Unit, CUP, Utah: Amendatory repayment contract to reduce M&I water supply and corresponding repayment obligation.

7. Vermejo Conservancy District, Vermejo Project, New Mexico: Amendatory contract to relieve the district of further repayment obligation, presently exceeding $2 million, pursuant to Pub. L. 96–550.

8. Weber Basin Water Conservancy District, Weber Basin Project, Utah: Repayment contract for R&B work on selected project facilities.

9. San Juan Pueblo, San Juan-Chama Project, New Mexico: Repayment contract for up to 2,000 acre-feet of project water for irrigation purposes.

10. City of El Paso, Rio Grande Project, Texas and New Mexico: Amendment to the 1941 and 1962 contracts to expand acreage owned by the City to 3,000 acres; extend terms of water rights assignments from 25 years to 75 years; and allow assignments outside City limits under authority of the Public Service Board.

11. Mancos Water Conservancy District, Mancos Project, Colorado: Amendatory contract to remove contract restrictions that prevent the Mancos Water Conservancy District from developing hydropower on the Mancos Project.

12. James A. and Sandra J. Sratman, Blue Mesa Reservoir, Wayne N. Aspinall Unit, CRSP, Colorado: Water service contract for domestic use of 1 acre-foot for 40 years.

13. Uintah Water Conservancy District, Vernal Unit, CUP, Utah: Repayment contract under safety of dams program for the repair of Steinaker Dam.

14. The National Park Service, Bureau of Land Management, Colorado Water Conservation Board, Wayne N. Aspinall Unit, CRSP, Colorado: Contract for between 180,000 to 740,000 acre-feet of project water to provide specific river flow patterns in the Gunnison River through the Black Canyon of the Gunnison National Monument.

15. Upper Gunnison River Water Conservancy District, Wayne N. Aspinall Unit, CRSP, Colorado: Water service contract for 500 acre-feet of 1 year for municipal and domestic use.

16. Upper Gunnison River Water Conservancy District, Wayne N. Aspinall Unit, CRSP, Colorado: Substitute supply plan for the administration of the Gunnison River.

17. Collbran Conservancy District, Collbran Project, Colorado: Amendatory contract defining priority of use of project water.

18. Department of Energy, Los Alamos, San Juan-Chama Project, New Mexico: Amendment to water service contract to increase Department of Energy allowance for O&M costs.

19. U.S. Fish and Wildlife Service, North Fork Water Conservancy District, Paonia Project, Colorado: Contract for releases to support endangered fish in the Gunnison and Colorado Rivers; water available for releases will come from reserve capacity held by Reclamation as a sediment pool, estimated to be 1,800 acre-feet annually; contract will define the terms and conditions associated with delivery of this water.

20. Rio Grande Water Conservation District, Closed Basin Division, San Luis Valley Project, Colorado: Water service contract for furnishing priority 4 water to third parties; contract will allow District to market priority water, when available, for agricultural, municipal and/or industrial use.

21. Bridger Valley Water Conservancy District, Lyman Project, Wyoming: Repayment contract under safety of dams program for the repair of Meeks Cabin Dam.

Great Plains Region

Bureau of Reclamation, P.O. Box 36900, Federal Building, 316 North 26th Street, Billings, Montana 59107–6900, telephone 406–657–6413.

1. Individual irrigators, M&I, and miscellaneous water users, Great Plains Region: Montana, Wyoming, North Dakota, South Dakota, Colorado, Kansas, Nebraska, Oklahoma, and Texas: Temporary (interim) water service contract for surplus project water for irrigation or M&I use to provide up to 10,000 acre-feet of water annually for terms up to 5-years; long-term contracts for similar service for up to 1,000 acre-feet of water annually.

2. Fort Shaw ID, Sun River Project, Montana: R&B loan repayment contract; up to $1.5 million.

3. Green Mountain Reservoir, Colorado-Big Thompson Project, Colorado: Water service contracts; contract negotiations for sale of water from the marketable yield to water users within the Colorado River Basin of Western Colorado.

4. Ruedi Reservoir, Fryingpan-Arkansas Project, Colorado: Water service contracts; proposed second round contract negotiations for sale of agricultural, municipal, domestic, and industrial water from the regulatory capacity of Ruedi Reservoir.

5. Cedar Bluff ID No. 6, Cedar Bluff Unit, P–SMBP, Kansas: Contingent upon passage of authorizing legislation, terminate the Cedar Bluff Irrigation District's repayment contract; use of the District's portion of the reservoir storage capacity will be sold to the State of Kansas for fish, wildlife, recreation, and other purposes.

6. Garrison Diversion Unit, P–SMBP, North Dakota: Renegotiation of the master repayment contract with Garrison Diversion Conservancy District to conform with the Garrison Diversion Unit Reformulation Act of 1986; negotiation of repayment contracts with irrigators and M&I users.

7. Corn Creek ID, Glendo Unit, P–SMBP, Wyoming: Repayment contract for 10,350 acre-feet of supplemental irrigation water from Glendo Reservoir.

8. East Bench ID, East Bench Unit, P–SMBP, Montana: D&MC contract for $300,000 for minor construction work over a 10-year period.

9. Foss Reservoir Master Conservancy District, Washita Basin Project, Oklahoma: Amendatory repayment contract for remedial work.

10. Arbuckle Master Conservancy District, Arbuckle Project, Oklahoma: Contract for the repayment of costs of the construction of the Sulphur, Oklahoma, pipeline and pumping plant (if constructed).

11. Chinook Water Users Association, Milk River Project, Montana: SRPA contract for loan of up to $6,000,000 for improvements to the Association's water conveyance system.

12. Midvale ID, Riverton Unit, P–SMBP, Wyoming: Long-term contract for water service from Boysen Reservoir.

13. Tom Green County Water Control and Improvement District No. 1, San Angelo Project, Texas: Contingent upon passage of authorizing legislation, negotiate amendatory contract to increase irrigable acreage within the project.

14. Palmetto Bend Project, Texas: Amendment of the tripartite contract among the United States, the Lavaca-Navidad River Authority and the Texas Water Development Board to transfer the Board's remaining repayment obligation and interest in the Palmetto Bend Project to the Authority.

15. Canadian River Municipal Water Authority, Canadian River Project, Texas: Amendatory contract to reflect credit for project lands transferred to the National Park Service under Pub. L. 101–628 for the Lake Meredith National Recreation Area.

16. Lakeview ID, Shoshone Project, Wyoming: New long-term water service contract for up to 3,200 acre-feet of firm water supply annually and up to 11,800 acre-feet of interim water from Buffalo Bill Reservoir.

17. Hidalgo County ID No. 6, Texas: SRPA contract for a 20-year loan for up to $5,712,900 to rehabilitate the District's irrigation facilities.

18. City of Rapid City and Rapid Valley Water Conservancy District, Rapid Valley Unit, P–SMBP, South Dakota: Contract renewal for up to 55,000 acre-feet of storage capacity in Pactola Reservoir.

19. City of Aurora, Fryingpan-Arkansas Project, Colorado: Long-term carriage contract for up to 1,000 acre-feet of M&I conveyance capacity in the Fryingpan-Arkansas Project facilities.

20. Thirty Mile Canal Company, Nebraska: SRPA contract for a loan of $2,264,000 to reline the main canal, replace open laterals with buried pipe, and replace bridges.

21. City of Estes Park, Colorado-Big Thompson Project, Colorado: Modification of water service contract to change point of diversion and other administrative revisions.

22. City of Loveland, Colorado-Big Thompson Project, Colorado: Long-term M&I conveyance contract for conveyance of up to 12,000 acre-feet of city-owned water annually through Federal project facilities.

23. Belle Fourche ID, Belle Fourche Unit, P–SMBP, South Dakota: Amendment to D&MC contract to extend work through 1995 and provide an additional $1 million to complete the work.

24. North Platte Project and Glendo Unit, P–SMBP, Wyoming and Nebraska contractors: Repayment contracts under safety of dams program for the modification of Pathfinder, Guernsey, and Glendo Dams.

25. State of Colorado, Armel Unit, P–SMBP, Colorado: Repayment contract under safety of dams program for the modification of Bonny Dam.

Dated: October 8, 1992.

J. Austin Burke,

Assistant Commissioner.

[FR Doc. 92–25071 Filed 10–15–92; 8:45 am]

BILLING CODE 4310–09–M

Bureau of Land Management

[NV–030–92–4830–10–24–1A]

Carson City District Advisory Council; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting of the Carson City District Advisory Council.

DATE: November 12, 1992.

ADDRESS: 1535 Hot Springs Road, suite 300, Carson City, Nevada.

SUMMARY: The Council will meet at 3 p.m. The Agenda will include the following:

1. Call to Order.
2. Minutes of Last Meeting.
3. Correspondence.
4. Discussion of field trip to Fallon Naval Air Station earlier in day.
5. Proposed Land Use Plan Amendments.
6. FY 93 Budget Outlook.
7. BLM 2015 Update.
8. At 4 p.m. public statements will be heard.
9. Adjourn.

FOR FURTHER INFORMATION CONTACT: Joan Sweetland, BLM Public Affairs Officer, 1535 Hot Springs Road, Suite 300, Carson City, Nevada 89706–0638. (Phone: 702–885–6000).

Dated this 9th day of October, 1992.

James W. Elliott,

District Manager, Carson City District.

[FR Doc. 92–25112 Filed 10–15–92; 8:45 am]

BILLING CODE 4310–HC–M

[OR–010–03–4320–01–ADVB: G3–004]

Meeting of the Lakeview District Grazing Advisory Board

AGENCY: Bureau of Land Management, Lakeview, OR.

ACTION: Notice of a meeting of the Lakeview District Grazing Advisory Board.

SUMMARY: The purpose of the meeting is to discuss Lakeview District's Fiscal Year 1992 and 1993 grazing projects. In addition, the affects of the current drought on pasture utilization will be examined as well as an update on the Klamath Falls Resource Management Plan.

DATES: The Lakeview District Grazing Advisory Board will meet Tuesday, November 10, 1992 at the U.S. Bureau of Land Management's Lakeview District conference room, 1000 South Ninth Street, Lakeview, Oregon, at 10:00 a.m.

FOR FURTHER INFORMATION CONTACT: Lisa Swinney, BLM Lakeview District Office, P.O. Box 151, 1000 South Ninth Street, Lakeview, Oregon 97630 (Telephone 503–947–2177).

Judy Ellen Nelson,

District Manager.

[FR Doc. 92–25131 Filed 10–15–92; 8:45 am]

BILLING CODE 4310–33–M

[UT-080-03-4140-03-OSHL]

Acceptance of Expressions of Interest for Oil Shale Mineral Lease Rights/ Surface Use Lease

AGENCY: Bureau of Land Management, DOI.

ACTION: Acceptance of Expressions of Interest for Oil Shale Mineral Lease Rights/Surface Use Lease.

SUMMARY: Notice is hereby given that the U.S. Department of the Interior, Bureau of Land Management (BLM), Utah State Office, is accepting expressions of interest for the sale of oil shale mineral lease rights, and/or a surface lease of the building facilities, and other improvements or a combination of both, on the White River prototype oil shale tracts U-a and U-b from all qualified parties until January 31, 1993. The BLM will consider an offer to lease for uses other than oil shale development on all or portions of the 10,240 acres of land located 45 miles southeast of Vernal, Uintah County, Utah, provided that use authorization is not incompatible with the present or future leasing of the oil shale mineral rights and the eventual development of the oil shale reserves. The lands are described as follows:

White River A

T. 10 S., R. 24 E., SLM, Utah
Sec. 19, E2;
Sec. 20, all;
Sec. 21, all;
Sec. 22, all;
Sec. 27, all;
Sec. 28, all;
Sec. 29, all;
Sec. 30, E2;
Sec. 33, N2;
Sec. 34, N2;

The area described aggregates 5,120 acres.

White River B

T. 10 S., R. 24 E., SLM, Utah
Sec. 12, S2, S2N2;
Sec. 13, all;
Sec. 14, all;
Sec. 23, all;
Sec. 24, all;
Sec. 25, W2W2;
Sec. 26, all;
T. 10 S., R. 25 E., SLM, Utah
Sec. 18, all;
Sec. 19, all;

The area described aggregates 5,120 acres.

Expressions of interest for sale of the oil shale mineral lease rights must include the following:

—Name and address of the potential lessee.
—Summary of the potential lessee's experience in developing mineral properties.
—Description of the intended use and development plans of the oil shale reserves, facilitates, and surface of the tracts.
—Willingness of the potential lessee to assume liability for site abandonment and reclamation.
—Ability of the potential lessee to post a bond of sufficient amount to cover anticipated abandonment and reclamation costs.

Expressions of interest in a surface lease of the buildings, facilities, and surface of the tracts must be for uses that are not incompatible with the leasing of the oil shale mineral rights and the eventual development of the oil shale reserves. The expressions of interest must include the following minimum information:

—Name and address of the potential lessee.
—Summary of the proposed use of the site facilities and surface.
—Brief description of processes, chemicals, or materials that would be used on the site and the proposed lease term.
—Summary of the financial resources of the potential lessee in enough detail in order to determine the validity of the offer.
—Anticipated employment or other public benefits that might result from the proposed use.

Offers for a surface lease of the buildings, facilities, and surface of the tracts will be reviewed by a group of technical specialists in the BLM. A lease may be awarded without further bidding. Proposals will be judged on the basis of the anticipated compatibility with eventual development of the oil shale reserve, public and Federal benefits derived from the proposed use and the financial and technical capability of the potential lessee to successfully undertake the proposed project. The surface lease would be issued independently of the oil shale mineral rights and would be subject to modification or cancellation if it was later determined that the use and lease is not compatible with oil shale development.

An information package is available from the Vernal District Office (see address below) which gives a brief history, description, and location of the oil shale reserve, lands involved, including pictures and descriptions of existing surface facilities and underground workings.

FOR FURTHER INFORMATION CONTACT: District Manager, Vernal District Office-BLM, 170 South 500 East, Vernal Utah 84078 or call (801–789–1362).

Dated: October 7, 1992.

David E. Little,

district Manager.

[FR Doc. 92–25133 Filed 10–15–92; 8:45 am]

BILLING CODE 4310-DQ-M

[OR-943-2300-02; GP3-018; OR-37108]

Order Providing for Opening of Land; Oregon

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: This action will open 160 acres of acquired land to surface entry, mining, and mineral leasing.

EFFECTIVE DATE: November 23, 1992.

FOR FURTHER INFORMATION CONTACT: Linda Sullivan, BLM Oregon State Office, P.O. Box 2965, Portland, Oregon 97208, 503–280–7171.

SUPPLEMENTARY INFORMATION: Under the authority of section 205 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1715, the following described land was acquired by the United States by donation to be administered as public land under the jurisdiction of the Bureau of Land Management:

Willamette Meridian

T. 34 S., R. 38 E.,
Sec. 35, NE¼.

The area described contains 160 acres in Malheur County.

At 8:30 a.m., on November 23, 1992, the above described land will be opened to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid existing applications received at or prior to 8:30 a.m., on November 23, 1992, will be considered as simultaneously filed at that time. Those received thereafter will be considered in the order of filing.

At 8:30 a.m., on November 23, 1992, the above described land will be opened to location and entry under the United States mining laws. Appropriation 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, 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.

At 8:30 a.m., on November 23, 1992, the above described land will be opened to applications and offers under the mineral leasing laws.

Dated: October 8, 1992.

Robert E. Mollohan,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 92–25130 Filed 10–15–92; 8:45 am]

BILLING CODE 4310–33–M

[AZ–020–2–4210–05; AZA 26800]

Transfer of Public Land to State of Arizona

AGENCY: Bureau of Land Management (BLM), Interior.

REALTY ACTION: Transfer of Public Land to State of Arizona.

SUMMARY: This action informs the public that the Arizona-Idaho Conseveration Act of 1988 (102 Stat. 4571), has been amended by title X of Public Law 101–628 allowing the Bureau of Land Management to convey additional public land to acquire certain State land.

SUPPLEMENTARY INFORMATION: Pursuant to the above-referenced legislation, the following land is being considered for transfer to the State of Arizona:

Gila and Salt River Meridian, Arizona

T. 16 N., R. 1 E.,
Secs. 6 and 21, unpatented portions.
T. 7 N., R. 2 E.,
Sec. 26, S½NW¼NE¼, NE¼NW¼;
Sec. 27, lots 1, 16, 33, 42 to 45, incl., 47, 49, 50, 52, 53, 56 to 58, incl., 61 to 63, incl., 65 to 67, incl. W½E½NE¼;
Sec. 34, W½NW¼NE¼, E½NE¼NW¼.
T. 2 N., R. 6 E.,
Sec. 24, lots 19, 21, 23, 25 to 29, incl.
T. 4 N., R. 6 E.,
Sec. 34, all;
Sec. 35, all;
Sec. 36, lots 9 to 12, incl.
T. 1 N., R. 7 E.,
Sec. 1, SE¼.
T. 22 N., R. 19 W.,
Sec. 20, all;
Sec. 30, lot 1, NE¼, NE¼NW¼, E½SE¼NW¼, NE¼NE¼SW¼.
T. 17 N., R. 21 W.,
Sec. 4, lots 1 to 4, incl., S½N½, S½;
Sec. 9, N½, N½S½, SE¼SW¼, S½SE¼.
T. 18 N., R. 21 W.,
Sec. 8, all;
Sec. 9, all.
T. 19 N., R. 21 W.,
Sec. 7, lots 1 to 3, incl., E½, E½NW¼, NE¼SW¼;
Sec. 8, all;
Sec. 9, all;
Sec. 20, SW¼SW¼NW¼NW¼, W½NE¼SW¼NW¼, SE¼NE¼SW¼NW¼, W½SW¼NW¼, SE¼SW¼NW¼, SW¼SE¼NW¼, S½SE¼SE¼NW¼, NE¼NE¼SW¼, N½NW¼NE¼SW¼, NE¼SE¼NE¼SW¼, W¼NW¼SE¼, NW¼SW¼NW¼SE¼;
Sec. 28, E½, S½NW¼, SW¼,
Sec. 29, S½N½, NW¼NW¼SW¼, E½W½SW¼, E½SW¼, SE¼.
T. 5 S., R. 22 W.,
Sec. 13, W½W½SE¼NW¼SW¼SE¼, W½W½NE¼SW¼SW¼SE¼.
T. 5 S., R. 4 E.,
Sec. 13, NW¼.
T. 14 S., R. 12 E.,
Sec. 30, lots 17 to 28, incl, lots 45 to 54, incl. lots 65 to 72, incl.
T. 15 S., R. 12 E.,
Sec. 3, lots 1 and 2, N½SE¼NE¼, SW¼SE¼NE¼.
T. 15 S., R. 13 E.,
Sec. 19, W½NE¼NW¼.
T. 17 S., R. 15 E.,
Sec. 5, lots 1 to 3 incl., S½NE¼, SE¼NW¼, S½;
Sec. 7, NE¼NE¼;
Sec. 8, N½NE¼NE¼, SW¼NE¼NE¼, W½SE¼NE¼NE¼, NW¼NE¼, S½NE¼, W½, SE¼.
T. 22 S., R. 8 E.,
Sec. 17, portion of S½S½;
Sec. 18, N½ of lot 4, N½SE¼SW¼, N½SW¼SE¼, SE¼SE¼;
Sec. 19, E½SE¼;
Sec. 20, S½NW¼, SW¼SW¼, portion of N½SW¼, portion of SW¼NE¼, portion of NW¼SE¼.

The land to be transferred to the State of Arizona will be subject to a reservation to the United States for rights-of-way for ditches or canals constructed by the authority of the United States pursuant to the Act of August 30, 1890, 43 U.S.C. 945; and will be subject to all valid existing rights of record. The actual land to be transferred will be based on final appraised values.

The State land that will be acquired for use by Federal agencies for protection of public resource values are, approximately, 36,400 acres in the Black Canyon Corridor and Lake Pleasant areas and 1500 acres at the Buenos Aires National Wildlife Refuge. A complete list of the legal descriptions of this land is available at the Phoenix District Office and will be sent upon request.

Notices of realty action as follows affecting the public land will terminate effective the date of patent to the respective lands: AZAs 25142, 26491, 26495 and 26445.

FOR FURTHER INFORMATION CONTACT: Barbara Ahearn, Realty Specialist, Phoenix District Office, Bureau of Land Management, 2015 West Deer Valley Road, Phoenix, Arizona 85027 (602) 863–4464.

Dated: October 8, 1992.

David J. Miller,

Associate District Manager.

[FR Doc. 92–25132 Filed 10–15–92; 8:45 am]

BILLING CODE 4310–32–M

[CA–060–02–5440–10–B026; CA–30689]

Proposed Exchange of Public Lands in Imperial County, CA

AGENCY: Bureau of Land Management, Interior.

ACTION: Correction.

SUMMARY: In notice document 92–18496 beginning on page 34575 in the issue of Wednesday, August 5, 1992, Volume 57, No. 151, make the following correction:

On page 34575, under T. 13 S., R. 19 E., the description for section 17, which reads "S½SE¼,NW¼NW¼NE¼" is corrected to read: "E½".

Dated: October 8, 1992.

G. Ben Koski,

Area Manager, El Centro Resource Area.

[FR Doc. 92–25124 Filed 10–15–92; 8:45 am]

BILLING CODE 4310–40–M

[ID–010–03–4210–05; IDI–28125]

Realty Action; Idaho

AGENCY: Bureau of Land Management, Interior.

ACTION: Amended Notice of Realty Action—IDI–28125.

SUMMARY: Notice of Realty Action published May 18, 1992, Vol. 57, page 21134, is being amended to show that the lands are prospectively valuable for oil and gas and geothermal resources and therefore, the oil and gas and geothermal resources will be reserved to the United States and not conveyed to the patentee.

FOR FURTHER INFORMATION CONTACT: Mike Austin, Realty Specialist, Jarbidge Resource Area Office, 2620 Kimberly Road, Twin Falls, Idaho 83301, (208) 736–2359.

This Notice is amended as follows: In the **SUMMARY** in the Notice of Realty Action on page 21134, second column, the last sentence beginning on line 13, is changed to read "Acceptance of a sale offer will constitute an application for conveyance of that portion of the mineral estate of no known value."

SUPPLEMENTARY INFORMATION: For a period of 45 days from the date of publication of this notice in the **Federal Register**, interested parties may submit comments to the District Manager, Bureau of Land Management, 3948 Development Avenue, Boise, Idaho 83705. Objections will be reviewed by the State Director, who may sustain, modify, or vacate this realty action. In the absence of any adverse comments, this amended realty action will become the final determination of the Department of the Interior.

All other conditions of the original Notice of Realty Action will remain the same.

Dated: October 7, 1992.

David Vail,

Acting District Manager.

[FR Doc. 92-25134 Filed 10-15-92; 8:45 am]

BILLING CODE 4310-GG-M

[NV-010-4370-02]

Wells Resource Management Plan Proposed Wild Horse Amendment and Environmental Assessment

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Availability of Wells Resource Management Plan (RMP) Proposed Wild Horse Amendment, associated Environmental Assessment (EA), Finding of No Significant Impact (FONSI), and the initiation of a 30-day protest period.

SUMMARY: The Wells RMP Proposed Wild Horse Amendment, associated EA, and FONSI is available for public review and possible protest.

The Proposed Amendment may be protested by any person who participated in the planning process and has an interest which is or may be adversely affected by the approval of the plan. A protest may raise only those issues which were submitted for the record during the planning process. Protests must be in writing and must include the following information:

a. Name, mailing address, telephone number, and interest of the person filing the protest.

b. A statement of the issue or issues being protested.

c. A statement of the part or parts of the document being protested.

d. A copy of all documents addressing the issue or issues previously submitted during the planning process by the protesting party, or an indication of the date the issue or issues were discussed for the records.

e. A short, concise statement explaining precisely why the Nevada BLM State Director's decision is wrong.

DATES: Any protests on the Wells RMP Proposed Wild Horse Amendment must be postmarked on or before November 20, 1992.

ADDRESSES: Protests must be filed with: Director, Bureau of Land Management, 1849 C Street, NW., Washington, DC 20240.

FOR FURTHER INFORMATION PLEASE CONTACT: Bruce Portwood, Elko District Wild Horse Specialist, Bureau of Land Management, 3900 E. Idaho Street, P.O. Box 831, Elko, NV 89801 or telephone (702) 753-0200.

SUPPLEMENTARY INFORMATION: The Proposed Wild Horse Amendment was prepared to establish wild horse herd management areas, solve problems with checkerboard land pattern conflicts, identify habitat requirements and management practices, establish initial herd size, develop factors for adjustments in herd size, identify constraints on other resources, and combine herd areas for the purpose of improving management of wild horses. The associated EA was prepared to analyze the potential environmental impacts of the Proposed Amendment and alternatives. The FONSI was prepared to make the determination of the significance of the environmental impacts on the Proposed Amendment and alternatives considered and that an impact statement is not required.

The Proposed Wild Horse Amendment, associated EA, and FONSI have been mailed to all interested individuals, agencies, interest groups and organizations and to those who participated in the planning process. Additionally copies of both the Draft Amendment and the Proposed Amendment documents are available from the Elko District Office at 3900 E. Idaho Street, P.O. Box 831, Elko, NV 89801. Copies of both documents are also available for review at the Elko District Office and the Nevada State Office, Bureau of Land Management, 850 Harvard Way, Reno, Nevada.

Dated: October 7, 1992.

Daniel C. B. Rathbun,

Acting State Director, Nevada.

[FR Doc. 92-24988 Filed 10-15-92; 8:45 am]

BILLING CODE 4310-HC-M

Bureau of Reclamation

[INT-DES-92-41]

AGENCY: Bureau of Reclamation (Interior).

ACTION: Notice of availability and notice of public hearings on draft supplement to the final environmental statement (Draft Supplement).

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, as amended, the Department of the Interior, Bureau of Reclamation (Reclamation), has prepared a Draft Supplement on the authorized Animas-La Plata Project. The Draft Supplement presents the environmental effects of new or updated information and design and other refinements to the project, and describes post-1980 studies of project lands for potential toxic or harazadous irrigation return flows. It also contains additional information consistent with Section 404(b)(1) of the Clean Water Act regarding exemption of the project from the requirement to obtain a section 404 permit. Three public hearings will be held to receive comments from interested organizations and individuals on the environmental impacts of the authorized project.

DATES: A 60-day public review period commences with publication of this notice (December 15, 1992). Within that review period, written comments on Draft Supplement may be submitted to the Regional Director, Upper Colorado Region, Bureau of Reclamation, at the address provided below.

Public hearings on the Draft Supplement will be held on the following dates at the locations indicated. Requests to speak at the hearings should be addressed to the Projects Manager, Durango Projects Office, at the address provided below.

Session 1: Monday, November 30, 1992, 7 p.m., Red Lion Inn, 501 Camino Del Rio, Durango, Colorado.

Session 2: Tuesday, December 1, 1992; 7 p.m., Farmington Civic Center, 200 W. Arrington, Farmington, New Mexico.

Session 3: Wednesday, December 2, 1992, 7 p.m.; Colorado Convention Center, 700 14th Street, Denver, Colorado.

ADDRESSES: Copies of the Draft Supplement may be requested from the following addresses:

Regional Director, Bureau of Reclamation, Attention: UC-750, Federal Building, 125 South State Street, Salt Lake City, UT 84147: telephone: (801) 524-5580.

Project Manager, Durango Projects Office, Bureau of Reclamation, 835 East Second Avenue, PO Box 640, Durango, CO 81302-0640; telephone: (303) 385-6567.

Denver Office, Bureau of Reclamation, Building 67, Denver Federal Center, Denver, CO 80225; telephone: (303) 236-9336.

Copies of the Draft Supplement are available for inspection at the addresses above and also at the following location: Office of the Commissioner, Bureau of Reclamation, Public Affairs Office, Interior Building, 1849 C Street, NW, Washington, DC 20240; telephone: (202) 208-4662.

Libraries

Copies will also be available for inspection at libraries in the project vicinity.

FOR FURTHER INFORMATION CONTACT: Mr. Daniel Fritz (Project Office Environmental Staff, Durango Projects

Office), (303) 385-6567; Mr. Lee Swenson (Regional Environmental Officer, Upper Colorado Region), (801) 524-5580; or Mr. Robert Lanky (Denver Office), (303) 236-9336.

SUPPLEMENTARY INFORMATION: The Animas-La Plata Project is a multiple purpose project located in southwestern Colorado and northwestern New Mexico. The project was authorized for construction by the Colorado River Basin Project Act of September 30, 1968 (Public Law 90-537). The project involves the diversion of water from the Animas River to the La Plata and Mancos River drainages. The project includes construction of two off-stream reservoirs, Ridges Basin and Southern Ute Reservoirs, and associated water conveyance facilities to deliver water to lands to be serviced by the project. The project water supply will average 195,400 acre-feet per year for irrigation, municipal, and industrial use.

Reclamation prepared and filed a final environmental statement (FES) for the project with the Environmental Protection Agency on July 1, 1980 (INT FES 80-18), and issued a Record of Decision on August 18, 1980, to proceed with the recommended plan for the project described in the 1979 Definite Plan Report.

The Draft Supplement evaluates new or updated information that has become available since 1980 and describes changes in the project's environmental impacts as a result of that new or updated information. The Draft Supplement also provides additional documentation for compliance with section 404(b)(1) of the Clean Water Act. The new or updated information described and evaluated in the Draft Supplement includes: project phasing, project cost-sharing agreement, settlement of Colorado Ute Indian water rights, and design refinements to the project features, vegetation, geology, water quality, soils, Animas River trout fishery, La Plata River native fishery, elk habitat, threatened and endangered species (Colorado squawfish and razorback sucker), wetlands, cultural resources, recreation (rafting and water sports on the Animas River and eligibility of the San Juan River as a Wild and Scenic River), and social and economic effects.

Hearing Process Information

Those who wish to speak at a hearing should write or call the Bureau of Reclamation Durango Project Office in Durango, Colorado. The address and telephone number are listed above. Requests to speak should be received on or before November 25, 1992, and should indicate at which session the speaker wishes to appear. Speakers will be called upon to present their comments in the order in which their requests were received by the Bureau of Reclamation. Requests to speak may also be made at each session and will be called after the advance requests. Oral comments will be limited to 5 minutes per individual.

Written comments, for inclusion in the hearing record, from those who are unable to attend the hearings or who wish to supplement their oral presentation, should be received at the Bureau of Reclamation Regional Office in Salt Lake City, Utah, by December 13, 1992.

Dated: October 6, 1992.

Joe D. Hall,

Deputy Commissioner.

[FR Doc. 92-25178 Filed 10-15-92; 8:45 am]

BILLING CODE 4310-09-M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 32083]

Wheeling & Lake Erie Railway Co.—Lease, Purchase, and Operation Exemption—CSX Transportation, Inc.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Commission exempts from the prior approval requirements of 49 U.S.C. 11343-11345, the lease, purchase, and operation by Wheeling & Lake Erie Railway Company of a 22.51-mile rail line between Aultman and Sandyville, OH, owned and operated by CSX Transportation, Inc. The exemption is subject to standard employee protective conditions.

DATES: This exemption is effective on October 23, 1992. Petitions to stay or reopen must be filed by October 21, 1992.

ADDRESSES: Send pleadings referring to Finance Docket No. 32083 to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

(2) Petitioners' representatives: Charles M. Rosenberger, CSX Transportation, Inc., 500 Water Street, J150, Jacksonville, FL 32202

and

Larry R. Parsons, Wheeling & Lake Erie Railway Company, 100 East First Street, Brewster, OH 44613.

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: October 8, 1992.

By the Commission, Chairman Philbin, Vice Chairman McDonald, Commissioners Simmons, Phillips, and Emmett.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 92-25179 Filed 10-15-92; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Application

Pursuant to § 1301.43(a) of title 21 of the Code of Federal Regulations (CFR), this is notice that on August 4, 1992, CIBA-GEIGY Corporation, Pharmaceuticals Division, Regulatory Compliance, 556 Morris Avenue, Summit, New Jersey 07901, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the Schedule II controlled substance Methylphenidate (1724).

Any other such applicant and any person who is presently registered with DEA to manufacture such substances may file comments or objections to the issuance of the above application and may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by 21 CFR 1316.47.

Any such comments, objections, or requests for a hearing may be addressed to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, DC 20537, Attention: DEA Federal Register Representative (CCR), and must be filed no later than 30 days from publication.

Dated: September 30, 1992.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 92-25140 Filed 10-15-92; 8:45 am]

BILLING CODE 4410-09-M

Importer of Controlled Substances; Notice of Registration

By notice dated July 23, 1992, and published in the **Federal Register** on August 3, 1992, (57 FR 34150), Research Biochemicals, Inc., One Strathmore Road, Natick, Massachusetts 01760, made application to the Drug Enforcement Administration to be registered as an importer of the basic classes of controlled substances listed below:

Drug	Schedule
Methaqualone (2565)	I
Ibogaine (7260)	I
Tetrahydrocannabinols (7370)	I
Bufotenine (7433)	I
Dimethyltryptamine (7435)	I
Etorphine (except HCl) (9056)	I
Methylphenidate (1724	II
Etorphine HCl (9059)	II
Metazocine (9240)	II
Methadone (9250)	II
Fentanyl (9801)	II

A registered manufacturer filed an objection to the registration of Research Biochemicals, Inc., with respect to methylphenidate. The firm subsequently withdrew its objection after Research Biochemicals stated that it would only import small quantities of controlled substances for the sole purpose of non-human research. 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 classes of controlled substances listed above.

Dated: October 1, 1992.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 92-25141 Filed 10-15-92; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF LABOR

Employment and Training Administration

Emergency Unemployment Compensation (EUC) Program; Decrease in EUC Benefit Level in Oregon

This notice announces a recent change in the benefit level under the EUC Program in the State of Oregon.

Background

As the result of a reduction in Oregon's EUC trigger value, a decrease in the maximum number of weeks available to claimants has occurred. For weeks beginning on and after September 27, 1992, claimants filing initial claims for EUC benefits in Oregon are entitled to up to 20 weeks of benefits. Claimants who filed initial claims which were effective for a week beginning prior to September 27, 1992, are eligible to collect their entire entitlement as in effect prior to these changes.

Information for Claimants

The duration of benefits payable in the EUC Period, and the terms and conditions on which they are payable, are governed by the operating instructions issued to the States by the U.S. Department of Labor. The State employment security agency will furnish a written notice of potential entitlement to each individual who has exhausted all rights to regular benefits and is potentially eligible for EUC benefits (20 CFR 615.13(c)).

Persons who believe they may be entitled to EUC benefits, or who wish to inquire about their rights under the program, should contact the nearest State employment service office of unemployment compensation claims office in their locality.

Signed at Washington, DC, on October 7, 1992.

Roberts T. Jones,

Assistant Secretary of Labor.

[FR Doc. 92-25165 Filed 10-15-92; 8:45 am]

BILLING CODE 4510-30-M

Office of Work-Based Learning, Federal committee on Apprenticeship; Public Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act (Pub. L. 92-462; 5 U.S. app. 1) of October 6, 1972, notice is hereby given that the Federal Committee on Apprenticeship (FCA) will conduct an open meeting on Thursday, November 5, 1992, from 8:30 a.m.-4:30 p.m.; Friday, November 6, from 8:30 a.m.-12 noon in the North Ballroom of the Quality Hotel Capitol Hill, 415 New Jersey Avenue, NW., Washington DC 20001.

The agenda for the meeting will include:

Thursday, November 5

8:30 a.m. Call meeting to order

Introduction of Members, DOL and Other Officials

Committee Chair's Report and Plans for the meeting

Approval of Minutes of April Meeting

Update US Department of Education activities Related to Apprenticeship

Report from Office of Work-Based Learning

Report from Bureau of Apprenticeship and Training

Report from National Apprenticeship Program (NAP)

Report on National Advisory Commission for Work-Based Learning

Report on SCANS Activities

Strategic Plan—Phase I Follow-Up

Strategic Plan—Phase II

Presentation of Sub-Committee Reports

- Traditional Apprenticeship Programs
- Non-Traditional Apprenticeship Programs
- Quality of Apprenticeship Programs
- National Training System
- Apprenticeship Operations
- Legislation
- Apprentice Safety Training

Note: Subcommittee reports will be fitted around other presentations.

Apprenticeship Activities by Federal Highway Administration

National Training Standards

4 p.m. Public Comments

4:30 p.m. Recess to reconvene November 6 at 8:30 a.m.

Note: Lunch will be taken at 12 noon to 1 p.m.

Friday, November 6

8:30 a.m. Resume Presentation of Sub-Committee reports STEP-UP Program

BAT-Office of Federal Contract Compliance Memorandum of Understanding Update

Americans with Disabilities Act—Possible Impact on Apprenticeship

FCA Members' Projects Relating to Apprenticeship

Future FCA Actions and Considerations

Other Business/Administrative Matters

12 Noon Adjourn

Note: The order of agenda items may be revised due to time constraints and availability of topic speakers.

Members of the public are invited to attend the proceedings. Any member of the public who wishes to file written data, views or arguments pertaining to the agenda may do so by furnishing a copy to the Executive Director at any time. Papers received on or before November 1, 1992, will be included in the record of the meeting.

Any member of the public who wishes to speak at this meeting should so indicate the nature of intended presentation and the amount of time should be limited to no more than 5 minutes. The Chairperson will announce at the beginning of the meeting the extent to which time will permit the granting of such requests. Communications to the Executive Director should be addressed as follows: Mr. Minor R. Miller, Office of Work-Based Learning, ETA, U.S. Department of Labor, 200 Constitution Avenue, NW., room N-4649, Frances Perkins Building, Washington, DC 20210; telephone number (202) 219-6540.

Signed at Washington, DC this 7th day of October, 1992.

Roberts T. Jones,

Assistant Secretary of Labor for Employment and Training.

[FR Doc. 92-25163 Filed 10-15-92; 8:45 am]

BILLING CODE 4510-30-M

Attestations Filed by Facilities Using Nonimmigrant Aliens As Registered Nurses

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is publishing, for public information, a list of the following health care facilities which plan on employing nonimmigrant alien nurses. These organizations have attestations on file with DOL for that purpose.

ADDRESSES: Anyone interested in inspecting or reviewing the employer's attestation may do so at the employer's place of business.

Attestations and short supporting explanatory statements are also available for inspection in the Immigration Nursing Relief Act Public Disclosure Room, U.S. Employment Service, Employment and Training Administration, Department of Labor, room N4456, 200 Constitution Avenue, NW., Washington, DC 20210.

Any complaints regarding a particular attestation or a facility's activities under that attestation, shall be filed with a local office of the Wage and Hour Division of the Employment Standards Administration, U.S. Department of Labor. The address of such offices are found in many local telephone directories, or may be obtained by writing to the Wage and Hour Division, Employment Standards Administration, Department of Labor, room S3502, 200 Constitution Avenue, NW., Washington, DC 20210.

FOR FURTHER INFORMATION CONTACT:

Regarding the Attestation Process:

Chief, Division of Foreign Labor Certifications, U.S. Employment Service. Telephone: 202-219-5263 (this is not a toll-free number).

Regarding the Complaint Process:

Questions regarding the complaint process for the H-1A nurse attestation program shall be made to the Chief, Farm Labor Program, Wage and Hour Division. Telephone: 202-219-7605 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: The Immigration and Nationality Act requires that a health care facility seeking to use nonimmigrant aliens as registered nurses first attest to the Department of Labor (DOL) that it is taking significant steps to develop, recruit and retain United States (U.S.) workers in the nursing profession. The law also requires that these foreign nurses will not adversely affect U.S. nurses and that the foreign nurses will be treated fairly. The facility's attestation must be on file with DOL before the Immigration and Naturalization Service will consider the facility's H-1A visa petitions for bringing nonimmigrant registered nurses to the United States. 26 U.S.C. 1101(a)(15)(H)(i)(a) and 1181(m). The regulations implementing the nursing attestation program are at 20 CFR part 655 and 29 CFR part 504, 55 FR 50500 (December 6, 1990). The Employment and Training Administration, pursuant to 20 CFR 655.310(c), is publishing the following list of facilities which have submitted attestations which have been accepted for filing.

The list of facilities is published so that U.S. registered nurses, and other persons and organizations can be aware of health care facilities that have requested foreign nurses for their staffs. If U.S. registered nurses or other persons wish to examine the attestation (on Form ETA 9029) and the supporting documentation, the facility is required to make the attestation and documentation available. Telephone numbers of the facilities' chief executive officers also are listed, to aid public inquiries. In addition, attestations and supporting short explanatory statements (but not the full supporting documentation) are available for inspection at the address for the Employment and Training Administration set forth in the **ADDRESSES** section of this notice.

If a person wishes to file a complaint regarding a particular attestation or a facility's activities under that attestation, such complaint must be filed at the address for the Wage and Hour Division of the Employment Standards Administration set forth in the **ADDRESSEE** section of this notice.

Signed at Washington, DC, this 9th day of October 1992.

Anna Goddard,

Deputy Director, United States Employment Service.

Division of Foreign Labor Certifications Approved Attestations

[09/01/92 to 09/30/92]

CEO-name/facility name/address	St.	Approval date
Mr. Terry Andrus, East Alabama Medical Ctr., 2000 Pepperell Parkway, Opelika, 36802, 205-749-4311.	AL	09/04/92
Mr. David Danks, San Andreas Conval. Hosp., Beverly Enterprises Corp., San Andreas, 95249, 209-754-4213.	CA	09/03/92
Mr. David Banks, Fresno Care And Guidance Ctr., Beverly California Corp., Fresno, 93702, 209-237-8377.	CA	09/03/92
Mr. David Banks, Mark Twain Conval. Hosp., Beverly Enterprises Corp., San Andreas, 95249, 209-754-3823.	CA	09/03/92
Mr. David Banks, Kings Vista Conval. Hosp., Beverly California Corp., Fowler, 93625, 209-834-2519.	CA	09/03/92
Mr. David Banks, Beverly Manor Monterey, Beverly California Corp., Monterey, 93940, 408-624-1875.	CA	09/03/92
Mr. A. Jason Geisinger, Hillhaven San Francisco, The Hillhaven Corporation, San Francisco, 94109, 415-673-8405.	CA	09/04/92
Mr. Richard Sanford, Lodi Memorial Hospital, 975 So. Fairmont St., Lodi, 95240, 209-334-3411.	CA	09/04/92
Mr. Nemesio R. Mabini, Jr., Dial 4 Care Home Health Service, 409 South California Street, San Gabriel, 91776, 818-451-6699.	CA	09/11/92
Ms. Marianne Schultz, Flagship Healthcare Center, 466 Flagship Road, Newport Beach, 92663, 7/23/92.	CA	09/18/92
Mr. Daniel McClean, Daniel Freeman Memorial Hosp., 333 North Prairie Avenue, Inglewood, 90306, 310-674-7050.	CA	09/30/92
Felipe L. Chu, M.D., D and C Care Center, 1640 N. Fair Oaks Avenue, Pasadena, 91103, 818-798-1175.	CA	09/30/92
Mr. Jacob Friedman, Alden Terrace Conval. Hosp., 1240 South Hoover Street, Los Angeles, 90006, 213-382-8461.	CA	09/30/92
Mr. William S. Hussey, Southwest Florida Reg'l Med., 2727 Winkler Avenue, Fort Myers, 33901, 813-939-8687.	FL	09/18/92
Mr. Victor J. Maya, Kendall Reg'l Med. Ctr., 11750 Bird Road, Miami, 33175, 305-223-3000.	FL	09/18/92
Mr. Robert B. Hill, Bethesda Memorial Hospital, 2815 S. Seacrest Blvd., Boynton Beach, 33435, 407-7733.	FL	09/18/92
Pat Chevalier, Oak Manor Village, 3500 Oak Manor Lane, Largo, 34644, 813-581-9427.	FL	09/24/92
Mr. Wendell H. Baker, Jr., South Bay Hospital, 4016 State Road 674, Sun City Center, 33573, 813-634-3301.	FL	09/30/92
Mr. A. Jason Geisinger, Titusville Nursing & Conval. Ctr., Titusville, 32796, 407-269-5720.	FL	09/30/92
Mr. L.G. Hunt, L.G. Hunt & Association, Inc., 151 Ponce De Leon Ave., N.E., Atlanta, 30308, 404-874-3344.	GA	09/17/92

CEO-name/facility name/address	St.	Approval date
Mr. Cipriano Bautista, Saint Vincent Health Care, c/o Nurses of Wellbest, Covina, 91723, 818-398-8182.	GA	09/18/92
Ms. Peggy Guffey, Sandmont Gala Nursing Home, route 2, Box 45, Trenton, 30752, 706-657-4171.	GA	09/24/92
Ms. Barbara A. Hecht, Regency Nursing Centre, 6631 N. Milwaukee Avenue, Niles, 60648, 708-647-7444.	IL	09/04/92
Mr. Howard D. Geller, Garden View Home, 6450 N. Ridge, Chicago, 60626, 312-743-8700.	IL	09/04/92
Mr. Daniel Shabat, Deauville Health Care Center, 7445 N. Sheridan Rd., Chicago, 60626, 312-338-3300.	IL	09/04/92
Mr. Morris Esformes, Lake Park Center, 919 Washington Park, Waukegan, 66085, 708-623-9100.	IL	09/09/92
Mr. Marvin Mermelstein, Central Nursing Home, Inc., 2450 North Central Avenue, Chicago, 60639, 312-889-1333.	IL	09/11/92
Mr. Harold Lederman, Windsor Manor Nursing & Rehab, 10426 S. Roberts Road, Palos Hills, 60465, 708-598-3460.	IL	09/18/92
Mr. John Samatas, Lexington Health Care Ctr. of Elmhurst, Elmhurst, 60126, 708-495-1700.	IL	09/24/92
Mr. Mark Hollander, Glenview Terrace Nursing Ctr., 1511 Greenwood Road, Glenview, 60025, 312-729-9090.	IL	09/30/92
Mr. Fred Oskin, Northwest Home for the Aged, 6300 N. California Street, Chicago, 60659, 312-973-1900.	IL	09/30/92
Mr. Robert Jafari, Meadowbrook Manor, 401 W. Remington Blvd., Bolingbrook, 60440, 708-759-1112.	IL	09/30/92
Mr. James K. Elrod, Willis-Knighton Health System, 2600 Greenwood Rd., Shreveport, 71118, 318-632-4692.	LA	09/30/92
Daniel P. Moren, Henry Heywood Memorial Hosp., 242 Gardner Street, Gardner, 01440, 508-632-3420.	MA	09/11/92
Mr. A. Jason Geisinger, Woodridge House Nursing Home, First Healthcare Corp. d/b/a, Brockton, 02402, 508-1467.	MA	09/24/92
Mr. Morris Esformes, North Shore Conval. Ctr., 610 Prigge Road, St. Louis, 63138, 314-741-9393.	MO	09/18/92
Mr. Noel W. Hart, Bolivar County Hospital, Highway 8 East, Cleveland, 38732, 601-846-0061.	MS	09/09/92
Mr. Richard C. Bennett, The Graybrier Nursing and Retirement Ctr., Trinity, 27370, 919-431-8888.	NC	09/09/92
Mr. Dan E. Dailey, The Evergreens, Inc., 4007 W. Wendover Avenue, Greensboro, 27707, 919-292-8620.	NC	09/18/92
Ms. Maria Lapid, Green Acres Manor, 1931 Lakewood Road (Route 9), Toms River, 08755, 201-286-2323.	NJ	09/14/92
Ms. Maria Lapid, Abbott Manor Conval. Ctr., 810 Central Avenue, Plainfield, 07060, 201-757-0696.	NJ	09/14/92
Mr. S. Jordano, Harborview Health Care Facility, Jersey City, 07307, 201-963-1800.	NJ	09/14/92
Mr. Edward M. Rudow, Eastern Pines Conval. Ctr., 29 N. Vermont Avenue, Atlantic City, 08401, 609-344-8900.	NJ	09/24/92
Mr. Richard Munger, Mt. Grant General Hospital, 1st & A Streets, Hawthorne, 89415, 702-945-2461.	NV	09/24/92
Mr. Alex De Venecia, Lifeline Health Services, International, Jamaica Estates, 11432, 718-479-1100.	NY	09/03/92
Mr. Earnest K. Ragin, Woodland Nursing Home, 490 Pelham Road, New Rochelle, 10805, 914-636-2800.	NY	09/04/92
Mr. Herbert A. Rothman, Brookhaven Beach H.R.F., 250 Beach 17th Street, Far Rockaway, 11691, 718-471-7500.	NY	09/09/92
Ms. Consuelo Vaca, Nurse Care Registry, Inc., 25-31 30th Road, Astoria, 11102, 718-204-8585.	NY	09/11/92
Mr. Michael Meinicke, Rockaway Care Center, 353 Beach 48th Street, Edgemere, 11691, 718-471-5000.	NY	09/14/92
Mr. Ernest Dicker, Manhattanville Nursing Care Center, Inc., Bronx, 10463, 212-601-8400.	NY	09/18/92
Ms. Marlene Lopez, Bronx Psychiatric Center, 1500 Waters Place, Bronx, 10461, 718-931-0600.	NY	09/24/92
Mr. Jerry Moeller, Bristol Reg'l Med. Ctr., 209 Memorial Dr., Bristol, 37620, 615-968-1121.	TN	09/11/92
Mr. H. Thomas Nichols, Vintage Health Resources, Inc., 1922 Exeter Road, Suite #18, Germantown, 38138, 901-757-8899.	TN	09/24/92
Mr. John A. Guest, Bexar County Hosp. Dist., 4502 Medical Drive, San Antonio, 78229, 512-616-2055.	TX	09/04/92
Mr. Leon Belila, Edinburg Hospital, 333 W. Freddy Gonzalez, Edinburg, 78540, 512-380-5914.	TX	09/04/92
Mr. Anthony Bunker, St. Paul Medical Center, 5909 Harry Hines Blvd., Dallas, 75235, 214-879-2660.	TX	09/11/92
Mr. Hector Hernandez, Doctors Hosp. of Laredo Ltd. Partnership, Laredo, 78041, 512-723-1131.	TX	09/11/92
Mr. Jerel Humphrey, Memorial Hospital Northwest, 1635 North Loop West, Houston, 77008, 713-867-3300.	TX	09/14/92
Mr. Jim Salyer, Memorial Hosp. System Southeast, Houston, 77089, 713-929-6195.	TX	09/14/92
Mr. Jeffrey E. Hausler, Wichita Gen'l Ser. Corp., 1600 Eighth Street, Wichita Falls, 76301, 817-761-8286.	TX	09/15/92
Mr. Charles L. Jackson, Lifeway Home Health Care, 1205 Hwy 123, Suite 101, San Marcos, 78666, 512-353-3606.	TX	09/24/92
Ms. Judy Curdiff, Southwood Care Center, 3759 Valley View, Austin, 78704, 512-443-3436.	TX	09/24/92
Mr. Mark A. Wallace, Texas Children's Hospital, 6621 Fannin Street, Houston, 77030, 713-770-1100.	TX	09/24/92
Brian Goodell, M.D., Swedish Medical Center, 747 Summit Avenue, Seattle, 98104, 206-386-2141.	WA	09/28/92
Mr. Robert L. Johnson, Man Appalachian Reg'l Hospital, Appalachian Reg'l HealthCare, Inc., Man, 25635, 606-281-2440.	WV	09/24/92
Total Attestations—67		

[FR Doc. 92-25165 Filed 10-15-92; 8:45 am]

BILLING CODE 4510-30-M

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.

Modifications to General Wage Determination Decisions

The number 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

District of Columbia:
DC91–1 (Feb. 22, 1991) ..... p. All.
Georgia:
GA91–4 (Feb. 22, 1991) ..... p. All.
Maryland:
MD91–1 (Feb. 22, 1991) ..... p. All.
New York:
NY91–6 (Feb. 22, 1991) ..... p. 827, p. 831.

Volume II

Arkansas:
AR91–8 (Feb. 22, 1991) ..... p. All.
Illinois:
IL91–8 (Feb. 22, 1991) ..... p. 145, p. 146.
Kansas:
KS91–6 (Feb. 22, 1991) ..... p. All.
KS91–8 (Feb. 22, 1991) ..... p. All.
KS91–16 (Feb. 22, 1991) ..... p. All.
Michigan:
MI91–17 (Feb. 22, 1991) ..... p. All.
Minnesota:
MN91–7 (Feb. 22, 1991) ..... p. 587. pp.588–590.
Nebraska:
NE91–1 (Feb. 22, 1991) ..... p. All.
NE91–3 (Feb. 22, 1991) ..... p. All.
NE91–5 (Feb. 22, 1991) ..... p. All.
NE91–9 (Feb. 22, 1991) ..... p. All.
NE91–10 (Feb. 22, 1991) ..... p. All.
NE91–11 (Feb. 22, 1991) ..... p. All.
Texas:
TX91–33 (Feb. 22, 1991) ..... p. All.
TX91–34 (Feb. 22, 1991) ..... p. All.
TX91–37 (Feb. 22, 1991) ..... p. All.
Wisconsin:
WI91–19 (Feb. 22, 1991) ..... p. 1285, p. 1287.

Volume III

Alaska:
AK91–1 (Feb. 22, 1991) ..... p. All.
Arizona:
AZ91–1 (Feb. 22, 1991) ..... p. All.
California:
CA91–1 (Feb. 22, 1991) ..... p. All.
CA91–2 (Feb. 22, 1991) ..... p. All.
CA91–4 (Feb. 22, 1991) ..... p. All.
Idaho:
ID91–1 (Feb. 22, 1991) ..... p. All.
ID91–4 (Feb. 22, 1991) ..... p. All.
Washington:
WA91–1 (Feb. 22, 1991) ..... p. All.
WA91–2 (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 9th day of October 1992.

Alan L. Moss,

Director, Division of Wage Determinations.

[FR Doc. 92–25038 Filed 10–15–92; 8:45 am]

BILLING CODE 4510–27–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Federal Council on the Arts and the Humanities, Arts and Artifacts Indemnity Panel Advisory Committee; Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463 as amended) notice is hereby given that a meeting of the Arts and Artifacts Indemnity Panel of the Federal Council on the Arts and the Humanities will be held at 1100 Pennsylvania Avenue, NW., Washington, DC 20506, in room 714, from 9 a.m. to 5 p.m. on Monday, November 16, 1992.

The purpose of the meeting is to review applications for Certificates of Indemnity submitted to the Federal Council on the Arts and the Humanities for exhibitions beginning after January 1, 1993.

Because the proposed meeting will consider financial and commercial data and because it is important to keep values of objects, methods of transportation and security measures confidential, pursuant to the authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated September 9, 1991, I have determined that the meeting would fall within exemptions (4) and (9) of 5 U.S.C. 552b and that it is essential to close the meeting to protect the free exchange of views and to avoid interference with the operations of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, David Fisher 1100 Pennsylvania

Avenue, NW., Washington, DC 20506, or call 202/606–8322.

David Fisher,

Advisory Committee Management Officer.

[FR Doc. 92–25144 Filed 10–15–92; 8:45 am]

BILLING CODE 7536–01–M

Humanities Panel; Meetings

AGENCY: National Endowment for the Humanities.

ACTION: Notice of meetings.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92–463, as amended), notice is hereby given that the following meetings of the Humanities Panel will be held at the Old Post Office, 1100 Pennsylvania Avenue, NW., Washington, DC 20506:

FOR FURTHER INFORMATION CONTACT: David C. Fisher, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, DC 20506; telephone 202/606–8322. Hearing-impaired individuals are advised that information on this matter may be obtained by contacting the Endowment's TDD terminal on 202/606–8282.

SUPPLEMENTARY INFORMATION: The proposed meetings are for the purpose of panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. Because the proposed meetings will consider information that is likely to disclose: (1) Trade secrets and commercial or financial information obtained from a person and privileged or confidential; or (2) information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee meetings, dated September 9, 1991, I have determined that these meetings will be closed to the public pursuant to subsections (c)(4), and (6) of section 552b of Title 5, United States Code.

1. Date: November 2, 1992
Time: 9 a.m. to 5:30 p.m.
Room: M–14
Program: This meeting will review applications submitted to Public Humanities Projects program, submitted to the Division of Public Programs, for projects beginning after April 1, 1993.

2. Date: November 2, 1992
Time: 8:30 a.m. to 5 p.m.
Room: 430
Program: This meeting will review Translations applications in History, Philosophy, and Religious Studies, submitted to the Division of Research Programs, for projects beginning after April 1, 1993.

3. Date: November 5–6, 1992
Time: 8:30 a.m. to 5 p.m.
Room: 415
Program: This meeting will review applications submitted to Humanities Projects in Media program, for projects beginning after April 1, 1993.

4. Date: November 12–13, 1992
Time: 8:30 a.m. to 5 p.m.
Room: 415
Program: This meeting will review State and Regional Exemplary applications submitted by state humanities councils, submitted to the Division of State Programs, for projects beginning after April 1, 1993.

5. Date: November 13, 1992
Time: 8:30 a.m. to 5 p.m.
Room: 430
Program: This meeting will review applications submitted to Humanities Projects in Media program, submitted to the Division of Public Programs, for projects beginning after April 1, 1993.

6. Date: November 9, 1992
Time: 9 a.m. to 5:30 p.m.
Room: 315
Program: This meeting will review proposals submitted in the Higher Education in the Humanities Programs, submitted to the Division of Education, for projects beginning after March, 1993.

7. Date: November 12, 1992
Time: 9 a.m. to 5:30 p.m.
Room: 315
Program: This meeting will review proposals submitted in the Higher Education in the Humanities Programs, submitted to the Division of Education Programs, for projects beginning after March 1993.

8. Date: November 16, 1992
Time: 9 a.m. to 5:30 p.m.
Room: 315
Program: This meeting will review proposals submitted to the Higher Education in the Humanities Program, submitted to the Division of Education Programs, for projects beginning after March 1993.

David C. Fisher,

Advisory Committee Management Officer.

[FR Doc. 92–25143 Filed 10–15–92; 8:45 am]

BILLING CODE 7536–01–M

NATIONAL SCIENCE FOUNDATION

Permit Issued Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of permit issued under the Antarctic Conservation Act of 1978, Public Law 95–541.

SUMMARY: The National Science Foundation (NSF) is required to publish notice of permits issued under the Antarctic Conservation Act of 1978. This is the required notice.

FOR FURTHER INFORMATION CONTACT: Thomas F. Forhan, Permit Office, Division of Polar Programs, National Science Foundation, Washington, DC 20550.

SUPPLEMENTARY INFORMATION: On March 5, 1992, the National Science Foundation published a notice in the **Federal Register** of permit applications received. A permit was issued to Drs. J. W. Testa, M.A. Castellini on September 29, 1992.

John B. Talmadge,

Permit Office, Division of Polar Programs.

[FR Doc. 92–25064 Filed 10–15–92; 8:45 am]

BILLING CODE 7555–01–M

Permit Issued Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of permit issued under the Antarctic Conservation Act of 1978, Public Law 95–541.

SUMMARY: The National Science Foundation (NSF) is required to publish notice of permits issued under the Antarctic Conservation Act of 1978. This is the required notice.

FOR FURTHER INFORMATION CONTACT: Thomas F. Forhan, Permit Office, Division of Polar Programs, National Science Foundation, Washington, DC 20550.

SUPPLEMENTARY INFORMATION: On August 27, 1992, the National Science Foundation published a notice in the **Federal Register** of permit applications received. A permit was issued to Bill J. Baker on September 29, 1992.

John B. Talmadge,

Permit Office, Division of Polar Programs.

[FR Doc. 92–25065 Filed 10–15–92; 8:45 am]

BILLING CODE 7555–01–M

Permit Issued Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of permit issued under the Antarctic Conservation Act of 1978, Public Law 95–541.

SUMMARY: The National Science Foundation (NSF) is required to publish notice of permits issued under the Antarctic Conservation Act of 1978. This is the required notice.

FOR FURTHER INFORMATION CONTACT: Thomas F. Forhan, Permit Office, Division of Polar Programs, National Science Foundation, Washington, DC 20550.

SUPPLEMENTARY INFORMATION: On August 27, 1992, the National Science Foundation published a notice in the **Federal Register** of permit applications received. A permit was issued to Arthur L. DeVries, on September 29, 1992.

John B. Talmadge,

Permit Office, Division of Polar Programs.

[FR Doc. 92–25066 Filed 10–15–92; 8:45 am]

BILLING CODE 7555–01–M

Expert Panel of the Federal Coordinating Council for Science, Engineering and Technology (FCCSET); Committee on Education and Human Resources (CEHR)

The Assistant Director for Education and Human Resources (Vice Chairman, FCCSET/CEHR) has determined that the establishment of the Expert Panel of the Federal Coordination Council for FCCSET; CEHR is necessary and in the public interest in connection with the performance of duties imposed upon the director, National Science Foundation (NSF) by 42 USC 1861 et seq. This determination follows consultation with the Committee Management Secretariat, General Services Administration.

NAME OF COMMITTEE: Expert Panel of the FCCSET; CEHR

PURPOSE: The National Science Foundation acting through the FCCSET; CEHR is establishing an Expert Panel to review the status of Federal science, mathematics, engineering, and technology programs of member agencies. the Expert Panel will provide advice and recommendations to FCCSET/CEHR on the status of Federal Science, Mathematics, Engineering, and Technology (SMET) education programs.

BALANCED MEMBERSHIP PLAN: The Committee will consist of 16 members. Members will be composed of independent nationally recognized experts in science, mathematics, engineering, and technology; education policy and research; education administration and teaching; and program evaluation. Careful consideration will also be given to achieving age and geographical balance and to enhancing representation for women, minority, and persons with disabilities.

RESPONSIBLE NSF OFFICIAL: Dr. Kenneth J. Travers, Director, Division of Research, Evaluation and Dissemination, Directorate for Education and Human Resources, National Science Foundation, room 1249, 1800 G Street, NW., Washington, DC 20550 (202) 357–7425.

Dated: October 13, 1992.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 92–25142 Filed 10–15–92; 8:45am]

BILLING CODE 7555–01–M

NATIONAL SPACE COUNCIL

National Space Policy Assessment Task Group; Meeting

AGENCY: National Space Council.

ACTION: Notice of meeting.

SUMMARY: The Vice President's Space Policy Advisory Board National Space Policy Assessment Task Group will meet October 29 and 30, 1992.

DATES: October 29 and 30, 1992.

ADDRESSES: 1215 Jefferson Davis Highway, suite 800, Arlington, Virginia, 22202.

FOR FURTHER INFORMATION CONTACT: Stephen Hopkins, (703) 685–3307 or James Beale, National Space Council, Executive Office of the President, Washington, DC, (202) 395–6175.

SUPPLEMENTARY INFORMATION: The National Space Policy Assessment Task Group of the Vice President's Space Policy Advisory Board will meet between 9 a.m. and 5 p.m. on October 29 and 30, 1992 at the ANSER Corporation, suite 800, 1215 Jefferson Davis Highway, Arlington, Virginia. The agenda for the meeting includes panel discussions of national space policies and institutional roles and responsibilities. This meeting will be closed to the public under exception 1 of the Government in the Sunshine Act (5 U.S.C. 552b). For additional information, contact Stephen Hopkins, (703) 685–3307.

James R. Beale,

Designated Federal Officer.

[FR Doc. 92–25103 Filed 10–15–92; 8:45 am]

BILLING CODE 3128–01–M

NUCLEAR REGULATORY COMMISSION

Nominations of New members of the Advisory Committee on Medical uses of Isotopes

AGENCY: Nuclear Regulatory Commission.

ACTION: Call for nominations.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is inviting nominations for an individual to serve on its Advisory Committee on Medical Uses of Isotopes (ACMUI) who is qualified in State regulation of radioisotopes.

DATES: Nominations are due December 15, 1992.

ADDRESSES: Submit nominations to: Secretary of the Commission, ATTN: Advisory Committee Management Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

FOR FURTHER INFORMATION CONTACT: Larry W. Camper, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone: 301–504–3417.

SUPPLEMENTARY INFORMATION: The ACMUI advises NRC on policy and technical issues that arise in regulating the medical uses of byproduct material for diagnosis and therapy. Responsibilities include providing guidance and comments on changes in NRC rules, regulations, and guides concerning medical use; evaluating certain non-routine uses of byproduct material for medical use; and providing technical assistance in licensing, inspection, and enforcement cases.

The ACMUI currently consists of two physician specialists in therapeutic radiology, with experience in teletheraphy and brachytherapy; three physician specialists in nuclear medicine, with backgrounds in radiology, internal medicine, and cardiology; a nuclear medicine technologist; a radiopharmacist; two specialists in medical physics; a patients' rights and are advocate; an individual with experience in State regulation of radioisotopes; and a representative from the Food and Drug Administration.

NRC is soliciting nominations of persons who are qualified in the area of State regulation of radioisotopes. Persons having the aforementioned qualification are encouraged to apply. Appointment on the ACMUI is for a two-year term.

Nominees must include resumes describing their educational and

professional qualifications, and provide their current addresses and telephone numbers.

Nominees must be United States citizens and be able to devote approximately 80 hours per year to committee business. Members will be compensated and reimbursed for travel (including per diem in lieu of subsistence), secretarial, and correspondence expenses.

Dated at Washington, DC, this 9th day of October, 1992.

For The Nuclear Regulatory Commission.

John C. Hoyle,

Advisory Committee Management Officer, Office of the Secretary of the Commission.

[FR Doc. 92-25101 Filed 10-5-92; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards; Procedures for Meetings

Background

Procedures to be followed with respect to meetings conducted pursuant to the Federal Advisory Committee Act by the Nuclear Regulatory Commission's (NRC's) Advisory Committee on Reactor Safeguards (ACRS), that were published October 1, 1991 (56 FR 49800), are renewed by this notice. These procedures are set forth in order that they may be incorporated by reference in future individual meeting notices.

The ACRS is a statutory group established by Congress to review and report on each application for a construction permit and on each application for an operating license for a nuclear power reactor facility and on certain other nuclear safety matters. The Committee's reports become a part of the public record. Although ACRS meetings are ordinarily open to the public and provide for oral or written statements from members of the public to be considered as part of the Committee's information gathering procedure, they are not adjudicatory hearings such as those conducted by the NRC's Atomic Safety and Licensing Board as part of the Commission's licensing process. ACRS reviews do not normally encompass matters pertaining to environmental impacts other than those pertaining to radiological safety. ACRS full Committee meetings are conducted in accordance with the Federal Advisory Committee Act.

General Rules Regarding ACRS Meetings

An agenda is published in the **Federal Register** for each full Committee meeting. Practical considerations may dictate some alterations in the agenda. The Chairman of the Committee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incomplete session from one day to the next.

With respect to public participation in ACRS meetings, the following requirements shall apply:

(a) Persons wishing to submit written comments regarding the agenda items may do so by providing a readily reproducible copy at the beginning of the meeting. Comments should be limited to safety-related areas within the Committee's purview.

Persons desiring to mail written comments may do so by sending a readily reproducible copy addressed to the Designated Federal Official specified in the **Federal Register** notice for the individual meeting in care of the ACRS, NRC, Washington, DC 20555. Comments postmarked no later than one calendar week prior to a meeting will normally be received in time for reproduction, distribution, and consideration at the meeting.

(b) Persons desiring to make oral statements at the meeting should make a request prior to the beginning of the meeting. If possible, the request should be made two days before the meeting identifying the topics to be discussed and providing an estimate of the presentation time needed so that appropriate arrangements can be made. However, the Committee Chairman will have the final authority in allocating a reasonable amount of time for presenting such statements. The Committee will hear oral statements on topics relevant to its purview at an appropriate time chosen by the Chairman.

(c) Further information regarding topics to be discussed, whether a meeting has been cancelled 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, on the working day prior to the meeting, to the Office of the Executive Director of the Committee (telephone: 301/492-4516, ATTN: the Designated Federal Official specified in the **Federal Register** notice for the meeting) between 7:30 a.m. and 4:15 p.m., Washington, DC time.

(d) During the ACRS meeting presentations and discussions, questions may be asked only by ACRS members, Committee consultants, and staff.

(e) The use of still, motion pictures, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will be allowed while the meeting is in session at the discretion of the Chairman to a degree that is not disruptive of the meeting. When use of such equipment is permitted, appropriate measures will be taken to protect proprietary or privileged information that may be in documents, folders, etc., being used during the meeting. Recordings will be permitted only during those open sessions of the meeting when a transcript is being kept.

(f) A transcript is normally kept for certain open portions of the meeting and it will be available in the NRC Public Document room, 2120 L Street, NW., Washington, DC 20555, for inspection within one week following the meeting. A copy of the minutes of the meeting will be available at the same location on or before three months following the meeting. Copies may be obtained upon payment of appropriate charges.

ACRS Subcommittee meetings will also be conducted in accordance with these procedures, as appropriate. When Subcommittee meetings are held at locations other than Bethesda, Maryland, reproduction facilities are usually not available. Accordingly, 25 additional copies of the materials to be used during the meeting should be provided for distribution at such meetings.

Special Provisions When Proprietary Sessions Are To Be Held

If it is necessary to hold closed sessions for the purpose of discussing matters involving proprietary information, persons with agreements permitting access to such information may attend those portions of the ACRS meetings where this material is being discussed upon confirmation that such agreements are effective and related to the material being discussed.

The Executive Director of the ACRS should be informed of such an agreement at least three working days prior to the meeting so that it can be confirmed and a determination made regarding the applicability of the agreement to the material that will be discussed during the meeting. The minimum information provided should include information regarding the date of the agreement, the scope of material included in the agreement, the project or projects involved, and the names and titles of the persons signing the agreement. Additional information may be requested to identify the specific agreement involved. A copy of the executed agreement should be provided

to the Designated Federal Officer prior to the beginning of the meeting.

Dated: October 9, 1992.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 92-25100 Filed 10-15-92; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-261]

Exemption; Carolina Power & Light Co. (H. B. Robinson Steam Electric Plant, Unit No. 2)

I

The Carolina Power & Light Company (the licensee) is the holder of Operating License DPR-23 that authorizes operation of the H. B. Robinson Steam Electric Plant, Unit No. 2. The license provides, among other things, that the H. B. Robinson Steam Electric Plant, Unit No. 2, is subject to all rules, regulations, and Orders of the Commission now or hereafter in effect.

The station is a single-unit pressurized water reactor at the licensee's site located in Darlington County, South Carolina.

II

By letter dated January 22, 1992, the licensee requested exemption from the requirements of section III.J of appendix R to 10 CFR part 50; specifically, the licensee listed 10 areas for which they sought an exemption from the requirement to provide 8-hour emergency lighting in certain areas.

III

Pursuant to 10 CFR 50.12, the Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of 10 CFR part 50 when (1) the exemptions are authorized by law, will not present an undue risk to public health and safety, and are consistent with the common defense and security; and (2) when special circumstances are present. According to 10 CFR 50.12(a)(2)(ii), special circumstances are present when "Application of the regulation in the particular circumstances would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule. * * *"

Section III.J of appendix R to 10 CFR part 50 states that "Emergency lighting units with at least an 8-hour battery power supply shall be provided in all areas needed for operation of safe shutdown equipment and in access and egress routes thereto."

The reason for requiring 8-hour battery-powered emergency lighting is to ensure that at least minimal lighting is available for the performance of manual actions necessary for safe shutdown after a fire. Usually manual actions are required for valve alignment, repairs, and pump control operations. The 10 areas for which an exemption from the 8-hour battery-powered emergency lighting requirement is sought are areas in which cold shutdown operation and repair activities take place. The licensee proposes to maintain dedicated battery-powered emergency lights at selected locations to permit easy availability to personnel enroute to these 10 areas following a fire.

In their letter of June 29, 1984, the licensee referenced the safe shutdown analysis for H. B. Robinson, Unit 2 (as described in their supplemental submittal dated February 6, 1984) which postulated that cold shutdown operation and repair activities would commence approximately 5 to 8 hours after the fire. In letters of July 30, 1987, and June 30, 1988, the staff granted an exemption from the requirement of section III.J of 10 CFR 50, appendix R to provide 8-hour battery-powered lights for the containment and RHR pit areas where manual, cold shutdown operations are required and/or where possible repairs may be needed. The same conditions of possible manual, cold shutdown operations and/or repairs exist for these other 10 areas listed in the January 22, 1992, submittal. The technical justification for the original exemption is also valid for these 10 areas. Specifically:

- Battery-powered emergency lighting is required to last 8 hours.
- The cold shutdown manual actions and/or repairs will commence 5 to 8 hours after the fire. Therefore, effectiveness of the 8-hour battery-powered emergency lighting would be marginal.
- Dedicated battery-powered emergency lights will be maintained at selected locations to permit easy availability to personnel enroute to these 10 areas following a fire.

Based on this evaluation, the staff has concluded that the 10 areas listed in the licensee's request for exemption dated January 22, 1992, should, in fact, be exempted from the requirements of section III.J of appendix R to 10 CFR part 50.

In the January 22, 1992, letter, the licensee also requested clarification concerning the earlier Exemption granted by the NRC on June 30, 1988. The evaluation addressed the issue of using the portable battery-powered emergency lights both for access to and operation of Service Water Valve V6-12D; however, only access to the valve was included in the actual Exemption. The licensee stated that they interpreted this to mean that these portable lights were acceptable also for operation of valve V6-12D. We agree with this interpretation.

IV

Accordingly, the Commission has determined, pursuant to 10 CFR 50.12, the Exemption as described in section III is authorized by law, will not endanger life or property, and is otherwise in the public interest; it has also determined that special circumstances exist pursuant to 10 CFR 50.12(a)(2)(ii). Therefore, the Commission grants the following exemption:

Carolina Power & Light Company is exempt from the requirements of 10 CFR part 50, appendix R, section III.J, in that battery-powered emergency lighting need not be provided for the following areas:

Fire zone/area	Description of fire zone/area
7/A	Auxiliary Building Hallway.
11/A	Pipe Alley.
12/A	RHR Heat Exchanger Room.
19/A	Unit 2 Cable Spreading Room.
20/A	E1/E2 Emergency Switchgear Room.
9/D	North Cable Vault.
10/E	South Cable Vault.
25/G	Turbine Building, Including 4160V Switchgear Room.
/G	Outside RHR Pit.
/G	Central Warehouse and Outside Yard Area.

The Commission also clarifies that the Exemption granted on June 30, 1988, allows for the operation of service water valve V6-12D at the intake structure using portable lights. It was specifically addressed in section III on Page 2 of the Exemption sent by NRC letter dated June 30, 1988, and inadvertently omitted from section IV on page 5.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of these exemptions will have no significant impact on the quality of the human environment (57 FR 46410).

For the Nuclear Regulatory Commission.

Steven A. Varga,

Director, Division of Reactor Projects—I/II Office of Nuclear Reactor Regulation.

[FR Doc. 92-25154 Filed 10-15-92; 8:45 am]

BILLING CODE 7590-01-M

RESOLUTION TRUST CORPORATION

Coastal Barrier Improvement Act; Property Availability; Corotuck Beach, Currituck County, NC

AGENCY: Resolution Trust Corporation.

ACTION: Notice.

SUMMARY: Notice is hereby given that the property known as Corotuck Beach, located in Currituck County, North Carolina, is affected by section 10 of the Coastal Barrier Improvement Act of 1990, as specified below.

DATES: Written notices of serious interest to purchase or effect other transfer of the property may be mailed or faxed to the RTC until January 14, 1993.

ADDRESSES: Copies of detailed descriptions of the property, including maps, can be obtained from or are available for inspection by contacting the following person: Mr. Andrew S. Hamrick, Resolution Trust Corporation, 245 Peachtree Center Avenue, NE., South Tower Peachtree, Fourth Floor, Atlanta, GA 30303, (404) 230–6556, Fax (404) 818–8722.

SUPPLEMENTARY INFORMATION: The Corotuck Beach property is located on the Outer Banks of North Carolina between the Atlantic Ocean and Currituck Sound approximately 500 feet north of Penny's Hill in Fruitville Township. The property contains wetlands and is located within the "L01 Unit" of the Coastal Barrier Resources System (Currituck Banks Unit). The property is covered property within the meaning of section 10 of the Coastal Barrier Improvement Act of 1990, Public Law 101–591 (12 U.S.C. 1441a–3).

Characteristics of the property include: The property consists of approximately 39 acres of undeveloped land in two contiguous tracts with frontage on both Currituck Sound and the Atlantic Ocean. The site contains about 9 acres of wetlands and is in close proximity to the Monkey Island Tract of the Currituck National Wildlife Refuge. The property is irregular in shape and relatively flat with coastal scrub vegetation. There is no developed access to the site.

Property size: Approximately 39 acres.

Written notice of serious interest in the purchase or other transfer of the property must be received on or before January 14, 1993, by the Resolution Trust Corporation at the address stated above.

Those entities eligible to submit written notices of serious interest are:

1. Agencies or entities of the Federal government;

2. Agencies or entities of State or local government; and

3. "Qualified organizations" pursuant to section 170(h)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 170(h)(3)).

Written notices of serious interest to purchase or effect other transfer of the property must be submitted by January 14, 1993 to Mr. Andrew S. Hamrick at the above **ADDRESSES** and in the following form:

Notice of Serious Interest

RE: Corotuck Beach

Federal Register Publication Date: _____
[insert Federal Register publication date]

1. Entity name.

2. Declaration of eligibility to submit Notice under criteria set forth in Coastal Barrier Improvement Act of 1990, P.L. 101–591, section 10(b)(2), (12 U.S.C. 1441a–3(b)(2)).

3. Brief description of proposed terms of purchase or other offer (e.g., price and method of financing).

4. Declaration by entity that it intends to use the property primarily for wildlife refuge, sanctuary, open space, recreational, historical, cultural, or natural resource conservation purposes.

5. Authorized Representative (Name/Address/Telephone/Fax).

Dated: October 9, 1992.

Resolution Trust Corporation.

William J. Tricarico,

Assistant Secretary.

[FR Doc. 92–25094 Filed 10–15–92; 8:45 am]

BILLING CODE 6714–01–M

Coastal Barrier Improvement Act; Property Availability; Ocean Pearl Property, Currituck County, NC

AGENCY: Resolution Trust Corporation.

ACTION: Notice.

SUMMARY: Notice is hereby given that the property known as Ocean Pearl, located in Currituck County, North Carolina, is affected by section 10 of the Coastal Barrier Improvement Act of 1990, as specified below.

DATES: Written notices of serious interest to purchase or effect other transfer of the property may be mailed or faxed to the RTC until January 14, 1993.

ADDRESSES: Copies of detailed descriptions of the property, including maps, can be obtained from or are available for inspection by contacting the following person: Mr. Andrew S. Hamrick, Resolution Trust Corporation, 245 Peachtree Center Avenue, NE., South Tower Peachtree, Fourth Floor, Atlanta, GA 30303, (404) 230–6556, Fax (404) 818–8722.

SUPPLEMENTARY INFORMATION: The Ocean Pearl property is located on the Outer Banks of North Carolina between the Atlantic Ocean and Currituck Sound approximately 4,000 feet south of Penny's Hill in Fruitville Township. The property contains coastal dunes and beaches and is located within the "L01P Unit" of the Coastal Barrier Resources System (Currituck Banks Unit). The property is covered property within the meaning of section 10 of the Coastal Barrier Improvement Act of 1990, Public Law 101–591 (12 U.S.C. 1441a–3).

Characteristics of the property include: The property consists of approximately 15 acres of undeveloped land located at the end of Ocean Pearl Road. The property is irregular in shape, relatively flat with coastal scrub vegetation, and contiguous with the Monkey Island Tract of the Currituck National Wildlife Refuge. The site has approximately 530 feet of frontage on Ocean Pearl Road which provides access to the property.

Property size: Approximately 15 acres.

Written notice of serious interest in the purchase or other transfer of the property must be received on or before January 14, 1993 by the Resolution Trust Corporation at the address stated above.

Those entities eligible to submit written notices of serious interest are:

1. Agencies or entities of the Federal government;

2. Agencies or entities of State or local government; and

3. "Qualified organizations" pursuant to section 170(h)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 170(h)(3)).

Written notices of serious interest to purchase or effect other transfer of the property must be submitted by January 14, 1993 to Mr. Andrew S. Hamrick at the above **ADDRESSES** and in the following form:

Notice of Serious Interest

Re: Ocean Pearl Property

Federal Register Publication Date: _____
[insert Federal Register publication date]

1. Entity name.

2. Declaration of eligibility to submit Notice under criteria set forth in Coastal Barrier Improvement Act of 1990, P.L. 101–591, section 10(b)(2), (12 U.S.C. 1441a–3(b)(2)).

3. Brief description of proposed terms of purchase or other offer (e.g., price and method of financing).

4. Declaration by entity that it intends to use the property primarily for wildlife refuge, sanctuary, open space, recreational, historical, cultural, or natural resource conservation purposes.

5. Authorized Representative (Name/Address/Telephone/Fax).

Dated: October 9, 1992.

Resolution Trust Corporation
William J. Tricarico,
Assistant Secretary.
[FR Doc. 92-25095 Filed 10-15-92; 8:45 am]
BILLING CODE 6714-01-M

Coastal Barrier Improvement Act; Property Availability; Cedron Creek Ranch, Bosque County, TX

AGENCY: Resolution Trust Corporation.
ACTION: Notice.

SUMMARY: Notice is hereby given that the property known as Cedron Creek Ranch, located near the City of Whitney, Bosque County, Texas, is affected by section 10 of the Coastal Barrier Improvement Act of 1990, as specified below.

DATES: Written notices of serious interest to purchase or effect other transfer of the property may be mailed or faxed to the RTC until January 14, 1993.

ADDRESSES: Copies of detailed descriptions of the property, including maps, can be obtained from or are available for inspection by contacting the following person: Mr. Michael L. McCord, Resolution Trust Corporation, 4900 Main, Fourth Floor, Kansas City, MO 64112, (816) 968-7133, Fax (816) 561-0882.

SUPPLEMENTARY INFORMATION: The Cedron Creek Ranch is located on the northwest side of Lake Whitney, between Morgan and Whitney, Bosque County, Texas. The Property has recreational values and is contiguous with Lake Whitney which is managed by the U.S. Army Corps of Engineers for recreational purposes. The property is covered property within the meaning of Section 10 of the Coastal Barrier Improvement Act of 1990, Public Law 101-591 (12 U.S.C. 1441a-3).

Characteristics of the property include: The property consists of approximately 971 acres of undeveloped land located on Lake Whitney, which is the fourth largest lake in the State of Texas. The vegetation on the site is characterized as native and is critical to the support of local wildlife populations in the east central part of Texas.

Property size: Approximately 971 acres.

Written notice of serious interest in the purchase or other transfer of the property must be received on or before January 14, 1993, by the Resolution Trust Corporation at the address stated above.

Those entities eligible to submit written notices of serious interest are:

1. Agencies or entities of the Federal government;

2. Agencies or entities of State or local government; and

3. "Qualified organizations" pursuant to section 170(h)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 170(h)(3)).

Written notices of serious interest to purchase or effect other transfer of the property must be submitted by January 14, 1993, to Mr. Michael L. McCord at the above **ADDRESSES** and in the following form:

Notice of Serious Interest

RE: Cedron Creek Ranch

Federal Register Publication Date: _____
[insert Federal Register publication date]

1. Entity name.
2. Declaration of eligibility to submit Notice under criteria set forth in Coastal Barrier Improvement Act of 1990, P.L. 101-591, Section 10(b)(2), (12 U.S.C. 1441a-3(b)(2)).
3. Brief description of proposed terms of purchase or other offer (e.g., price and method of financing).
4. Declaration by entity that it intends to use the property primarily for wildlife refuge, sanctuary, open space, recreational, historical, cultural, or natural resource conservation purposes.
5. Authorized Representative (Name/Address/Telephone/Fax).

Dated: October 9, 1992.

Resolution Trust Corporation.
William J. Tricarico,
Assistant Secretary.
[FR Doc. 92-25096 Filed 10-15-92; 8:45 am]
BILLING CODE 6714-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-31307; File No. SR-BSE-92-06]

October 9, 1992.

Self-Regulatory Organizations; Filing of Proposed Rule Change and Amendment No. 1 by the Boston Stock Exchange, Inc. Relating to its Listing and Maintenance Requirements

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 6, 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. On August 10, 1992, the BSE submitted to the Commission Amendment No. 1 to the proposed rule change.[1] 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 listing and maintenance requirements to impose more stringent criteria for initial and continued listing of securities on the Exchange.[2]

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in item III below. the self-regulatory organization has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(1) Purpose

The purpose of the proposed rule change is to amend the listing and maintenance requirements of the Exchange to establish minimum requirements as opposed to guidelines where practicable, to modernize and clarify the language of the rule, and to begin to respond to the Commission's concerns regarding certain issuers and promoters seeking listing solely as a means to avoid the requirements of SEC Rule 15c2-6.[3] This proposed rule change is a prelude to an undertaking by the Exchange at the request of its Board of Governors to study the Exchange's entire listing program and recommend further changes and enhancements where appropriate.[4]

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[1] See letter from Karen A. Aluise, Staff Attorney, BSE, to Sharon Lawson, Assistant Director, SEC, dated July 27, 1992. As described in more detail below, Amendment No. 1 modified the BSE's listing and maintenance requirements to specify when the Exchange will review the financial conditions of listed companies for compliance with its listing standards.

[2] The proposed rule change would amend section 1 of chapter XXVII of the rules. The test of the proposed rule change was attached as exhibit 1 to File No. SR-BSE-92-06 and can be obtained at the places specific in item IV below.

[3] 17 CFR 240.15c2-6 (1991).

[4] The Commission notes that the BSE previously submitted a proposed rule change to amend its listing and maintenance criteria for common stock.

Continued

For companies seeking to be listed on the Exchange, the BSE proposes the following initial listing criteria for common stock issues:

(1) A minimum of $3 million in total assets, of which $1.5 million are tangible assets; [5]

(2) An outstanding public float of 500,000 shares or more, exclusive of shares held by directors, officers or other concentrated holdings of 10% or more, with an aggregate market value of at least $1.5 million;

(3) A minimum of 500 beneficial stockholders, exclusive of the holdings of directors, officers or other concentrated holdings of 10% or more; [6]

(4) A minimum bid price of $1.00 per share at the time of listing in the case of an initial public offering or, in all other cases, the maintenance of a bid price of $1.00 for the 30 day period prior to listing;

(5) Either net income of $100,000 in two of the past three fiscal years or net tangible assets of $500,000; [7]

(6) A minimum of $1 million in stockholders' equity; and

(7) The maintenance of stock transfer facilities with a transfer agent registered pursuant to the Act.[8]

With respect to common stock issues, the Exchange also proposes the following requirements for a company's continued listing on the Exchange:

(1) $1,000,000 in total assets;

(2) A public float of 150,000 shares with a market value of $500,000;

(3) 250 beneficial public stockholders; and

(4) Stockholders' equity of $500,000.[9]

In addition to common stock issues, the Exchange also proposes to establish initial and continued listing requirements for preferred stock issues, bonds and warrants.[10] With regard to the initial listing of preferred stock, the company shall have outstanding a public float of either 250,000 or more shares, or have a market value of $1,000,000 or more. The continued listing criteria for preferred stock issues would require a public float of 100,000 shares and 100 beneficial holders.

For companies seeking to list bonds on the Exchange, the proposed initial listing criteria would require a minimum of $5,000,000 principal amount and 200 beneficial holders. The criteria for the continued inclusion of bonds would require a principal amount of $250,000 and 100 beneficial holders. With regard to the listing requirements for warrants, the BSE proposes that the company shall have outstanding a public float of 250,000 or more warrants and 250 beneficial holders.

Companies that are listed on the Exchange prior to the effective date of the proposed rule shall be grandfathered, and will have one year in which to come into compliance with the new maintenance standards if they are deficient. If at the end of such period a company is not in compliance, it shall be delisted from the Exchange.

Finally, under the proposal, the financial condition of the company will be reviewed each quarter to ensure compliance with the maintenance requirements. The number of beneficial holders and publicly held shares will be reviewed annually based on the company's 10K report. Should any action be taken by the company or others that would affect the number of beneficial holders or publicly held shares, during the course of the year, the Exchange will evaluate the situation and take appropriate action if the maintenance standards are not met.

2. Statutory Basis

The statutory basis for the proposed rule change is section 6(b)(5) under the Act in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to perfect the mechanism of a free and open market system, and, in general, to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change will not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

The Exchange has neither solicited nor received comments on the proposed rule change, except from the Stock List Committee.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such other period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve the proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the BSE. All submissions should refer to File No. SR-

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preferred stock, warrants and bonds (see Securities Exchange Act Release No. 29357 (August 21, 1990), 55 FR 35226 (noticing File No. SR-BSE-90-10). By letter dated June 30, 1992, the BSE withdrew that proposed rule change (see letter from Karen A. Aluise, Staff Attorney, BSE, to Mary Revell, Branch Chief, Division of Market Regulation, SEC, dated June 30, 1992) and subsequently submitted the proposal described herein.

[5] The Exchange defines tangible assets as total assets less any intangible assets which include, but are not limited to, good will, patents, licenses and trademarks.

[6] With respect to a company which seeks to list a common stock issue following an initial public offering, the Exchange must receive assurances from the company or its representatives that the minimum stockholder requirement will be met following the distribution of the shares. If not met within six months of listing, the Exchange shall take action to suspend dealings in the specific issue until the stockholder requirement is met.

[7] Net tangible assets are defined as stockholders' equity less any intangible assets as described in note 4, *supra*.

[8] Other factors that the Exchange may take into consideration when determining whether to accept a company for initial listing on the exchange include the business reputation and prior experience of the company's management; its relationship, if any, to other publicly traded companies; the company's asset base; and the company's working capital.

[9] With regard to the proposed maintenance standards, the Exchange may give consideration to any definitive action that a company would proposed to take that would bring the criterion in question in line with the requisite maintenance provision.

[10] The BSE currently has no listing standards for preferred stock, warrants, or bonds. Further, pursuant to the proposal, if a company's common stock is not listed on the BSE, such company would have to meet the original listing requirements set forth above for common stock in order to be eligible to list other types of security issues on the Exchange.

BSE–92–06 and should be submitted by November 6, 1992.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92–25168 Filed 10–15–92; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–31304; File No. SR–DTC–92–14]

Self-Regulatory Organization; The Depository Trust Co.; Filing of a Proposed Rule Change Relating to the Automation of Services for Mortgage-Backed Put Securities

October 8, 1992.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] notice is hereby given that on August 21, 1992, The Depository Trust Company ("DTC") 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 DTC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change involves automation of the services of DTC for mortgage-backed put securities as set forth in the procedures for Participants and Agents in DTC's Participant Terminal System ("PTS") Reference Manual.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, DTC 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. DTC 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

In 1991 DTC implemented procedures which permit DTC Participants to exercise repayment, retainment, and relinquishment options on put option securities by providing instructions to DTC over their PTS terminals rather than through the delivery of hardcopy (i.e., paper) Voluntary Offering Instructions forms to DTC. Those procedures were the subject of DTC's filing on Form 19b–4, File No. SR–DTC–91–10. At that time DTC indicated that in the future DTC would implement procedures for instructions via PTS relating to mortgage-backed puts, which are a special type of repayment option associated with mortgage-backed and other asset-backed securities. DTC is now implementing procedures for instructions via PTS relating to mortgage-backed puts.

DTC is also now implementing procedures which permit agents for mortgage-backed put securities ("Agents") to utilize PTS in order to receive mortgage-backed put instructions initiated by Participants, to inquire about pending instructions, to accept or reject Participants' requests for withdrawal of instruction, and to select pending instructions for payment processing. Currently Agents receive from DTC hardcopy documents reflecting mortgage-backed put instructions submitted by Participants, and Agents deliver to DTC hardcopy documents in connection with withdrawals and payments.

The proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to DTC since the proposed rule change will eliminate the risks of loss and delay during shipment of hard copy documents and the inefficiencies associated with the physical handling and delivery of hardcopy documents by Participants, DTC, and Agents. The proposed rule change is consistent with section 17A of the Act [2] in that the proposed rule change enhances DTC's existing services for mortgage-backed puts and will be implemented consistently with existing procedures for the safeguarding of securities and funds in DTC's custody or control or for which it is responsible.

B. Self-Regulatory Organization's Statement on Burden on Competition

DTC perceives no impact on competition by reason of the proposed rule change.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The proposed rule change has been discussed with Agents. Written comments from DTC Participants or others have not been solicited or received on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within thirty-five 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 ninety days of such date if it finds such longer period to be appropriate and in the public interest 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 in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of DTC. All submissions should refer to the file number SR–DTC–92–14 and should be submitted by November 6, 1992.

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[1] 15 U.S.C. 78s(b)(1) (1988).

[2] 15 U.S.C. 78q–1 (1988).

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[3]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92-25085 Filed 10-15-92; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-31303; File No. SR-MSTC-92-04]

Self-Regulatory Organizations; The Midwest Securities Trust Co.

October 8, 1992.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] notice is hereby given that on July 20, 1992, the Midwest Securities Trust Company ("MSTC") 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 MSTC. 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

MSTC proposes to amend its Services and Schedule of Charges by (1) adding a new settlement services fee for portfolio transactions executed pursuant to the Midwest Stock Exchange's ("MSE") Portfolio Execution System and (2) providing for the waiver of Inter-Activity fees for participants who choose to utilize the portfolio transaction fee. The text of the proposed change (italicized) is as follows:

Settlement Services

Portfolio Execution System Transaction Fees

Number of Shares of Stock in Portfolio	*Fee*
300 or less	*$20*
301-400	*25*
401-500	*30*
501+	*35*

The Portfolio Execution System Transaction Fee allows a participant to use an alternative fee structure to clear a portfolio contract executed on the Midwest Stock Exchange trading floor. The Portfolio Execution System Transaction Fees are optional. However, if the Portfolio Execution System Transaction Fees option is utilized, the Inter-Activity Movements Fee, as it relates to Portfolio Execution System trade settlements, will be waived.

Inter-Activity Movements

* * * * *

The Inter-Activity Movement Fees for CNS Inter-Activity Long and CNS Inter-Activity Short movements, as they relate to settlements of contracts executed pursuant to the Midwest Stock Exchange's Portfolio Execution System, will be waived for Participants who choose to utilize the Portfolio Execution System Transaction Fee option.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, MSTC 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. MSTC has prepared summaries, set forth in section (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to add and make available an alternative fee for contracts executed pursuant to the MSE's Portfolio Execution System. This proposed rule change will also allow for the waiver of the MSTC Inter-Activity Fee for participants utilizing the optional portfolio transaction fee. The proposed rule change recognizes that a single portfolio transaction can generate multiple inter-activity movements (i.e., allocations of securities) even if the participant does not want to take final delivery of securities. Therefore, MSTC believes it is appropriate to allow for a different fee structure for portfolio transactions because they generally create intraday, temporary movements within a position.

Under the new fee structure, those participants who choose the portfolio transaction fee would not be charged for inter-activity movements. The addition of the new portfolio transaction fee option and the waiver of the MSTC Inter-Activity Fee establishes a cost-effective way for participants to execute portfolio trades. The proposed rule change is consistent with section 17A of the Act because it promotes the prompt and efficient clearance and settlement of securities transactions.

(B) Self-Regulatory Organization's Statement on Burden on Competition.

MSTC believes that no burden will be placed on competition as a result of the proposed rule change.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No comments were received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to section 19(b)(3)(A) of the Act and subparagraph (e) of Rule 19b-4 thereunder because it establishes or changes a due, fee, or other charge of the self-regulatory organization. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submissions, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communication relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of MSTC. All submissions should refer to File No. SR-MSTC-92-4 and should be submitted by November 6, 1992.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[2]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92-25082 Filed 10-15-92; 8:45 am]

BILLING CODE 8010-01-M

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[3] 17 CFR 200.30-3(a)(12) (1991).

[1] 15 U.S.C. 78s(b)(1) (1988).

[2] 17 CFR 200.30-3(a)(12) (1991).

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[2]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92-25082 Filed 10-15-92; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-31305; File Nos. SR-MCC-92-05 and SR-MSTC-92-05]

Self-Regulatory Organizations; Midwest Clearing Corp. and Midwest Securities Trust Co.

October 8, 1992.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] notice is hereby given that on July 16, 1992, the Midwest Clearing Corporation ("MCC") and the Midwest Securities Trust Company ("MSTC") filed with the Securities and Exchange Commission ("Commission") the proposed rule changes (File Nos. SR-MCC-92-05 and SR-MSTC-92-05) as described in Items I, II, and III below, which Items have been prepared mainly by MCC and MSTC, self-regulatory organizations ("SROs"). The Commission is publishing this notice to solicit comments on the proposed rule changes from interested persons.

[1] 15 U.S.C. 78s(b)(1) (1988).

I. Self-Regulatory Organizations' Statement of the Terms of Substance of the Proposed Rule Changes

MCC, pursuant to Article I, Rule 3, section 3(f) of MCC Rules, and MSTC, pursuant to Article II, Rule 1, section 1 of MSTC Rules, propose to change the daily cut-off times and modify related processing logic governing the processing of Depository Delivery Instructions ("DDI") and Continuous Net Settlement ("CNS") allocation activity. The proposed rule changes would establish a reclamation only period at day's end. The proposed changes to the daily cutoff timetable are as follows:

		Current	Revised [1]
MCC Transaction:			
CNSDEL	CNS Delivery	13:10	12:25
CNSREC	CNS Receive	13:10	12:25
ASLDEL	Auto Stock Loan Delivery	13:10	12:25
ASLREC	Auto Stock Loan Receive	13:10	12:25
ASLRET	Auto Stock Loan Return	13:10	12:25
MEMLV	Member to Member Voluntary Loan	13:10	12:25
MEMLM	Member to Member Mandatory Loan	13:10	12:25
MEMRP	Member to Member Partial Return	13:10	12:25
MEMRT	Member to Member Total Return	13:10	12:25
MSTC Transaction:			
DDIR	MSTC/MSTC DDI-Original/Recycle Update	12:45	12:30
DDI3	MSTC/DTC DDI-Original/Recycle Update	12:45	12:30

[1] Approximate, pending confirmation of time window necessary to transmit inter-clearing corporation activity to NSCC/DTC.

II. Self-Regulatory Organizations' Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Changes

In their filings with the Commission, the SROs included statements concerning the purpose of and basis for the proposed rule changes and discussed any comments they received on the proposed rule changes. The text of these statements may be examined at the places specified in Item IV below. The SROs have prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organizations' Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Changes

The purpose of the proposed rule change is to modify certain daily cut-off times for various processing activities in order to recognize and support established industry standards and practices and, thereby, to promote fuller utilization of the MST System by participants.[2] Currently, MSTC closes its DDI reclamation processing prior to MCC's closing its CNS allocation processing. MCC and MSTC believe that closing CNS allocation processing prior to closing DDI reclamation processing will give Participants receiving a CNS allocation at or near the end of the day the opportunity to redeliver via DDI on a same-day basis. Implementation of these changes will effectively modify the end-of-day processing closure sequence from Reclamation-Recycle-Allocation to the accepted industry standard of Allocation-Recycle-Reclamation.

MCC and MSTC believe that the proposed rule changes are consistent with the purposes and requirements of Section 17A of the Act [3] in that the changes in cut-off times provide for the prompt and accurate settlement of securities transactions through increased stability and accounting in the securities markets.

[2] The term "MST System," an acronym for Midwest Securities Transactions System, represents an effort by the Midwest Stock Exchange, MCC, and MSTC to offer certain joint services, such as processing and reporting functions, in a single facility.

[3] 15 U.S.C. 78q-1 (1988).

B. Self-Regulatory Organizations' Statement on Burden on Competition

MCC and MSTC believe that no burdens will be placed on competition as a result of the proposed rule changes.

C. Self-Regulatory Organizations' Statement on Comments on the Proposed Rule Changes Received From Members, Participants or Others

MCC and MSTC have neither solicited nor received any comments regarding the proposed rule changes.

III. Date of Effectiveness of the Proposed Rule Changes and Timing for Commission Action

The foregoing rule changes have become effective pursuant to section 19(b)(3)(A)(i) of the Act [4] and subparagraph (e)(4) of Securities Exchange Act Rule 19b-4 [5] because the proposed rule changes effect changes in existing services of MCC and MSTC that (i) do not adversely affect the

[4] 15 U.S.C. 78s(b)(3)(A)(i) (1988).

[5] 17 C.F.R. 240.19b-4(e)(4) (1991).

[6] The rules of MCC and MSTC authorize them to establish cut-off times. MCC *Rules*, Art. I, Rule 3, § 3(f) and MSTC *Rules*, Art. I, Rule 3, § 1(f).

safeguarding of securities or funds in the custody of control of MCC or MSTC or for which they are responsible and (ii) do not significantly affect the respective rights or obligations of MCC or MSTC or persons using the services.[6]

At any time within sixty days of the filings of such proposed rule changes, the Commission may summarily abrogate such rule changes if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule changes that are filed with the Commission, and all written communications relating to the proposed rule changes between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filings will also be available for inspection and copying at the principal offices of MCC and MSTC. All submissions should refer to File Nos. SR–MCC–92–05 and SR–MSTC–92–05 and should be submitted by November 6, 1992.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[7]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92–25084 Filed 10–15–92; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. IC–19012; 811–3818]

Prudential-Bache Option Growth Fund, Inc.; Application

October 9, 1992.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of application of deregistration under the Investment Company Act of 1940 (the "Act").

APPLICANT: Prudential-Bache Option Growth Fund, Inc.

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 was filed on August 4, 1992, and amended on October 6, 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 November 3, 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 notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, NW., Washington, DC 20549. Applicant, One Seaport Plaza, New York, New York 10292.

FOR FURTHER INFORMATION CONTACT: Marc Duffy, Staff Attorney, (202) 272–2511, or C. David Messman, Branch Chief, (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 is a diversified open-end management company incorporated under the laws of Maryland and doing business as Prudential Total Return Fund. On July 23, 1982, applicant registered under the Act and filed a registration statement on Form N–1A pursuant to section 8(b) of the Act, and registered an indefinite number of shares of its common stock under the Securities Act of 1933. Applicant's registration statement was declared effective on February 18, 1983, and its initial public offering commenced on April 8, 1983.

2. On January 9, 1992, applicant's board of directors unanimously approved an Agreement and Plan of Reorganization (the "Plan") between applicant and Prudential Equity Income Fund (the "Equity Fund"). On April 17, 1992, a proxy statement relating to the Plan was mailed to each shareholder, and was filed with the SEC. On May 13, 1992, holders of a majority of the outstanding shares of applicant approved the Plan.

3. Pursuant to an exemptive order, applicant and Equity Fund were granted relief to issues two classes of shares representing interests in the same portfolio.[1] Class A shares of each fund are subject to a front-end sales load and a rule 12b–1 distribution fee of .20% of average daily net assets, and Class B shares are subject to a contingent deferred sales charge and a rule 12b–1 distribution fee of 1.00% of average daily net assets.

4. On June 19, 1992 (the "Closing Date"), applicant had 39,098.40 Class A shares and 5,347,067.628 Class B shares outstanding with a net asset value per share of $7.97 and $7.92, respectively, and an aggregate net asset value of $42,652,014.34. On the Closing Date, applicant transferred all of its assets to Equity Fund in exchange for 3,584,907.006 Class A shares of Equity Fund.[2] Equity Fund also assumed all of applicant's liabilities. Such exchange was based on the relative net asset value of applicant and Equity Fund on the Closing Date. The Equity Fund Class A shares received by applicant then were distributed *pro rata* to applicant's shareholders.

5. Applicant and Equity Fund have a common investment adviser.[3] In accordance with rule 17a–8, applicant's board of directors determined that the sale of applicant's assets to Equity Fund was in the best interest of applicant, and that the interests of the shareholders of applicant would not be diluted by the exchange of its Class A and Class B

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[7] 17 C.F.R. 200.30–3(a)(12) (1991).

[1] Prudential-Bache California Municipal Fund, *et al.*, Investment Company Act Release Nos. 17277 (Dec. 20, 1989) (notice), and 17308 (Jan. 18, 1990) (order).

[2] Because the distribution expense relating to the sale of applicant's Class B shares were almost completely reimbursed at the time of the reorganization, applicant's board of directors determined that it would be more appropriate to exchange applicant's Class B shares, as well as its Class A shares, for Equity Fund's Class A shares, which were subject to a lower rule 12b–1 fee than Class B shares.

[3] The Division of Investment Management notes that rule 17a–8 provides an exemption from the affiliated transaction prohibitions of section 17(a) for a merger of registered investment companies, which may be affiliated persons, or affiliated persons of an affiliated person, solely by reason of having a common investment adviser. To avail itself of the exemption, each investment company's board of directors must determine that (a) participation in the transaction is in the best interest of the investment company, and (b) the interests of existing shareholders of the investment company will not be diluted as a result of effecting the transaction.

shares for Class A shares of Equity Fund.

6. In connection with the Plan, applicant and Equity Fund together incurred expenses of $167,067. Such expenses consisted of $41,288 for printing, $31,079 for proxy solicitation, $84,700 for legal fees, $7,000 for audit fees, and $3,000 for mailing. Since all of the applicant's assets have been transferred to Equity Fund, and Equity Fund assumed all of applicant's liabilities, Equity Fund will pay these expenses.

7. At the time of filing of the application, applicant had no assets. Applicant's liabilities have been assumed by Equity Fund. Applicant has no shareholders and is not a party to any litigation or administrative proceedings. Applicant is not now engaged, nor does it propose to engage, in any business activities other than those necessary for the winding up of its affairs. Applicant intends to file Articles of Dissolution with the Maryland State Department of Assessments and Taxation as soon as possible after the granting of the order requested hereby.

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92-25169 Filed 10-15-92; 8:45 am]

BILLING CODE 8010-0-M

[Release No. 35-25652]

Filings Under the Public Utility Holding Company Act of 1935 ("Act")

October 9, 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 November 2, 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 evidence (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.

Transok, Inc. (70-7935)

Transok, Inc. ("Transok"), 2 West Sixth Street, Tulsa, Oklahoma 74101, a natural-gas gathering and transmission subsidiary company of Central and South West Corporation ("CSW"), a registered holding company, has filed a post-effective amendment under sections 6(a), 7 and 12(c) of the Act and rules 42 and 50(a)(5) thereunder to its declaration previously filed under sections 6(a) and 7 of the Act and rule 50(a)(5) thereunder.

By order dated March 26, 1992 (HCAR No. 25502) ("Order"), Transok was authorized to enter into private placement agreements ("Agreements") for the issuance and sale, in one or more transactions from time-to-time through December 31, 1993, of up to an aggregate principal amount of $200 million of its medium-term notes ("MTNs"). Transok may privately place the MTNs with qualified institutional buyers through one or more agents, or sell them to one or more investment bankers as principal(s) for resale to investors at a discount. The MTNs may be offered for sale from time-to-time as the need for funds arises and as opportunities arise in the marketplace to issue at favorable terms. Transok will use the proceeds from the sale of the MTNs to:

(1) Reduce its debt to CSW (HCAR No. 25385, September 26, 1991);

(2) Repay short-term debt (HCAR No. 25288, March 29, 1991); and

(3) Fund Transok's 1992 and 1993 capital expenditures.

Pursuant to the Order and by agreement with agents of the MTNs program ("Agents"), the Agreements provided for the following terms and conditions of the MTNs:

(1) The MTNs would have maturity dates not less than nine months nor more than 30 years from the date of issue;

(2) The MTNs may be redeemable pursuant to agreement between Transok and the respective purchasers;

(3) The price to be paid to Transok for the MTNs will not be less than 98%, and will not exceed 102%, of their principal amount;

(4) The MTNs will bear a fixed or floating rate and will be sold at a cost of money not exceeding the rate prevailing at the time of issuance for medium-term notes of comparable quality and of the particular maturity; and

(5) The MTNs may be issued at a discount of up to 2%, or Transok may pay a commission of similar fee not greater than 2% of the principal amount of the MTNs.

As of August 1, 1992, Transok had issued $62 million of MTNs, all of which remain outstanding. The terms of the MTNs are specified in each note.

Transok has agreed with the Agents to enter into Amended Private Placement Memoranda ("Memoranda") amending the Agreements, under which it now proposes to amend the terms of the MTNs as follows:

(1) Adding a covenant restricting the ability of any subsidiary of Transok to incur "funded indebtedness," as defined in the Memoranda;

(2) Revising the negative pledge covenant respecting secured indebtedness, which only applied to Transok under the Agreements, to include subsidiaries; and

(3) Revising the Agreements' merger covenants to apply to subsidiaries.

Currently, Transok has one direct subsidiary, Transok Acquisition Company, and four indirect subsidiaries, Transok Gas Company, Transok Gas Transmission Company, Transok Gas Processing Company and Transok Gas Gathering Company, none of which have any outstanding debt. The Agents have informed Transok that the MTNs will be more attractive to investors as of a result of the amendments to the Agreements.

In order to give holders of outstanding MTNs the benefit of the additional covenants and in order to minimize confusion that might arise by having existing and revised MTNs outstanding and trading side-by-side, Transok proposes to offer holders of outstanding MTNs the opportunity to exchange their existing MTNs for revised MTNs. Transok therefore requests authority to exchange the entire aggregate principal amount of its outstanding MTNs for revised MTNs. The exchange is proposed to be at the option of the holders.

If Transok issues new MTNs in exchange for outstanding MTNs, Transok may be deemed to have used up a portion of the authority granted in the Order to issue and sell up to $200 million aggregate principal amount of the MTNs, even though no greater amount of MTNs will be outstanding. In order to permit Transok to issue up to the full $200 million aggregate principal

amount of MTNs contemplated by the Order, Transok hereby requests authority to issue MTNs through December 31, 1993, in unlimited amounts, provided that the aggregate principal amount of MTNs outstanding at any one time will not exceed $200 million.

Central and South West Corporation, et al. (70–8037)

Central and South West Corporation ("CSW"), 1616 Woodall Rodgers Freeway, Dallas, Texas 75202, a registered holding company, Central Power and Light Company ("CPL"), P.O. Box 2121, Corpus Christi, Texas 78403, a wholly-owned electric utility subsidiary company of CSW, and CSW Credit, Inc. ("Credit"), 1616 Woodall Rodgers Freeway, Dallas, Texas 75202, a wholly-owned nonutility subsidiary company of CSW, have filed an application-declaration under sections 6(a), 7, 9(a), 10 and 13(b) of the Act and rule 88 thereunder.

CPL, the City of Austin, Texas, the City of San Antonio, Texas and Houston Lighting & Power Company ("HLP") (collectively, "Owners")[1] are joint owners of the South Texas Project Electric Generating Station ("STP"). CSW and CPL entered into a settlement agreement with HII and HLP regarding a dispute involving allegations by CPL that HLP breached its duties and obligations in its performance as the project manager for STP. As part of the litigation settlement, CSW and CPL propose, subject to the consent of the City of Austin and the City of San Antonio, to form a new Texas non-profit and non-stock corporation ("OPCO") with no members under the Texas Non-Profit Corporation Act to replace HLP as the project manager for STP. In addition, Credit proposes to purchase electric utility accounts receivable from HLP.

OPCO will not have any equity owners or shareholders. OPCO's board of directors will consist of either officers having day-to-day responsibility for management of STP or representatives of the Owners. The directors of OPCO will be elected by the management committee of STP, which is comprised of representatives of the Owners. Each Owner's representatives on the management committee will have voting rights in the selection of directors in proportion to such Owner's respective ownership interest in STP. The management committee would select the chief executive officer and other senior executives of OPCO, would approve budgets and would establish overall policies and procedures to govern the activities of OPCO, but would not have actual day-to-day management responsibilities for the operation of STP.

OPCO will not have any investment interest in STP. OPCO will be staffed, in large part, by personnel currently employed by HLP and currently assigned to the STP site. Costs and expenses incurred by OPCO will be allocated among and paid by the Owners in proportion to their respective ownership interests in STP. It is anticipated that OPCO's responsibilities will not include scheduling of electrical output,[2] billings to and collections from retail ratepayers [3] or procuring fuel supply.[4] Based on the limited responsibilities of OPCO, CSW and CPL state that they believe OPCO to be not an "electric utility company" within the meaning of section 2(a)(3). CSW and CPL state that they will treat OPCO as a "subsidiary company" within the meaning of section 2(a)(8) and as a "subsidiary service company" subject to section 13(b) and will comply with all applicable provisions of the Act and rules thereunder with respect to OPCO as a subsidiary company and as a subsidiary service company.

By prior Commission orders, Credit is authorized to borrow up to $824 million, of which $520 million may be used to purchase accounts receivable of associated companies, and of which $304 million for non-associated companies.[5] Credit is currently subject to a restriction ("50% Restriction") whereby the average amount of such accounts receivable for the preceding 12 month period outstanding as of the end of any calendar month would be less than the average amount of accounts receivable acquired from associated companies outstanding as of the end of each calendar month during the same preceding 12 month period.[6]

CSW and Credit request authorization for Credit to borrow up to an additional $650 million during the 12½ year term of the HLP agreement to finance the factoring of HLP's electric utility accounts receivable. The $650 million represents the projected maximum amount of HLP receivables that might be purchased at any one time over the 12½ year term of the HLP agreement. CSW states that it anticipates that it will amend and restate its credit back-up agreement to support the additional commercial paper issuance. The interest rate would not exceed 200 basis points over the prime rate in effect at major New York banks. The credit agreement will have a term of 364 days with options to renew semi-annually. CSW and Credit request that the amount of the HLP's accounts receivable not be subject to the 50% Restriction, or in the alternative, that they be temporarily permitted to exceed the 50% Restriction, because of the special circumstances of the litigation with HLP.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92–25170 Filed 10–15–92; 8:45 am]

BILLING CODE 8010–01–M

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[1] HLP is a wholly-owned electric subsidiary company of Houston Industries Incorporated ("HII"), a public-utility holding company exempt from registration under section 3(a)(1) of the Act pursuant to rule 2.

[2] Each Owner will be responsible for requesting power from STP.

[3] OPCO will furnish each Owner with a statement of costs and expenses.

[4] Each Owner will procure its own uranium, unless such responsibility is delegated by such Owner to OPCO.

[5] See Holding Co. Act Release Nos. 23767 (July 19, 1985); 24157 (July 31, 1986); 24575 (February 8, 1988); 25009 (December 27, 1989); 25138 (August 30, 1990); and 25443 (December 24, 1991).

[6] CSW has challenged the validity of the 50% Restriction in proceedings before an administrative law judge, whose decision is currently being reviewed by the Commission (Administrative Proceeding File No. 3–7027).

[Rel. No. IC–19011; 812–7900]

The Vanguard Group, Inc., et al.; Notice of Application

October 9, 1992.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of application for exemption under the Investment Company Act of 1940 (the "Act").

APPLICANTS: The Vanguard Group, Inc. ("TVGI"); Vanguard Marketing Corporation ("VMC"); and Vanguard Money Market Reserves, Inc., Vanguard Institutional Portfolios, Inc., Vanguard Municipal Bond Fund, Inc., Vanguard California Tax-Free Fund, Vanguard New Jersey Tax Free Fund, Vanguard New York Insured Tax-Free Fund, Vanguard Ohio Tax-Free Fund, Vanguard Pennsylvania Tax-Free Fund, Vanguard Bond Market Fund, Inc., Vanguard Fixed Income Securities Fund, Inc., Wellesley Income Fund, Inc., Vanguard Preferred Stock Fund, Vanguard Asset Allocation Fund, Inc., Trustees' Commingled Fund, Vanguard Equity Income Fund, Inc., Vanguard Index Trust, Vanguard International Equity Fund, Inc., Vanguard Index Trust, Vanguard International Equity Index

Fund, Inc., Vanguard Quantitative Portfolio, Inc., The Windsor Funds, Inc., Gemini II Inc., PRIMECAP Fund, Inc., Vanguard World Fund, Inc., Vanguard/Morgan Growth Fund, Inc., Vanguard Explorer Fund, Inc., Vanguard Small Capitalization Stock Fund, Inc., Vanguard Specialized Portfolios, Inc., and Vanguard Variable Insurance Fund (the "Funds").

RELEVANT ACT SECTIONS: Order requested (a) pursuant to rule 17d–1 permitting certain transactions in accordance with section 17(d)–1, and (b) pursuant to sections 6(c) and 17(b) permitting certain transactions that would be otherwise prohibited by section 17(a).

SUMMARY OF APPLICATION: Applicants seek an order that would permit the Funds to solicit shareholder approval to amend the service agreement between the Funds, TVGI, and VMC to increase the authorized maximum amount of the Funds' assets that may be invested as working capital in TVGI, the Funds' "service company" subsidiary, from 0.25% of each of the Funds' net assets, with an aggregate limit of $25 million, to 0.40% of each of the Funds' net assets, with no aggregate dollar limit, in order to finance the Funds' operations and permit the Funds to construct new office facilities. Applicants also request that the order permit the boards of the directors of the funds to amend the service agreement in certain other respects that are technical in nature. In addition, they request that the order permit the Funds to continue to purchase and sell shares of TVGI among one another to adjust periodically the funds' capital investment in TVGI.

FILING DATE: The application was filed on April 6, 1992, and amended on June 26, 1992 and September 30, 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 November 3, 1992, and should be accompanied by proof of service on 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. Applicants, P.O. Box 2600, Valley Forge Pennsylvania 19482.

FOR FURTHER INFORMATION CONTACT: Robert A. Robertson, Staff Attorney, at (202) 504–2283, 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 at the SEC's Public Reference Branch.

Applicants' Representations

1. The Funds include 29 corporations or business trusts that are registered management investment companies under the Act. Each fund has a board of directors or trustees consisting of the same 8 persons, 6 of whom are "independent" (*i.e.*, not "interested persons" of the Funds or any investment adviser to the Funds within the meaning of section 2(a)(19) of the Act).

2. Applicants have a unique corporate structure. Most investment companies are organized by and receive investment advice from an "external" investment adviser, *i.e.*, an investment adviser that is not owned by the investment companies to which it provides corporate management and investment advisory services. In addition, most investment companies distribute their shares through an external distributor.

3. The Funds, however, operate with a unique "internalized" structure. The Funds have entered into a service agreement with TVGI.[1] Under the service agreement, TVGI provides to the Funds at cost virtually all of their necessary corporate management services and distribution services. It also provides investment advisory services under the service agreement on an at cost basis to certain Funds. In addition, TVGI furnishes the Funds with the necessary office space to conduct their operations.

4. To provide TVGI with the "working capital" needed to conduct its day-to-day operations, the Funds invest in TVGI common stock in proportion to each fund's net assets compared to the net assets of all the Funds. The relative investment levels are recalculated at least annually. As TVGI's capital is expended to meet operating expenses or to acquire fixed assets, it is replenished by the Funds through reimbursements. Each Fund reimburses TVGI for its share of TVGI's general operating expenses. In addition, each Fund reimburses TVGI for expenses that relate to it specifically, such as legal, auditing and custodian fees. While the service agreement requires these reimbursements to occur on a monthly basis, standard practice has been for them to take place several times per month in order for TVGI to operate with minimal capital.

5. In order to operate under the internalized structure, applicants have received exemptive relief.[2] Since the initial creation of the internalized structure, applicants have received three exemptive orders permitting an increase in the authorized total capitalization of TVGI and the percentage of each Fund's assets that may be contributed to TVGI.[3] At the present time, the Funds have paid $20 million into the capital of TVGI, an amount equal to 0.02% of each of the Fund's net assets.

6. Applicants assert that they have achieved each of their principal objectives in converting to an internalized structure. First, the funds have realized cost savings by controlling directly amounts spent on distribution and by structuring portfolio advisory arrangements comparable to those obtained by large institutional investors. Every type of Fund, *e.g.*, equity, bond, etc., has an expense ratio that ranges from 63% to 84% below the average for similar types of investment companies. Second, the Funds believe they have a more effective distribution system because they have eliminated sales loads. Third, operating independently of an external investment adviser, the Funds have been able to select the most suitable adviser for a Fund. Of the 62 current portfolios of the Funds, 35 use TVGI staff for advisory services and 27 use a total of 16 different external organizations.

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[1] VMC, a wholly-owned subsidiary of TVGI, serves as the Funds' selling agent. It is a party to the application solely because it is a party to the service agreement, which will be amended if the SEC grants the requested order.

[2] Investment Company Act Release Nos. 8644 (Jan. 17, 1975) (notice) and 8676 (Feb. 18, 1975) (order) (permitting the Funds to acquire and capitalize TVGI, and internalize their corporate administrative functions). Investment Company Act Release Nos. 9616 (Jan. 19, 1977) (notice) and 9664 (Mar. 4, 1977) (order) (permitting the Funds to continue to acquire shares of TVGI after TVGI registered as an investment adviser). Investment Company Act Release Nos. 9850 (Jan. 15, 1977) (notice) and 9927 (Sept. 13, 1977) (interim order and notice of hearing) (permitting the Funds to internalize their distribution function, and issuing a notice for an administrative hearing to determine the merits of the structure); Administrative Proceeding File No. 3-5281, Initial Decision (Dec. 1, 1978); and Investment Company Act Release No. 11645 (Feb. 25, 1981) (final order) (permitting the internalized distribution).

[3] Investment Company Act Release Nos. 11718 (Apr. 6, 1981) (notice) and 11761 (May 4, 1981) (order); 13566 (Oct. 5, 1983) (notice) and 13613 (Nov. 3, 1983) (order); and 15788 (Jun. 9, 1987) (notice) and 15846 (July 2, 1987) (order).

7. Applicants now request that the maximum amount that the Funds may invest in TVGI be increased from the currently authorized 0.25% of each of the Funds' net assets, with an aggregate limit of $25 million, to 0.40% of each of the Funds' net assets, with no aggregate dollar limit. With the Funds' current $89 billion in assets, TVGI's capitalization would be authorized at $356 million. Applicants assert that this increase is appropriate based on the growth of the Funds since 1987 when the authorized capital was last increased, and the Funds' need to obtain appropriate office facilities to carry on their operations.

8. Since year-end 1986, the Funds have experienced substantial growth. The Funds' assets have increased from $25 billion to $89 billion. The number of employees has creased from 1,150 to 2,812, the number of shareholder accounts to be serviced has increased from $5.3 million to $15.5 million. Furthermore, TVGI, acting as disbursing agent for the Funds, currently is paying an average of $5.5 million per month for direct Fund expenses, such as advisory fees, custodian charges and legal fees, for which it then is separately reimbursed by the appropriate Funds. Consequently, the Funds' frequent reimbursements to TVGI required to maintain TVGI's working capital results in what applicants believe is a high level of unnecessary bookkeeping activities.

9. TVGI presently leases office space for the Funds. Each Fund bears its share of the rent, based predominately on the relative net assets of the Funds (adjusted at least annually). Applicants state that the Funds' present office facility is not adequate to meet the Funds' present and anticipated future needs for office space. The Funds believe that it is less expensive for them to own, rather than lease, new office space. They also believe that it may be less expensive for them to finance the project on their own. The new office facilities, referred to as "The Vanguard Corporate Campus Project," are expected to be completed in 1995, and the cost is expected to be $160 million. Applicants state that the Funds collectively will save approximately $5.3 million annually by owning, rather than leasing, their office facilities. Applicants anticipate that TVGI will be able to obtain significant tax benefits from the depreciation of the new facilities.

10. Although a capital investment of $356 million would be authorized with the Funds' current combined net assets of $89 billion, there is no present intention to invest this amount in TVGI. Based upon the currently forecasted needs of TVGI for working capital and the projected costs of new office facilities, the amount expected to be invested in TVGI by year-end 1995 is anticipated to be approximately $250 million (approximately 0.28% of the Funds' current net assets of $89 billion). The Funds' boards of directors have a demonstrated 17 year record of operating TVGI with the minimum capital (and other expenditures) necessary to serve properly the shareholders of the Funds.

11. In addition to the request to increase TVGI's authorized capitalization from 0.25% to 0.40% of each of the Funds' net assets, applicants propose to eliminate the fixed dollar limit of TVGI's capitalization, which is currently $25 million. Applicants indicate that the Funds' investments in TVGI have ranged consistently from 0.02% to 0.05% of assets. They assert that the percentage limitation of the Funds' assets that may be invested in TVGI has reasonably reflected the basic capital needs of TVGI. On the other hand, applicants maintain that the maximum dollar limitation has borne no reasonable relationship to TVGI's increased capital needs as the Funds have grown.

12. Applicants also believe that the basis of participation of each Fund in TVGI's capitalization, relative net assets, is fair to each Fund. The Funds always have shared the rental expense of their leased office space based predominantly upon relative net assets. Although the nature of the "occupancy" charge will change to "depreciation" from "rent" if the Funds own, rather than lease, their office space, the basis of participation relative (and changing) net assets—will remain the same and fair to each Fund.

13. In addition, the service agreement has not been amended materially since it became effective in 1975, except for amendments to reflect the internalization of distribution and to increase TVGI's authorized capital. Applicants believe that this is an appropriate occasion to update the service agreement to reflect the experience gained from operating under the arrangements.

14. Applicants believe that the other proposed amendments to the service agreement are of a "housekeeping" nature and do not alter materially the rights of the Funds' shareholders. The principal changes include:

(a) Eliminating VMC as a party to the service agreement and authorizing TVGI to create wholly-owned subsidiaries to support the business activities of the Funds;

(b) Eliminating the original 1975 provisions for providing the initial capital to TVGI and setting forth the current manner in which the Funds add to or readjust their investments;

(c) Modifying the provisions dealing with the allocation of certain corporate management expenses; and

(d) Adding the method for allocating distribution expenses among the Funds that was approved by the SEC in 1981.

Applicants' Legal Analysis

1. Section 17(d) makes it unlawful for an affiliated person of a registered investment company, acting as principal, to effect any transaction in which the registered company is a joint or a joint and several participant, in contravention of SEC rules. Rule 17d–1 prohibits an affiliated person of any registered investment company, acting as principal, from participating in or effecting any transaction in a "joint enterprise or other joint arrangement" in which the company is a participant, without prior SEC approval. In considering such a request, the SEC must consider whether the participation of the investment company in such joint enterprise or other joint arrangement "is consistent with the provisions, policies and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants."

2. Section 2(a)(3) defines an "affiliated person" of another person to mean in relevant part (A) any person owning 5% or more of the outstanding voting securities of another person, (B) any person 5% or more of whose outstanding voting securities are owned by such other person, (C) any person controlled by or under common control with such other person, and (D) any officer or director of such other person. The Funds, TVGI, and VMC are affiliated persons of each other within the meaning of section 2(a)(3) as a result of, among other things, at least six Funds each owning 5% or more of the voting securities of TVGI, the Funds owning all of TVGI's voting securities, and TVGI and the Funds having substantially common directors.

3. The Funds, TVGI, and VMC, as affiliated persons of each other, would be prohibited, without exemptive relief, from amending the service agreement to increase TVGI's authorized capitalization because the Funds' joint participation in the internalized structure constitutes a "joint enterprise or other joint arrangement" within the meaning of the rule 17d–1.

4. The requested relief meets the standards of rule 17d–1. The

fundamental and pervasive policy of the Act is to protect the interests of investment company shareholders. Moreover, it is in the interests of investors that an investment company is organized, operated, and managed in the interests of the company's shareholders, rather than the interests of other individuals or entities such as the company's investment adviser or underwriter. The Funds' internalized, at-cost structure has produced, and can be expected to continue to produce, significant benefits to investors. The requested capital increase is reasonable and appropriate when compared:

(a) To the annual savings of approximately $385 million that the Funds realize as a result of operating with Vanguard's internalized, at cost structure;

(b) To the needs of TVGI and the benefits the Funds will receive from owning their office facilities; and

(c) To the capitalization of TVGI's competitors.

5. Section 17(a) makes it unlawful for any affiliated person of a registered investment company, acting as principal, (a) knowingly to sell securities or property to the company, or (b) knowingly to purchase securities or property from the company. However, section 17(b) provides that the SEC, upon application, shall exempt a proposed transaction from section 17(a) if the evidence establishes that (i) the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, (ii) the proposed transaction is consistent with the policy of each registered investment company concerned, and (iii) the proposed transaction is consistent with the general purposes of the Act.

6. When a registered investment company seeks to engage in a series of transactions that are covered by section 17(a), the SEC uses its authority under section 6(c) to exempt the series of transactions with reference to the standards set forth in section 17(b). Section 6(c) provides in relevant part that the SEC, by order upon application, may exempt any transactions from any provision of the Act if such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

7. The service agreement requires the Funds to purchase shares of TVGI common stock from TVGI to provide capital for TVGI, and it requires the Funds to purchase and sell shares of TVGI common stock among each other to adjust periodically their relative investments in the capital of TVGI. Moreover, these purchases and sales will occur periodically on an ongoing basis. Accordingly, applicants request relief under sections 6(c) and 17(b) from section 17(a) in order to continue to engage in these transactions.

8. The relative consideration that each Fund pays for the TVGI common stock, which is based on relative net asset values, is reasonable and fair for each of the Funds. The boards of directors of the Funds maintain that the requested capital increase for TVGI will enhance their ability to take actions that they believe, in the exercise of informed, independent and good faith business judgment, will serve the interests of the Funds' shareholders. Because the basis of participation with respect to the purchases and sales are the same for each Fund, the transactions do not involve overreaching. The arrangements also are consistent with the policy of each of the Funds because the Funds derive substantial benefits form the internalized structure, and the structure has been approved by the Funds' shareholders. Accordingly, applicants believe that the requested relief meets the standards of section 6(c) and 17(b).

By the Commission.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92–25171 Filed 10–15–92; 8:45 am]

BILLING CODE 8010–01

DEPARTMENT OF TRANSPORTATION

Order Establishing a Proceeding to Allocate U.S.-South Africa Frequencies

ACTION: Issuance of an order establishing a proceeding for allocation of frequencies between the United States and South Africa: Order 92–10–19, Docket 48400.

SUMMARY: U.S. air carriers can operate the same number of round-trip frequencies operated by South African carriers between the United States and South Africa. Currently, South African Airways operates four weekly flights in the New York-Johannesburg market. In addition, it has applied to operate one additional flight in the Miami-Johannesburg market. Three carriers—United Air Lines, USAfrica Airways and Pegasus Air International—have applied to operate a total of nine weekly frequencies in the U.S.-South Africa market.

The Department has decided to establish a proceeding for the allocation of the available frequencies among U.S. carriers. In view of South African Airways' existing and proposed services in the market, the Department has determined that five weekly frequencies will be available for U.S. carrier services. Carriers with existing South African authority and carriers without the requisite authority may apply for the available frequencies. Carriers not currently holding authority to serve South Africa must request such authority at the same time as they apply for allocation of frequencies. The Department is requiring that applicant carriers furnish information on their service proposals, start-up dates and start-up costs. In addition, the Department granted exemption authority to United Air Lines to serve the Washington, DC-Johannesburg market. It also granted an exemption to American Airlines and approved a code-sharing arrangement between American and South African Airways for services in the New York-Johannesburg market. The American services will not affect the frequencies available to other U.S. carriers for services in the U.S.-South Africa market.

DATES: Information responses are due not later than October 23, 1992. Replies are due not later than October 30, 1992.

ADDRESSES: Information responses and replies should be filed in Docket 48400 addressed to the Documentary Services Division, U.S. Department of Transportation, 400 Seventh Street SW., room 4107, Washington, DC 20590, and should be served on all parties in Docket 48400.

Dated: October 9, 1992.

Jeffrey N. Shane,

Assistant Secretary for Policy and International Affairs.

[FR Doc. 92–25139 Filed 10–15–92; 8:45 am]

BILLING CODE 4910–62–M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

Date: October 9, 1992.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB review listed and to the Treasury Department Clearance Officer, Department of the Treasury,

room 3171 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

Internal Revenue Service

OMB Number: 1545–0041.
Form Number: IRS Form 966.
Type of Review: Extension.
Title: Corporate Dissolution or Liquidation.
Description: Form 966 is filed by a corporation whose shareholders have agreed to liquidate the corporation. As a result of the liquidation, the shareholders receive the property of the corporation in exchange for their stock. The IRS uses Form 966 to determine if the liquidation election was properly made and if any taxes are due on the transfer of property.
Respondents: Businesses or other for-profit.
Estimated number of Respondents/ Recordkeepers: 26,000.

Estimated Burden Hours Per Respondent/Recordkeeper

Recordkeeping—5 hours, 1 minute
Learning about the law or the form—6 minutes
Preparing and sending the form to the IRS—11 minutes

Frequency of Response: On occasion.
Estimated Total Reporting/ Recordkeeping Burden: 138,060 hours.
Clearance Officer: Garrick Shear (202) 622–3869, Internal Revenue Service, room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224.
OMB Reviewer: Milo Sunderhauf, (202) 395-6880, Office of Management and Budget, room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 92–25079 Filed 10–15–92; 8:45 am]

BILLING CODE 4830–01–M

Public Information Collection Requirements Submitted to OMB for Review

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 3171 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

Internal Revenue Service

OMB Number: 1545–0874.
Form Number: IRS Form 8328.
Type of Review: Extension.
Title: Carryforward Election of Unused Private Activity Bond Volume Cap.
Description: Section 146(f) of Internal Revenue Code requires that issuing authorities of certain types of tax-exempt bonds must notify the IRS if they intend to carry forward the unused limitation for specific projects. The IRS uses the information to complete the required study of tax-exempt bonds (required by Congress).
Respondents: State or local governments, Businesses or other forprofit.
Estimated Number of Respondents/ Recordkeepers: 10,000.
Estimated Burden Hours Per Respondent/Recordkeeper:
Recordkeeping—5 hours, 59 minutes
Learning about the law or the form—2 hours
Preparing and sending the form to the IRS—2 hours, 10 minutes
Frequency of Response: On occasion.
Estimated Total Reporting/ Recordkeeping Burden: 101,400 hours.
Clearance Officer: Garrick Shear (202) 622–3869, Internal Revenue Service, room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224.
OMB Reviewer: Milo Sunderhauf (202) 395–6880, Office of Management and Budget, room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 92–25160 Filed 10–15–92; 8:45 am]

BILLING CODE 4830–01–M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket No. 301–83]

Determination Concerning European Community Third Country Meat Directive

AGENCY: Office of the United States Trade Representative.

ACTION: Notice of determination pursuant to section 301(a)(2)(B)(ii)(II) of the Trade Act of 1974, as amended (Trade Act).

SUMMARY: On January 16, 1991, the United States Trade Representative (USTR) initiated an investigation pursuant to section 302(a) of the Trade Act concerning the European Community's Third Country Meat Directive (Directive). After receiving comments from interested persons and consulting with the domestic industry, the USTR conducted extensive negotiations with the European Community concerning application of the Directive to meat imported from the United States. Pursuant to section 304(a)(2)(A) of the Trade Act, the USTR must make a determination in this investigation by October 11, 1992.

In July 1992, the United States and the European Community reached an agreement in principle that, when accepted by the parties, will provide for the resolution of this dispute. On October 9, 1992, the agreement was approved by the 113 Committee of the European Community. Based upon this agreement and assurances from European Community officials that final approval will occur by October 19, 1992, the USTR has determined that the European Community has agreed to an imminent and satisfactory solution to the burden or restriction on United States commerce. Should the European Community fail to approve and satisfactorily implement the agreement within a reasonable period of time, however, the USTR will take appropriate action pursuant to section 301 of the Trade Act. The USTR also has directed the Section 301 Committee to monitor the implementation of the agreement in accordance with section 306.

ADDRESSES: Office of the United States Trade Representative, 600 17th Street NW., room 223, Washington, DC 20506.

FOR FURTHER INFORMATION CONTACT: Leonard W. Condon, Deputy Assistant United States Trade Representative for Agricultural Affairs, (202) 395–5006.

SUPPLEMENTARY INFORMATION: On November 28, 1990, the National Pork Producers Council and the American Meat Institute filed a petition pursuant to section 302 of the Trade Act. The petitioners alleged that the Directive constitutes a foreign practice that denies the rights of the United States under the General Agreement on Tariffs and Trade (GATT) and is otherwise unreasonable and burdens or restricts United States commerce. The petitioners also alleged that the European Community's "de-listing" of certain plants in the United States pursuant to the Directive restricted imports of U.S. meat and meat products into the European Community.

Prior to the filing of the petition, USTR officials had consulted extensively with the European Community concerning the Directive. Technical information was exchanged, arguments were made concerning the GATT consistency of the Directive and its application, and both

the United States and the European Community demonstrated a willingness to continue efforts to reach a mutually satisfactory resolution of the dispute. These bilateral negotiations continued after the section 301 petition was filed.

On January 10, 1991, the USTR initiated the requested investigation. Pursuant to section 303(b) of the Trade Act, the USTR, after consulting with the petitioners, decided to delay for up to 90 days the initiation of formal consultations under Article XXIII:1 of the GATT to allow informal consultations to continue. The USTR anticipated that additional bilateral discussions could produce an agreement concerning a process to recertify the de-listed U.S. plants and permanently resolve more fundamental issues affecting trade in meat and meat products between the European Community and the United States.

In May 1991, the European Community and the United States exchanged letters outlining a two-step process for resolving this dispute. This agreement called for reinspection and relisting of the de-listed plants. In accordance with the exchange of letters, EC inspection teams visited 25 U.S. plants during the week of May 20, 1991. Based upon the results of these inspections, the European Community's Standing Veterinary Committee agreed to unconditionally relist one of the plants and conditionally relist thirteen additional plants. Once recertification of the de-listed plants was satisfactorily underway, the United States and the European Community agreed to begin comparing their respective meat inspection requirements to determine whether their requirements could be considered equivalent.

On June 7, 1991, the United States asked the GATT Secretariat to include on the agenda for the July 10 meeting of the GATT Council a request for establishment of a dispute settlement panel to consider the European Community's application of the Directive against imports of meat from the United States. The European Community did not agree to this request, and it has been held in abeyance pending the outcome of bilateral discussions.

In August 1991, EC veterinarians made a second trip to review 17 of the 25 previously-inspected plants. (The eight remaining plants chose not to be reinspected.) On September 17, 1991, the Standing Veterinary Committee reviewed the results of the second round of inspections but was unable to reach a decision. In an extraordinary move, the EC Commission presented the issue to the EC Council of Agriculture Ministers. On September 23–24, 1991, the twelve agricultural ministers approved the relisting of 14 of the 17 plants. The three additional U.S. plants were approved by the Standing Veterinary Committee in March 1992.

Currently, ten U.S. beef slaughtering establishments and seven U.S. hog slaughtering facilities are eligible to ship to the European Community. Notwithstanding this progress, the volume of trade conducted by the relisted plants is significantly below the level that existed prior to the Directive. Moreover, the relisted plants produce only variety meats, not muscle meats.

In accordance with the May 1991 exchange of letters, efforts to address the more fundamental issue—differences between the U.S. and EC meat inspection procedures—could not proceed until resolution of the plant re-listing dispute. Following the relisting of these plants, U.S. and EC officials began discussing "equivalency" issues. Teams of veterinarians from the European Community and the U.S. Department of Agriculture began consultations in mid-November 1991.

Between November 1991 and April 1992, the "equivalence" group met six times. In addition, a U.S.-EC "policy level" group that included chief veterinary officials from both sides met in March, June, and July 1992.

In late February 1992, the equivalence group produced a comprehensive working document that identified sixty points for further discussion by U.S. and EC veterinary inspection personnel. Both sides agreed that this list represented the full range of issues upon which differences existed. Of the sixty issues, seven were eliminated from the final list because they had been rendered moot as a result of prior discussions, and two were determined to be outside the group's mandate. With respect to 28 of the 45 public health issues, the group concluded that the U.S. and EC requirements are equivalent and that the best means for resolving problems that arise from the application of these requirements is through clarification and improvement in communication between the two inspection services. By its final meeting in May 1992, the equivalence group was able to agree upon solutions to most of the remaining issues. With respect to those issues, the equivalence group proposed to the policy group specific actions designed to lead to a permanent resolution.

The policy group met in June and July 1992 to consider the conclusions and recommendations of the equivalence group. At its July meeting, the group reached an agreement in principle that, when fully implemented, would resolve all outstanding issues. The agreement adopts the findings of the equivalence group, implements the group's recommendations regarding the permanent resolution of those issues remaining, and establishes a schedule for completing those actions. In addition, the agreement sets out interim requirements for determining the eligibility of U.S. bovine and porcine slaughtering facilities to supply products to the European Community. Finally, the agreement incorporates a number of provisions aimed at improving communication and cooperation between the U.S. and EC veterinary services.

That agreement has now been approved by the chief veterinary officials of the member states of the European Community and the Standing Veterinary Committee. On October 9, 1992, the agreement was approved by the 113 Committee of the European Community. The United States has received assurances from the European Community that the agreement will receive final approval at the next meeting of the Council of Ministers, which is scheduled for October 19, 1992.

Section 304(a)(2) of the Trade Act requires the USTR to make a determination in this investigation by October 11, 1992. The USTR has determined, pursuant to section 301(a)(2)(B)(ii)(II) of the Trade Act, that the European Community has agreed to an imminent solution of this dispute that is satisfactory to the United States.

However, because the practices under investigation would have been actionable if an acceptable agreement had not been reached, the USTR will take appropriate action should the European Community fail to approve the agreement within a reasonable period. Once the agreement has been approved, the USTR has directed the section 301 Committee to monitor the implementation of the agreement in accordance with section 306. If the agreement is not satisfactorily implemented, the USTR will consider what further action to take pursuant to section 301.

Jeanne E. Davidson,

Chairman, Section 301 Committee.

[FR Doc. 92–25089 Filed 10–15–92; 8:45 am]

BILLING CODE 3190–01–M

[Docket No. 301-84]

Determination Concerning Patent Protection In Thailand

AGENCY: Office of the United States Trade Representative.

ACTION: Notice of determination that (1) action pursuant to section 301 (b) and (c) of the Trade Act of 1974, as amended (Trade Act), in response to Thailand's unreasonable acts, policies and practices related to the protection of patents is not appropriate at this time; and (2) Thailand's implementation of its patent law will be monitored pursuant to section 306 of the Trade Act.

SUMMARY: On March 15, 1992, the United States Trade Representative (USTR) determined pursuant to section 304(a)(1)(A)(ii) of the Trade Act that the Government of Thailand's acts, policies, and practices related to the protection of patents are unreasonable and burden or restrict United States commerce. The USTR further determined, pursuant to section 304(a)(1)(B) of the Trade Act, that action in response to these unreasonable acts, policies, and practices was appropriate, but that a delay of implementation of such action was desirable to obtain a satisfactory solution with respect to those unreasonable acts, policies, and practices. (57 FR 9762.) The primary reason for this delay in implementation was the need to conduct further negotiations with the new Thai Government. However, Thailand has had three governments during the seven months since the March 15, 1992 determination and has experienced considerable turnover at the decision-making level. The most recent election was held on September 13, 1992, and the new Government was only formed on October 1, 1992.

In light of this rapid turnover in governments, the USTR has determined that implementation of trade action at this time is not appropriate. The USTR will monitor the implementation of patent protection in Thailand and whether the Thai Government continues to permit copying of products that have been patented and approved for marketing in the United States but which were not previously patentable in Thailand.

ADDRESSES: Office of the United States Trade Representative, 600 17th Street, NW., room 223, Washington, DC 20506.

FOR FURTHER INFORMATION CONTACT: Peter Collins, Director, Southeast Asian Affairs (202) 395-6813; or Catherine Field, Associate General Counsel (202) 395-3432.

SUPPLEMENTARY INFORMATION: On January 30, 1991, the Pharmaceutical Manufacturers' Association (PMA) filed a petition pursuant to section 302(a) of the Trade Act, alleging that the Royal Thai Government denies adequate and effective patent protection for pharmaceutical products. Deficiencies in the Thai patent law included lack of product patent protection for pharmaceutical products, a short term of protection, requirements to manufacture a product or use a process in Thailand, and excessively broad compulsory licensing provisions. PMA also sought transitional, i.e., "pipeline," protection for pharmaceutical products that have been patented in other countries but have not been marketed in Thailand.

On February 27, 1992, Thailand's National Legislative Assembly enacted amendments to the current law which became effective on September 30, 1992. Although the amendments make some improvements in the overall level of patent protection, other provisions create disincentives for obtaining patent protection in Thailand. As noted in March, some of the amendments diminish the effective level of patent protection, and there is no protection for existing patented pharmaceuticals that have not been marketed in Thailand. The law creates a Pharmaceutical Patent Board that has unprecedentedly broad authority to compel owners of pharmaceutical patents to appear and present sensitive information and to subject patent owners to sanctions if they do not comply with the board's requests. Compulsory licensing provisions remain overly broad, and the exclusions from patentable subject matter are vague. The implementing regulations for the patent law address some of these problems, but are silent on other areas of concern such as the exclusions from patentable subject matter and specific information that the Pharmaceutical Patent Board will request from owners of Thai patents on pharmaceuticals.

In determining to delay implementation of action pursuant to section 305 of the Trade Act, the USTR expected that progress could be made on the issues under investigation through continued negotiations. Political conditions in Thailand involving the establishment of three governments during the seven months since the March 15 determinations have significantly hindered this effort. The USTR has also consulted with the petitioner, U.S. business interests in Thailand, and other persons affected by implementation of trade action or the lack thereof in order to determine what types of action would be appropriate in this unique case.

While Thailand's acts, policies, and practices concerning patent protection continue to be unreasonable, the USTR has determined that trade action at this time is not appropriate. The USTR will continue negotiations with the new Thai Government toward achieving improvements in patent protection and providing protection for existing patented pharmaceuticals that have not yet been marketed in Thailand. Thai measures to implement these protections will be monitored pursuant to section 306 of the Trade Act.

Jeanne E. Davidson,

Chairman, Section 301 Committee.

[FR Doc. 92-25091 Filed 10-15-92; 8:45 am]

BILLING CODE 3190-01-M

DEPARTMENT OF VETERANS AFFAIRS

Veterans' Advisory Committee on Environmental Hazards; Meeting

The Department of Veterans Affairs (VA) gives notice under Public Law 92-463 that a meeting of the Veterans' Advisory Committee on Environmental Hazards will be held on Monday and Tuesday, November 16-17, 1992, in room 855 at 801 I Street, NW., Washington, DC 20004. The meetings will convene at 9 a.m. and adjourn at 5 p.m.

The purpose of the Advisory Committee is to advise the Department relating to concerns regarding exposure to ionizing radiation.

The meeting is open to the public to the capacity of the room. For those wishing to attend, contact Mrs. Leney Holohan, Department of Veterans Affairs Central Office (026B), 810 Vermont Avenue, NW., Washington, DC 20420, phone (202) 523-3911, prior to November 1, 1992.

Members of the public may direct questions or submit prepared statements for review by the Committee in advance of the meeting, in writing only, to Mr. Frederic L. Conway, Deputy Assistant General Counsel, (026B), Department of Veterans Affairs Central Office, 810 Vermont Avenue, NW., Washington, DC 20420. Submitted material must be received at least five days prior to the meeting. Such members of the public may be asked to clarify submitted material prior to consideration by the Committee.

Dated: October 6, 1992.

Diane H. Landis,

Committee Management Officer.

[FR Doc. 92-25081 Filed 10-15-92; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 57, No. 201
Friday, October 16, 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 Change 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 10:03 a.m. on Tuesday, October 13, 1992, the Corporation's Board of Directors determined, on motion of Director C.C. Hope, Jr. (Appointive), 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 addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matter:

Consideration of staff's recommendations for the Corporation's implementation of section 304 of the Federal Deposit Insurance Corporation Improvement Act of 1991, which requires the Federal banking agencies to adopt uniform regulations prescribing standards for real estate lending by insured depository institutions.

By the same majority vote, the Board further determined that no notice earlier than October 8, 1992, of this change 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: October 14, 1992.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 92–25265 Filed 10–14–92; 1:10 pm]

BILLING CODE 6714–O–M

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 closed meeting held at 11:28 a.m. on Tuesday, October 13, 1992, the Corporation's Board of Directors determined, on motion of Director C.C. Hope, Jr. (Appointive), 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 addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matters:

Matters relating to the Corporation's corporate activities.

Matters relating to a certain financial institution.

The Board further determined, by the same majority vote, that no earlier notice of the changes in the subject matter of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(2), (c)(4), (c)(6), (c)(9) (B), and (c)(10) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2), (c)(4), (c)(6), (c)(9)(B), and (c)(10)).

Dated: October 14, 1992.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Exective Secretary.

[FR Doc. 92–25266 Filed 10–14–92; 1:10 pm]

BILLING CODE 6714–0–M

FEDERAL MARITIME COMMISSION

TIME AND DATE: 10 a.m., October 21, 1992.

PLACE: 1st Floor Hearing Room, Federal Maritime Commission, 800 North Capitol St., NW., Washington, DC 20573–0001.

STATUS: Open.

MATTER(S) TO BE CONSIDERED:

1. Docket No. 92–33—Notice of Inquiry Concerning Various Regulatory Issues—Service Contracts based on a percentage of a Shipper's cargo.

CONTACT PERSON FOR MORE INFORMATION: Joseph C. Polking, Secretary, (202) 523–5725.

Ronald D. Murphy,

Assistant Secretary.

[FR Doc. 92–25310 Filed 10–14–92; 2:49 pm]

BILLING CODE 6730–01–M

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

TIME AND DATE: Approximately 12:30 p.m., Wednesday, October 21, 1992, following a recess at the conclusion of the open meeting.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, DC 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204. You may call (202) 452–3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: October 14, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92–25252 Filed 10–14–92; 1:09 pm]

BILLING CODE 6210–01–M

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

TIME AND DATE: 10:00 a.m., Wednesday, October 21, 1992.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, N.W., Washington, D.C. 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Proposed amendments to Regulations K (International Banking Operations) and Y (Bank Holding Companies and Change in Bank Control) to implement the Foreign Bank Supervision Enhancement Act of 1991. (Proposed earlier for public comment; Docket No. R–0754)
2. Proposed amendments to Regulation H (Membership in State Banking Institutions in the Federal Reserve System) to implement section 304 of the Federal Deposit Insurance Corporation Improvement Act of 1991 regarding uniform real estate underwriting standards. (Proposed earlier for public comment; Docket No. R–0765)

3. Request by the Financial Accounting Standards Board for comments on its proposal on accounting for impaired loans.
4. Proposed 1993 Federal Reserve Automation Services budget.
5. Any items carried forward from a previously announced meeting.

Note: This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for $5 per cassette by calling (202) 452-3684 or by writing to:

Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, D.C. 20551

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204.

Dated: October 14, 1992.

Jennifer J. Johnson

Associate Secretary of the Board.

[FR Doc. 92-25253 Filed 10-14-92; 1:09 pm]

BILLING CODE 6210-01-M

INTER-AMERICAN FOUNDATION BOARD MEETING

TIME AND DATE: October 26, 1992, 10:00 a.m.—12:00 p.m.

PLACE: 901 N. Stuart Street, Tenth Floor, Arlington, Virginia 22203.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Approval of the Minutes of the June 9, 1992, Board Meeting.
2. The Chairman's Report.
3. The President's Report.
4. The Audit Committee Report.
5. Discussion of Fiscal Year 1994 and Fiscal Year 1995 Budgets.
6. Discussion of Outreach Activities and Foreign Assistance Priorities.
7. Vision and Goals Statement.
8. Nicaragua Trip Report.

CONTACT PERSON FOR MORE INFORMATION: Charles M. Berk, Secretary to the Board of Directors, (703) 841-3812.

Dated: October 13, 1992.

Charles M. Berk,

Sunshine Act Officer.

[FR Doc. 92-25228 Filed 10-14-92; 9:53 am]

BILLING CODE 7025-01-M

NATIONAL COUNCIL ON DISABILITY

Quarterly Meeting

SUMMARY: This notice sets forth the schedule and proposed agenda of the forthcoming quarterly meeting of the National Council on Disability. This notice also describes the functions of the National Council. Notice of this meeting is required under section 522(b)(10) of the "Government in the Sunshine Act" (P.L. 94-409).

DATES: November 4-6, 1992, 8:30 a.m. to 5:00 p.m.

LOCATION: The Ritz Carlton Pentagon City, 1250 South Hayes Street, Arlington, Virginia 22202, (703) 415-5000.

FOR FURTHER INFORMATION CONTACT: National Council on Disability, 800 Independence Avenue, SW, Suite 814, Washington, D.C. 20591, (202) 267-3846, TDD: (202) 267-3232.

The National Council on Disability is an independent federal agency comprised of 15 members appointed by the President of the United States and confirmed by the Senate. Established by the 95th Congress in Title IV of the Rehabilitation Act of 1973 (as amended by Public Law No. 95-602 in 1978), the National Council was initially an advisory board within the Department of Education. In 1984, however, the National Council was transformed into an independent agency by the Rehabilitation Act Amendments of 1984 (Public Law 98-221).

The National Council is charged with reviewing all laws, programs, and policies of the Federal Government affecting individuals with disabilities and making such recommendations as it deems necessary to the President, the Congress, the Secretary of the Department of Education, the Commissioner of the Rehabilitation Services Administration, and the Director of the National Institute on Disability and Rehabilitation Research (NIDRR). In addition, the National Council is mandated to provide guidance to the President's Committee on Employment of People With Disabilities.

The quarterly meeting of the National Council shall be open to the Public. The proposed agenda includes:

NCD Members and Staff Total Quality Management Training
Report from Chairperson and Executive Committee
Update on NIDRR
Update on ADA Watch
Update on public policy studies: education; technology; and, health insurance
Update on international conference
Committee Meetings/Committee Reports
Unfinished Business
New Business
Announcements
Adjournment

Records shall be kept of all National Council proceedings and shall be available after the meeting for public inspection at the National Council on Disability.

Signed at Washington, D.C. on October 14 1992.

Ethel D. Briggs,

Executive Director.

[FR Doc. 92-25231 Filed 10-14-92; 1:08 pm]

BILLING CODE 6820-BS-M

Corrections

Federal Register
Vol. 57, No. 201
Friday, October 16, 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 TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 171, 172, 173, and 177

[Docket Nos. HM-181, HM-189, Amdt. Nos. 107-23, 171-111, 172-123, 173-224, 174-68, 176-30, 177-78, 178-97, 179-45, and 180-3]

Editorial and Technical Revisions

Correction

In rule document 92-23042 beginning on page 45445 in the issue of Thursday, October 1, 1992, make the following corrections:

§ 171.8 [Corrected]

1. On page 45453, in § 171.8, in the third column, in the eighth line, "199" should read "119".

§ 172.101 [Corrected]

2. On page 45454, in § 172.101, in the second column, in 10 h., "Asbestos" is misspelled.

3. On page 45455, in § 172.101, in 10 oo., in the second line, insert a comma following *oils*.

4. On page 45456, in § 172.101, in the second column of the table, in the first entry for White Asbestos, "antinolite" should read "actinolite".

5. On page 45457, in § 172.101, in the fourth column of the table, remove "N/A" in the next to the last entry.

§ 172.102 [Corrected]

6. On page 45458, in § 172.102, in the second column:

a. In note T28., in the second line, "(c)(70(i)" should read "(c)(7)(i)".

b. In note T39., in the second line, "(c)(70)(i0" should read "(c)(7)(i)".

§ 173.314 [Corrected]

7. On page 45464, in the first column, the section heading should read as set forth above.

§ 177.848 [Corrected]

8. On page 45465, in the table, "⅘" should read "4/5" each place it appears.

Appendix B [Corrected]

9. On page 45466, in the first column, in entry 91., in the second line, "he" should read "the".

BILLING CODE 1505-01-D

Federal Register

Friday
October 16, 1992

Part II

Environmental Protection Agency

Environmental Education Grants; Solicitation Notice

ENVIRONMENTAL PROTECTION AGENCY

[FRL 4520-8]

Solicitation Notice for Environmental Education Grants

Important Pre-Application Information

Pre-applications must be postmarked no later than January 15, 1993.

Pre-applications for grants with a Federal share of more than $25,000 must be mailed to EPA headquarters. Pre-applications for a Federal share of $25,000 or less must be mailed to your regional EPA office. (A list of addresses and phone numbers for questions is included at the end of this notice.)

EPA expects projects to begin by June 1, 1993.

Purpose of Notice

This notice solicits pre-applications from eligible organizations and institutions for cooperative agreements or grants to support projects to design, demonstrate, or disseminate practices, methods, or techniques related to environmental education and training as specified in Section 6 of the National Environmental Education Act (Pub. L. 101-619). This grants program is separate from the Environmental Education and Training Program specified in section 5 of the Act. This notice contains all information and forms necessary to submit a pre-application.

Background

On November 16, 1990, the President signed the National Environmental Education Act (NEEA). Section 6 of the Act requires that the Environmental Protection Agency (EPA) solicit projects, select suitable projects from among those proposed, supervise such projects, evaluate the results of projects, and disseminate information on the effectiveness and feasibility of the practices, methods, techniques and processes. The **Federal Register** published the Environmental Education Grant Program regulations on March 9, 1992 under title 40 of the Code of Federal Regulations, part 47 (40 CFR part 47).

In Fiscal Year 1992, the first year of funding, the program generated extraordinary interest. EPA received over 3,000 applications requesting over $100 million and awarded 219 grants for approximately $2,470,000. The size of the awards ranged from $211 to $250,000 in Federal funding. Each of EPA's 10 regions awarded approximately $140,000 for grants with a Federal share of $25,000 or less. At least half of these funds went to awards of $5,000 or less. EPA headquarters awarded approximately $1,000,000 for grants ranging between $25,001 and $250,000 in Federal funds.

Most grants awarded in Fiscal Year 1992 were for a Federal share of $5,000 or less, while most of the applications were for larger grants. In total, EPA awarded 177 grants of $5,000 or less, 33 grants between $5,001 and $25,000, and 9 grants between $25,001 and $250,000. EPA headquarters awarded the 9 grants in this latter category out of more than 640 applications.

The large number of applications EPA received in Fiscal Year 1992 demonstrates the need for this program. EPA is currently developing strategies to identify potential resources for applications not funded in Fiscal Year 1992 and for future years.

Appropriation

NEEA requires that 38% of the funds Congress appropriates in a fiscal year for activities under NEEA shall be available for the Environmental Education Grants Program as described in section 6 of the Act. This amount was $2,470,000 in Fiscal Year 1992. The President's budget for Fiscal Year 1993 proposes approximately $2,800,000 for section 6 grants. EPA will award grants subject to the availability of appropriated funds.

EPA will use up to 10% of the funds appropriated under section 6 to support an evaluation of the environmental education training and grants programs under sections 5 and 6 and other projects that support the goals and activities of the Office of Environmental Education.

Eligible Activities

A. What is the Purpose of the Environmental Education Grants?

The purpose of these grants is to stimulate environmental education by supporting projects to design, demonstrate, or disseminate practices, methods, or techniques related to environmental education. Funds can be used to develop new programs or to significantly improve the quality of existing programs. Funds for the program are not intended for technical training activities directed toward environmental management professionals or activities primarily directed toward support of non-educational research and development.

B. What Specific Activities Will be Eligible to Receive Funding?

The eligible environmental education activities shall include, but not be limited to:

1. Design, demonstration, or dissemination of environmental curricula, including development of educational tools and materials;

2. Design and demonstration of field methods, practices, and techniques, including assessment of environmental and ecological conditions and analysis of environmental pollution problems;

3. Projects to understand and assess a specific environmental issue or a specific environmental problem;

4. Provision of training or related education for teachers, faculty, or related personnel in a specific geographic area or region; and

5. Design and demonstration of projects to foster international cooperation in addressing environmental issues and problems involving the United States and Canada or Mexico.

C. How Does EPA Define Environmental Education Under the Environmental Education Grants Program? How is Environmental Education Different from Environmental Information Under This Program?

EPA is interested in funding environmental education activities that go beyond providing information.

Environmental education is a process that leads to responsible individual and group actions. Environmental education activities may take place in formal or informal settings. Environmental education should enhance critical thinking, problem solving, and effective decision-making skills. Education processes may include, but are not necessarily limited to, observing, measuring, classifying, experimenting, and other data gathering techniques that assist individuals in discussing, inferring, predicting, and interpreting information about environmental issues. Environmental education should engage and motivate individuals as well as enable them to weigh various sides of an environmental issue to make informed and responsible decisions.

Environmental information, by itself, is not environmental education, although such information may be an essential element of an educational effort. Environmental information provides facts or opinions about environmental issues or problems, but does not necessarily enhance critical thinking, problem solving, or effective decision-making skills.

D. Who May Submit Pre-applications and May an Applicant Submit More Than One?

Any local or tribal education agency, college or university, state education or environmental agency, not-for-profit organization, or noncommercial educational broadcasting entity may submit a pre-application upon publication of this solicitation. These terms are defined in Section 3 of the NEEA and 40 CFR 47.105.

No organization can have two grants for the same project at one time. EPA will consider only one pre-application for a given project.

E. May a Teacher/Educator Apply?

Only organizations and institutions—not individuals—are eligible. Educators may have their institution or association apply. The qualifications of those individuals participating in the proposed project will be an important factor in the selection process.

Funding Priorities

F. What Type of Projects Will Have the Best Chance of Being Funded?

To increase the chance of successfully competing for funding, the applicant's project should meet the following objectives and criteria.

1. The project should meet one or more of the following EPA objectives:

a. To improve environmental education by enhancing environmental teaching skills;

b. To facilitate communication, information exchange, and partnerships; and/or

c. To motivate the general public to be more environmentally conscious, resulting in informed decisions about the environment.

2. The project should also develop an environmental education practice, method, or technique which:

a. Is new or significantly improved;

b. May have wide application; and

c. Addresses an environmental issue which is of a high priority.

The terms discussed above are relative terms which can be defined differently among various schools, communities, states, or regions. For example, EPA may consider a project new or significantly improved if it is new in a given community. Similarly, a project may have a wide application if it can serve as a model program in other schools, communities, states, or regions. Finally, the degree to which a project addresses a high priority environmental issue will vary and must be defined by applicants according to their local environmental concerns. An environmental issue relates to various problems such as air, water, or hazardous waste contamination.

Each pre-application should define these terms as they relate to the specific project and include a succinct explanation of how the project is new or significantly improved, how it can serve as a model in other settings, and how it addresses a high-priority environmental issue.

3. The project should also focus on one or more of the following items:

a. Building state, local, or tribal government capacity to develop and deliver environmental education programs;

b. Closing gaps identified by the applicant among existing environmental education programs;

c. Promoting equity in the field of environmental education by increasing educational opportunities for minorities and other traditionally under-represented populations such as senior citizens and the disabled; or

d. Teaching about risk reduction, pollution prevention, or geographic protection as potential strategies for addressing environmental problems or issues. (These terms are defined below in Supplemental Information).

G. How Much Money May be Requested and What Size Grant Application has the Best Chance of Being Funded?

The statutory ceiling for any one grant is $250,000 in Federal funds. EPA headquarters awards grants with a Federal share between $25,001 and $250,000. EPA's 10 regional offices award grants of up to $25,000 in Federal funds. In Fiscal Year 1992, EPA headquarters awarded only 9 grants while the regions awarded 210. In Fiscal Year 1993, the overwhelming majority of grants will be awarded by the regions. The law requires that at least 25% of all funds appropriated under section 6 in a given fiscal year shall be for grant awards of $5,000 or less in Federal funds. In Fiscal Year 1993, EPA's regions expect to award over 50% of their funds under section 6 for grants for a Federal share of $5,000 or less. EPA strongly encourages that applicants request small grants of $5,000 or less in Federal funding.

H. Are Matching Funds Required?

Yes. Federal funds for projects shall not exceed 75% of the total cost of such projects. EPA encourages non-Federal matching shares of greater than 25%. The non-Federal share of project costs may be provided in cash or by in-kind contributions and other noncash support. In-kind contributions often include salaries or other verifiable costs. In the case of salaries, applicants may use either minimum wage or fair market value. The proposed match, including the value of in-kind contributions, is subject to negotiation with EPA. All grants are subject to audit, so the value of in-kind contributions must be carefully documented.

The matching (non-Federal) share is a percentage of the entire cost of the project. If the 75% Federal portion is $5,000, then the entire project should, at a minimum, have a budget of $6,667, with the recipient providing a contribution of $1,667. The amount of non-Federal funds, including in-kind contributions, must be briefly itemized in Block 15 of the SF 424 included at the end of this notice.

The Pre-Application

I. What is a Pre-application?

A pre-application is the "Application for Federal Assistance" form (Standard Form 424 or SF 424) and a work plan (described below). These documents contain all the information EPA needs to evaluate the merits of your pre-application. Applicants will not be asked to submit additional information to support their projects, except that finalists may be asked to submit various forms necessary to complete a formal application (e.g., a "Certification Regarding Debarment, Suspension, and Other Responsibility Matters" form).

J. How Must the Pre-application be Submitted and Specifically What Must the SF 424 and Work Plan Include?

The applicant must submit one original—signed by a person authorized to receive funds for the applicant—and two copies of the pre-application. Pre-applications must be reproducible (i.e., stapled once in the upper left hand corner, on white paper, and with page numbers in the upper right hand corner). Pre-applications may not include brochures, video tapes, or any other material not described in Question J.2.

As described above, a pre-application contains an SF 424 and a work plan. The following describes what an SF 424 and a work plan are and what they must contain.

1. Application for Federal Assistance (SF 424). An SF 424 is an official form required for all Federal grants. A completed SF 424 must be submitted as part of your pre-application. This form, along with instructions are included at the end of this notice.

2. Work Plan. A work plan describes the applicant's proposed project. Work plans must be no more than 10 pages total for requests for a Federal share of more than $5,000 and no more than 5

pages total for those requesting a Federal share of $5,000 or less. One page is one side of a single-spaced typed page. The pages must be letter size (8½ × 11), with normal type size (10 or 12 cpi) and at least 1" margins. The only appendices and letters of support that EPA will accept are a budget, resumes of key personnel, and commitment letters.

Work plans must be submitted in the format described below. The percentages next to some of the items are the weights EPA will use to evaluate the applicant's work plan. Please note that certain sections are given greater weight than others.

I. A concise introduction of no more than one page that states the nature of the organization, purpose of the project, objective, method, target audience, and expected results.

II. A clear and concise project description which describes the following:

A. A section describing how the project meets one or more of the objectives discussed in Question F.1. 15%.

B. A section describing how the project develops an environmental education practice, method, or technique discussed in Question F.2. 45%.

C. A section describing how the project focuses on at least one of the items described in Question F.3. 15%

III. A conclusion discussing how the applicant will evaluate the success of the project, in terms of the anticipated strengths and challenges in implementing the project. 10%

IV. An appendix with a budget describing how funds will be used in terms of personnel, fringe benefits, travel, equipment, supplies, contract costs, and other. Funds cannot be used for construction. The budget must list proposed project milestones with deadlines and estimated cost and completion dates. This term is required, but no weight will be given.

V. An appendix with one or two page resumes of up to three key personnel. 15%.

VI. An appendix with one page letters of commitment from other organizations with a significant role in the project. Letters of endorsement will not be considered.

K. When and Where Must Pre-applications be Submitted?

An original plus two copies of the pre-application must be mailed to EPA postmarked no later than Friday, January 15, 1993. Pre-applications requesting $25,000 or less in Federal funds must be submitted to the EPA regional office for the region where the applicant is located. Pre-applications for a Federal share of more than $25,000 and up to $250,000 must be submitted to EPA's headquarters in Washington, DC. A list of addresses is included at the end of this notice.

Review and Selection Process

L. How Will Pre-applications be Reviewed?

EPA will select environmental educators external to the agency to assist in the review and evaluation. Pre-applications will be screened to ensure they meet all eligible activities described in Questions A, B, C, D, and E. Reviewers will also evaluate the degree to which the pre-applications meet EPA's objectives and other criteria as discussed in Question F. In Fiscal Year 1992, EPA disqualified a significant portion of the applicants during this process because applicants did not meet EPA's basic criteria.

M. How Will the Final Selections be Made?

After individual projects are reviewed and ranked as described in Question L, EPA officials in the regions and at headquarters will compare the best pre-applications and make final selections. EPA will take into account geographic and socioeconomic balance, subject matter diversity, cost, and projects whose benefits can be sustained after the grant is completed.

Regional Administrators will select the grants for Federal contributions of $25,000 or less. The Director of the Office of Environmental Education at EPA headquarters will select the grants for Federal contributions of more than $25,000.

N. How Will Applicants be Notified?

After all pre-applications are received, EPA will mail acknowledgements to each applicant. Once pre-applications have been recommended for funding, EPA will notify those applicants and request any further information that may be necessary prior to selection and award. EPA will also notify those applicants whose projects were not funded.

Grant Activities

O. When Should Proposed Activities Start?

Activities cannot start before funds are awarded. Start dates are currently targeted for June 1, 1993.

P. How Much Time do Grant Recipients Have to Complete Projects?

Funding may be requested for periods of up to 24 months. However, flexibility is possible depending upon the nature of the project. Activities must be completed within the time frame specified in the grant award.

Q. Who Will Perform Projects and Activities?

NEEA requires that projects must be performed by the applicant or by a person satisfactory to the applicant and EPA. All pre-applications must identify any person other than the applicant for approval.

R. What Reports Must Grant Recipients Complete?

All recipients must submit final reports for EPA approval prior to the expiration of the project period. Recipients must provide an annual progress report for projects of more than one year in duration. Recipients of grants with a Federal share greater than $5,000 may be expected to report on quarterly or semiannual progress, as well as final project completion. Specific report requirements will be detailed in the award agreement. EPA plans to collect, evaluate, and disseminate grantees' final reports to serve as model programs. Since networking is crucial to the success of the program, grantees may be asked to transmit an extra copy to a central collection point.

Fiscal Year 1994

S. How Can I Receive Information on the Fiscal Year 1994 Environmental Education Grants Program?

After the Fiscal Year 1993 Solicitation, EPA will develop a new mailing list for the Fiscal Year 1994 Solicitation. If you wish to receive information on the 1994 Environmental Education Grants Program, you *must mail* your request along with your name, organization, address, and phone number to: Environmental Education Grants—1994 (A–107), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

Supplemental Information

In reference to Question F.3.d, EPA defines risk reduction, pollution prevention, and geographic protection as follows:

All environmental problems pose some possibility of harm to human health and the environment (i.e., they pose some "environmental risk"). The term risk reduction refers to the process of estimating and comparing the dimensions and characteristics of risks, and determining the feasibility and costs of reducing them, to determine which future actions to take to achieve the

greatest reduction of the most serious threats.

The term pollution prevention refers to the reduction or elimination of pollutants through increased efficiency in the use of raw materials, energy, water, or other resources; or the protection of natural resources by conservation. Pollution prevention measures may reduce the amount of pollutants released into the environment as well as the hazards to public health and the environment from such releases.

Many of today's environmental challenges, such as non-point source pollution (which originates from multiple sources), habitat protection, and biological diversity, require a tailored, site-specific strategy that recognizes regional variations. The term geographic protection refers to efforts to manage environmental problems that are specific to the characteristics of a geographic region.

Dated: October 2, 1992.

Lewis S.W. Crampton,

Associate Administrator, Office of Communications, Education, and Public Affairs.

Contact Names and Addresses

U.S. EPA Headquarters

Mail Pre-Applications to: U.S. EPA—Env. Ed. Grants, Office of Environmental, Education (A–107), 401 M Street, SW, Washington, DC 20460.

Information: George Walker, Environmental Education Specialist, (202) 260 3335.

EPA Regional Offices

Region I

CT, ME, MA, NH, RI, VT.

Mail Pre-Applications to: U.S. EPA—Env. Ed. Grants, Henry Burrell, Chief, Grants Information and Management Section, JFK Federal Building (PGI), Boston, MA 02203.

Or Hand-Deliver Applications to: One Congress Street, 11th Floor Mail Room, Boston, MA 02114 [between 8:00 am and 4:00 pm].

Information: Maria van der Werff, Environmental Education Coordinator, (617) 565–9447.

Region II

NJ, NY, PR, VI.

Mail Pre-Applications to: U.S. EPA—Env. Ed. Grants, Grants Administration Branch, 26 Federal Plaza, room 1714, New York, NY 10278.

Information: Teresa Ippolito, Environmental Education Coordinator, (212) 264–2980.

Region III

DC, DE, MD, PA, VA, WV.

Mail Pre-Applications to: U.S. EPA—Env. Ed. Grants, Grants Management Chief (3PM71), Grants Management Section, 841 Chestnut Street, Philadelphia, PA 19107.

Information: Bonnie Smith, Environmental Education Coordinator, (215) 597–9076 or (215) 597–9817.

Region IV

AL, FL, GA, KY, MS, NC, SC, TN.

Mail Pre-Applications to: U.S. EPA—Env. Ed. Grants, Chief, Grants Operations Unit, 345 Courtland Street, NE, Atlanta, GA 30365.

Information: Jim Doyle, Environmental Education Coordinator, (404) 347–3004.

Region V

IL, IN, MI, MN, OH, WI.

Mail Pre-Applications to: U.S. EPA—Env. Ed. Grants, Grants Management Section (MC–10J), 77 West Jackson Boulevard, Chicago, IL 60604.

Information: Suzanne Kircos, Environmental Education Coordinator, (312) 353–3209.

Region VI

AR, LA, NM, OK, TX.

Mail Pre-Applications to: U.S. EPA—Env. Ed. Grants, Environmental Education Coordinator (6X), 1445 Ross Avenue, Dallas, TX 75202.

Information: Sandy Sevier, Environmental Education Coordinator, (214) 655–2204.

Region VII

IA, KS, MO, NE.

Mail Pre-Applications to: U.S. EPA—Env. Ed. Grants, Grants Administration Section, 726 Minnesota Avenue, Kansas City, KS 66101.

Information: Rowena Michaels, Environmental Education Coordinator, (913) 551–7003.

Region VIII

CO, MT, ND, SD, UT, WY.

Mail Pre-Applications to: U.S. EPA—Env. Ed. Grants (80EA), 999 18th Street, Denver, CO 80202–2405.

Information: Cece Forget, Environmental Education Coordinator, (303) 391–6999.

Region IX

AZ, CA, HI, NV, AS, GU.

Mail Pre-Applications to: U.S. EPA—Env. Ed. Grants, Office of Public Affairs (E2), 75 Hawthorne Street, San Francisco, CA 94105.

Information: Ida Tolliver, Environmental Education Coordinator, (415) 744–1581 or (415) 744–1582.

Region X

AK, ID, OR, WA.

Mail Pre-Applications to: U.S. EPA—Env. Ed. Grants, Public Information Center (SO–143), Environmental Education Grants, 1200 Sixth Avenue, Seattle, WA 98101.

Information: Sally Hanft, Environmental Education Coordinator, (203) 553–1207.

BILLING CODE 6560–50–M

OMB Approval No. 0348-0043

APPLICATION FOR FEDERAL ASSISTANCE

2. DATE SUBMITTED	Applicant Identifier
3. DATE RECEIVED BY STATE	State Application Identifier
4. DATE RECEIVED BY FEDERAL AGENCY	Federal Identifier

1. TYPE OF SUBMISSION:

Application	Preapplication
☐ Construction	☐ Construction
☐ Non-Construction	☐ Non-Construction

5. APPLICANT INFORMATION

Legal Name:	Organizational Unit:
Address (give city, county, state, and zip code):	Name and telephone number of the person to be contacted on matters involving this application (give area code)

6. EMPLOYER IDENTIFICATION NUMBER (EIN): ☐☐ – ☐☐☐☐☐☐☐

7. TYPE OF APPLICANT: (enter appropriate letter in box) ☐

A. State
B. County
C. Municipal
D. Township
E. Interstate
F. Intermunicipal
G. Special District
H. Independent School Dist.
I. State Controlled Institution of Higher Learning
J. Private University
K. Indian Tribe
L. Individual
M. Profit Organization
N. Other (Specify) _____

8. TYPE OF APPLICATION:

☐ New ☐ Continuation ☐ Revision

If Revision, enter appropriate letter(s) in box(es): ☐ ☐

A. Increase Award B. Decrease Award C. Increase Duration
D. Decrease Duration Other (specify):

_____

9. NAME OF FEDERAL AGENCY:

10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER: 6 6 . 9 5 1

TITLE: Environmental Educational Grants

11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:

12. AREAS AFFECTED BY PROJECT (cities, counties, states, etc.):

13. PROPOSED PROJECT:		14. CONGRESSIONAL DISTRICTS OF:	
Start Date	Ending Date	a. Applicant	b. Project

15. ESTIMATED FUNDING:

a. Federal	$	.00
b. Applicant	$	.00
c. State	$	.00
d. Local	$	.00
e. Other	$	.00
f. Program Income	$	.00
g. TOTAL	$	.00

16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?

a. YES. THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON

DATE _____

b. NO ☐ PROGRAM IS NOT COVERED BY E.O. 12372

☐ OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW

17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?

☐ Yes If "Yes," attach an explanation. ☐ No

18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT, THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED

a. Typed Name of Authorized Representative	b. Title	c. Telephone number
d. Signature of Authorized Representative		e. Date Signed

Previous Editions Not Usable

Standard Form 424 (REV 4-88)
Prescribed by OMB Circular A-102

Authorized for Local Reproduction

BILLING CODE 6560-50-C

Instructions for the SF 424

This is a standard form used by applicants as a required facesheet for preapplications and applications submitted for Federal assistance. It will be used by Federal agencies to obtain applicant certification that States which have established a review and comment procedure in response to Executive Order 12372 and have selected the program to be included in their process, have been given an opportunity to review the applicant's submission.

Item and Entry

1. Self-explanatory.

2. Date application submitted to Federal agency (or State if applicable) & applicant's control number (if applicable).

3. State use only (if applicable).

4. If this application is to continue or revise an existing award, enter present Federal identifier number. If for a new project, leave blank.

5. Legal name of applicant, name of primary organizational unit which will undertake the assistance activity, complete address of the applicant, and name and telephone number of the person to contact on matters related to this application.

6. Enter Employer Identification Number (EIN) as assigned by the Internal Revenue Service.

7. Enter the appropriate letter in the space provided.

8. Check appropriate box and enter appropriate letter(s) in the space(s) provided:

—"New" means a new assistance award.

—"Continuation" means an extension for an additional funding/budget period for a project with a projected completion date.

—"Revision" means any change in the Federal Government's financial obligation or contingent liability from an existing obligation.

9. Name of Federal agency from which assistance is being requested with this application.

10. Use the Catalog of Federal Domestic Assistance number and title of the program under which assistance is requested.

11. Enter a brief descriptive title of the project. If more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For preapplications, use a separate sheet to provide a summary description of this project.

12. List only the largest political entities affected (e.g., State, counties, cities).

13. Self-explanatory.

14. List the applicant's Congressional District and any District(s) affected by the program or project.

15. Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate *only* the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 15.

16. Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process.

17. This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes.

18. To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office. (Certain Federal agencies may require that this authorization be submitted as part of the application.)

[FR Doc. 92–24788 Filed 10–15–92; 8:45 am]

BILLING CODE 6560–50–M

Federal Register

Friday
October 16, 1992

Part III

Department of Labor

Mine Safety and Health Administration

30 CFR Parts 56 and 57

Safety Standards for Explosives at Metal and Nonmetal Mines; Proposed Rule

DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Parts 56 and 57

RIN 1219-AA17

Safety Standards for Explosives at Metal and Nonmetal Mines

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rule addresses stayed provisions of the Mine Safety and Health Administration's (MSHA) safety standards for explosives at metal and nonmetal mines which were promulgated on January 18, 1991 (56 FR 2070). The proposed rule defines "blast site," "magazine," and "storage facility"; the storage of packaged blasting agents; the location of explosive material storage facilities; vehicles transporting explosive material; primer protection; loading and blasting; double trunklines in nonelectric initiation systems; excessive temperatures; and burning explosive material. The proposed revisions are intended to provide the necessary safety requirements for the hazards addressed by this stayed provision.

DATES: All comments and information should be submitted by December 15, 1992.

ADDRESSES: Send written comments to Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, MSHA, room 631, Ballston Tower No. 3, 4015 Wilson Boulevard, Arlington, Virginia 22203.

FOR FURTHER INFORMATION CONTACT: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, MSHA, (703) 235-1910.

SUPPLEMENTARY INFORMATION:

I. Paperwork Reduction Act

The proposed rule contains no information collection paperwork requirements subject to the Paperwork Reduction Act of 1980.

II. Rulemaking Background and Organization of Standards

The standards in part 56 apply to all surface metal and nonmetal mines; those in part 57 apply to underground and surface areas of underground metal and nonmetal mines.

On January 18, 1991, MSHA published a final rule in the **Federal Register** (56 FR 2070) revising its safety standards for explosives at metal and nonmetal mines. These standards were scheduled to take effect on March 19, 1991. On March 7, 1991, however, after further review of information received regarding several provisions of the final rule, MSHA extended the effective date until May 20, 1991 (56 FR 9626). On April 10, 1991, MSHA indefinitely stayed the effective date of several provisions of the final rule and reopened the rulemaking record (56 FR 14470). On May 17, 1991, based on comments received from mine operators and explosives manufacturers and on a request by the Institute of Makers of Explosives (IME) for a reconsideration of the rule, the Agency stayed the effective date of the final rule until July 16, 1991 (56 FR 22825). On July 15, 1991, the Agency extended the stay of the effective date of the final rule until September 13, 1991 (56 FR 32091). On September 12, 1991, (56 FR 46500) MSHA issued a one-year, partial administrative stay of certain provisions of the final rule. The administrative stay was scheduled to expire on October 1, 1992, however, on September 24, 1992, (57 FR 44256), MSHA extended the administrative stay until July 1, 1993. The majority of the standards became effective on November 1, 1991.

As a result of re-examining the rulemaking record, MSHA believes that the issues surrounding the stayed provisions need further input from the public. MSHA will consider all comments on the stayed provisions currently within the rulemaking record as well as any other comments received on this proposed rule. All submissions to MSHA concerning the explosives rulemaking will be placed in the record and made available for public review.

III. Discussion and Summary of Proposed Rule

A. General Discussion

Historically, hazards associated with the storage, transportation, and use of explosive materials have been a leading cause of a number of serious injuries and fatalities in metal and nonmetal mines. Precautions to safeguard against these hazards are an essential part of any effective mine safety program. Consequently, the final rule provisions of subpart E, in effect since November 1, 1991, focus upon those hazards which may be present when persons use or work near explosive materials at metal and nonmetal mines. In general, the proposed standards as set forth below differ from their stayed counterparts to the extent that they either clarify or more fully address the recognized precautions and procedures necessary to avert the hazards common to explosive material handling. In the case of the stayed standard on the use of double trunkline or loop systems, the proposed provision reflects the latest available evidence by no longer requiring redundant, nonelectric initiation systems. These supplemental standards are intended to fit within the comprehensive structure of the metal and nonmetal rule now in effect. Upon the final rule promulgation of these supplemental provisions, the mining community will have a unified safety program for the safe storage, transport, and use of explosive material at metal and nonmetal mines.

B. Deletions

As mentioned in the September 12, 1991 (56 FR 46500) revision and republication of the final rule, several then existing regulations were reinstated to respond to the hazards left unaddressed by the stayed final rule provisions. These reinstated provisions were scheduled to expire on October 1, 1992 (56 FR 46500). The following provisions found in 30 CFR parts 56 and 57 continue in effect until July 1, 1993 (57 FR 44256): §§ 56/57.6140 on location of magazines, §§ 56/57.6220 on maintenance and operation of transport vehicles, §§ 56/57.6320 on blasthole charging, §§ 56/57.6330 on protection of personnel at blast site, §§ 56/57.6331 on burning charges, § 57.6375 on loading and blast site restrictions, and § 57.6382 on blasting in shafts or winzes.

The proposal would delete the existing §§ 56/57.2 definition of "magazine" and would replace it with a new definition within subpart E. The proposal also would delete the MSHA Tables of Distances in appendix I to subpart E. These tables would not be replaced. MSHA, however, would continue to enforce on behalf of the Bureau of Alcohol, Tobacco and Firearms (BATF) the regulations concerning explosives such as those found in subpart K of 27 CFR part 55.

The stayed provision in §§ 56/57.6501(a) on the use of double trunklines or loop systems for nonelectric initiation systems would be deleted. The remaining paragraphs in §§ 56/57.6501 would be redesignated to reflect the removal of the requirement in paragraph (a).

C. Section-by-Section Analysis

The following section-by-section analysis addresses the public comments received on the stayed provisions and describes the resulting new proposal.

"STORAGE-SURFACE AND UNDERGROUND"

Sections 56/57.6000 Definitions

"Blast site." The term "blast site" describes the area where safety

precautions must be taken during the loading of blastholes. In contrast to the "blast area," the "blast site" is considerably smaller in size. The intention underlying the "blast site" concept is to protect miners engaged in blasthole loading and miners engaged in other non-blasting activities in close proximity to the loading process. Currently, the MSHA program policy letter in effect (No. P91–IV–1), dated November 1, 1991, defines "blast site" consistently with the mining industry's traditional understanding of the term to mean "the area where explosive materials are being loaded, including the area where loading is completed or partially completed." Because the term appears throughout the final rule, the purpose of the policy letter definition was to allow the final rule to become effective without confusion about the definition.

The Agency believes that the policy letter definition does not fully address the hazard resulting from the unintended excursion onto the blast site by a mine vehicle engaged in activities other than loading and blasting, which is a highly likely occurrence. The policy letter definition provides no safety buffer or zone between the "area where explosive materials are being loaded" and, for example, the area where mucking and other activities occur. Accordingly, the Agency proposes a new definition of "blast site" which draws upon the best available evidence and attempts to respond to commenters' concerns.

As published on January 18, 1991, and later stayed on April 10, 1991, the "blast site" definition in §§ 56/57.6000 was: "The area where explosive material is handled during loading, including the perimeter formed by the blastholes and 50 feet (15.2 meters) in all directions from loaded holes. The 50-foot (15.2-meter) requirement also applies in all directions along the full depth of the hole." In now-stayed § 57.6000, the "blast site" definition for underground areas differed only in that it included the additional sentence: "In underground mines, 15 feet (4.6 meters) of solid rib or pillar can be substituted for the 50-foot (15.2-meter) distance." This definition was modeled after the consensus industry definition of "blast site" published by the Institute of Makers of Explosives (IME) in its Safety Library Publication No. 12, "Glossary of Commercial Explosives Industry Terms," January 1985.

Many commenters objected that the application of the definition to §§ 56/57.6306(b), loading and blasting, was too restrictive and would eliminate currently accepted mining methods such as vertical crater retreat mining. Another objection was that the definition and its application would severely affect the mining cycle in some mines by precluding necessary activities from taking place at the "blast site." Activities mentioned included surveying, gas checks, and reopening plugged holes. Many commenters stated that the 50 feet (15.2 meters) requirement was unnecessary and unreasonable in that no additional level of safety would be provided to miners. Also, some commenters indicated that they did not want a provision which would prohibit mucking operations even if loaded holes were in close proximity. Additionally, some commenters indicated that the solid pillar alternative did not provide enough flexibility, urging instead the use of broken rock or rubble.

In response to commenters' concerns as well as to the need to address the increased risk of unintended detonation caused by working at or near a blast site, MSHA proposes to revise the definition of "blast site." The Agency acknowledges that, at some mines, the operators cannot feasibly comply with the 50-foot (15.2-meter) blast site requirement because of the mine configuration. Accordingly, while retaining the 50-foot (15.2-meter) requirement, the proposal would modify the definition to allow an alternative method of compliance. This alternative would permit the blast site to consist of a minimum distance of 30 feet (9.1 meters) in all directions from loaded holes where the 30-foot (9.1-meter) perimeter is demarcated with a berm or barrier. MSHA intends the berm or barrier to serve primarily to warn miners working or passing by the blast site. As defined in §§ 56/57.9000 of subpart H on Loading, Hauling, and Dumping, "berm" is "a pile or mound of material along an elevated roadway capable of moderating or limiting the force of a vehicle in order to impede the vehicle's passage over the bank of the roadway." A "barrier" would be a material object or objects that separates, keeps apart, or demarcates (Webster's New International Dictionary, 3rd ed., 1966).

The resulting "blast site," whether characterized by the 50-foot (15.2-meter) distance or 30-foot (9.1-meter) alternative requirement, would ensure miners in either defined blast site the same level of protection against the hazards arising from their presence near blast sites. Both the distance requirement of 50 feet (15.2 meters) and the alternative 30-foot (9.1-meter) distance-barrier requirement assure that miners and vehicles do not interfere or unintentionally make contact with the explosive materials used at the blast site. Also, the proposal would minimize the possibility of injury to miners from a premature detonation and reduce the likelihood that miners' activities such as drilling or mucking could cause a premature detonation.

In addition to the 30-foot (9.1-meter) alternative compliance method, the proposed definition of "blast site" further promotes increased operator flexibility without compromising the safety of miners. The proposal would allow the use of 15 feet (4.6 meters) of broken rock as a substitute for the 15 feet (4.6 meters) of solid rib or pillar in underground mines because broken rock can provide a significant degree of safety. Also, stemming, reopening of holes, and surveying activities would be allowed within the "blast site." Haulage would be permitted within the blast site where no other haulage access exists. Certain activities such as mucking, however, would be prohibited.

MSHA believes that mucking need not and, in fact, should not be undertaken within the blast site because such activities pose unreasonable risks of unintended detonation. Operators should coordinate loading, hauling, and blasting activities in a manner which reasonably assures that the miner's safety is the predominate consideration. In every circumstance, operators first should perform mucking and other activities related to the loading and blasting process before loading the blast pattern.

Just as MSHA recognizes the need for a zone of limited activity wherein certain activities unrelated to loading and blasting should be restricted, so does the commercial explosives industry. As indicated above, the 50-foot(15.2-meter) requirement derives from the definition of "blast site" stated in the January 1985, IME Safety Library Publication No. 12, "Glossary of Commercial Explosives Industry Terms." IME, the principal trade association for the commercial explosives industry, "was created to provide technically accurate information and recommendations concerning explosive materials and to serve as a source of reliable data about their use." (February 1991, IME Safety Library Publication No. 12, "Glossary of Commercial Explosives Industry Terms"). Its members both make and use explosive materials. Often the mine operator will contract with an explosive manufacturer to purchase both explosives and independent contractor services to handle the blasting operations. Because IME's members

have pertinent knowledge of both the use and handling of explosives, MSHA has based its proposal on the "blast site" concept found in IME's 1985 and 1991 literature. Commenters are encouraged to submit any additional data or evidence which may suggest an alternative definition for "blast site."

"Magazine." The final rule did not include a definition for the term "magazine." In §§ 56/57.2, however, "'magazine' means a facility for the storage of explosives, blasting agents, or detonators." Because some commenters expressed confusion with respect to the use and meaning of the terms "magazine" and "storage facility," MSHA issued a policy letter (No. P91–IV–1), on November 1, 1991, in which the Agency defines "magazine" as "a Bureau of Alcohol, Tobacco, and Firearms (BATF) Type 1 or Type 2 storage facility." The Agency believes that this proposed rulemaking presents an opportunity to clarify the final rule provisions concerning the storage of explosive materials.

Some commenters remarked that "magazine" and "storage facility" appear to be used synonymously, and they questioned how these terms differ from one another. Several commenters stated that §§ 56/57.6132 on magazine requirements would prohibit the use of BATF Type 4 storage facilities, citing paragraph (a)(3) of the standard which requires magazines to be bullet-resistant. Because BATF Type 4 storage facilities are not required to be bullet-resistant, commenters asserted that MSHA's use of "magazine" within the final rule radically departed from the BATF definition. This was not MSHA's intent. As discussed below, the final rule provisions do make distinctions between the requirements for magazines and those for storage facilities, and the provisions that discuss magazines do correspond to the BATF definition and construction criteria.

In 27 CFR 55.11, BATF defines "magazine" as "[a]ny building or structure, other than an explosives manufacturing building, used for storage of explosive materials." In the final rule, §§ 56/57.6132 on magazine requirements lists the construction and housekeeping criteria required for all magazines. These magazine requirements are stated in performance-oriented language to allow operator flexibility. Thus, §§ 56/57.6132 require a magazine to be structurally sound, noncombustible or the exterior covered with fire resistant material, bullet-resistant, made of non-sparking material on the inside, ventilated to control dampness and excessive heating, posted with appropriate Department of Transportation placards or other appropriate warning signs, kept clean and dry, unlighted or lighted by devices that are specifically designed for use in magazines and that do not create a fire or explosion hazard, unheated or heated only with devices that do not create a fire or explosion hazard, locked when unattended, and used exclusively for the storage of explosive material except for essential non-sparking equipment used for the operation of the magazine. Metal magazines have additional specific construction requirements. Also, all magazines must have electrical switches and outlets located on the outside of the magazine.

In order to clarify how "magazine" is used throughout the explosives standards, MSHA proposes to define "magazine" in §§ 56/57.6000. The proposed definition is substantively the same as MSHA's policy letter definition but replaces the mere references to BATF Type 1 and 2 storage facilities with the BATF Type 1 and 2 construction criteria. In 27 CFR 55.207 and 55.208, BATF lists the construction requirements for Type 1 and Type 2 magazines, respectively. The BATF provisions specify that these two types of facilities must be "bullet-resistant, fire-resistant, weather-resistant, theft-resistant, and ventilated." MSHA's proposed definition uses these same criteria. The result is to make clear that MSHA's use of the term "magazine" corresponds to BATF's use of Type 1 and Type 2 storage facilities.

Within the final rule, the term "magazine" appears in §§ 56/57.6100, separation of stored explosive material; §§ 56/57.6130, explosive material storage facilities; §§ 56/57.6132, magazine requirements; and §§ 56/57.6140, magazine location. Throughout these sections, MSHA's intent is to distinguish the circumstances under which a "magazine" and "storage facility" are used. For example, paragraph (a) of §§ 56/57.6130 requires that detonators and explosives, not blasting agents, be stored in magazines; while paragraph (b) states that blasting agents may be stored either "in a magazine or other facility" but "[f]acilities other than magazines used to store blasting agents shall contain only blasting agents." As used, "magazine" refers to a type of storage facility for highly sensitive explosive materials such as explosives and detonators which are subject to sympathetic detonation. Because blasting agents are not as highly sensitive as detonators and explosives, blasting agents need not be stored in a magazine or a facility that meets the construction and housekeeping criteria of §§ 56/57.6132. Accordingly, a "magazine" is a structure that has additional and more rigorous construction requirements than a "storage facility" in general.

"Storage facility." "Storage facility" has not been previously defined by MSHA but is commonly understood in the mining community. As with "magazine," several commenters found MSHA's use of "storage facility" in the final rule confusing. In response, MSHA defined "storage facility" in a policy letter (No. P91–IV–1), dated November 1, 1991, to mean "a BATF Type 4 or Type 5 storage facility." The Agency intends the proposed definition of "storage facility" to clarify those provisions which address the storage of explosive materials.

MSHA proposes to define "storage facility" in §§ 56/57.6000 to mean the entire class of structures used to store explosive materials. In contrast to a "magazine" which corresponds to a BATF Type 1 or Type 2 structure, a "storage facility" used specifically to store blasting agents corresponds to a BATF Type 4 or 5 structure. As noted in the discussion of "magazine," blasting agents are less sensitive to detonation from external impacts, such as bullets, and thus can be stored in structures other than magazines.

Several of the explosives standards now in effect apply to storage facilities in general such as §§ 56/57.6101 on areas around explosive material storage facilities, §§ 56/57.6131(a)(2) on location of explosive material storage facilities, and §§ 56/57.6800 on maintenance of storage facilities. As used in these standards, "storage facility" refers to both magazines and other structures used to store explosive material. In contrast, §§ 56/57.6130(c) addresses particularly those storage facilities which are used to store bulk blasting agents and no other kind of explosive material.

Sections 56/57.6130 Explosive Material Storage Facilities

Sections 56/57.6130 address the storage requirements for all types of explosive material, including blasting agents. The final standard evolved from the former §§ 56/57.6001 which required detonators and explosives other than blasting agents to be stored in magazines. Blasting agents were included in the final standard in recognition of the many new types of more sensitive blasting agent products on the market. As detailed below, the proposed portion of the standard retains

the language and intent of the final rule but includes an additional statement which would restrict the application of the standard.

Only the first sentence in paragraph (b) is stayed. Paragraph (b) specifies the storage facility requirements for packaged blasting agents. It requires, among other expressly mandated specifications, that the magazines or storage facilities for packaged blasting agents be ventilated. This ventilation requirement was new and derived from data which indicate that the opportunity for dampness and excessive heat build-up in unventilated facilities creates an unacceptable environment increasing the likelihood of product deterioration and combustible atmospheres. The supporting data are found in: (1) U.S. Dept. of Interior, Bureau of Mines, "Evaluation of Surface Storage Facilities for Explosives, Blasting Agents, and Other Explosive Materials," "§ 5.5 Flammable Atmospheres in AN–FO Drop Trailers," page 52 (June 1, 1983); and (2) U.S. Dept. of the Treasury, Bureau of Alcohol, Tobacco, and Firearms, "ATF—Explosives Law and Regulations," page 14 (June 1990) (Defining "explosive materials" expansively to include all items listed in chapter 27, part 55.23 of the "Code of Federal Regulations"). The term "ventilation" appears on page 39 of the BATF publication which states: "Ventilation is to be provided to prevent dampness and heating of stored explosive materials."

Commenters objected to the ventilation requirement stating it was unduly burdensome and could, itself, create the hazard of product deterioration as a result of the exposure of explosive materials to weather and climate factors. Because properly installed ventilation devices are designed to allow excessive heat to escape but not to allow rain or snow to enter the storage facility, MSHA finds this objection without merit.

Most commenters, however, objected to the ventilation requirement because it would require ventilation of mobile storage facilities such as drop trailers. Commenters noted that drop trailers are not ventilated when built and that BATF and DOT do not require or allow ventilation of mobile transport vehicles. Additionally, these commenters stated that requiring ventilation of drop trailers could damage the integrity of the storage vehicles and might be inconsistent with the trailer owner's property interest.

As the preamble to the January 1991 final rule indicates, paragraph (b) necessarily applies to drop trailers when used to store packaged blasting agents. Typically, drop trailers are used both to convey and to store explosive material, and the explosive material distributors often allow the purchaser/operator to use the distributor's drop trailer as a temporary storage facility. Once the trailer is empty, the distributor removes it from mine property.

Some drop trailers, however, are used exclusively for permanent storage purposes. The stored explosive material housed in these permanent drop trailer storage facilities tends not to be used before additional explosive material is purchased. The result is that some of the blasting agents functionally deteriorate before being used in blasting. Product deterioration, in turn, may result in misfires which pose the hazard of unintended detonation when the unexploded blasting agents are subjected to impacts during the mucking or crushing process. The January 1991 final rule provision, however, made no distinction between drop trailers used as permanent storage facilities and those used as temporary storage facilities. The ventilation requirement was to apply to both types of drop trailers.

The proposed standard would retain the final rule language but would exempt from the paragraph (b) requirements appropriately licensed, road-worthy vehicles used both to transport and to store blasting agents. Any formerly mobile vehicle which is not licensed by the appropriate authorities as road-worthy, however, would remain subject to paragraph (b). As expressed in the proposed standard, the appropriate licensing power may be Federal, State, or local authorities. MSHA recognizes that the hazards to be guarded against are more likely to arise where drop trailers are used as permanent storage facilities. Thus, the proposal responds to the commenters' concerns regarding the problems of ventilating mobile vehicles owned by the distributor but which are used only temporarily for storage purposes.

The proposal would not reduce protection that is provided in the existing rule because the nature of the hazards encountered differ in the contexts of transit and storage. During transit, there is little opportunity for excessive heat build-up and product deterioration because increased air circulation cools the moving vehicle. Also, as some commenters noted, there is no accident data to support the need to ventilate mobile drop trailers that serve as temporary storage facilities for packaged blasting agents. Furthermore, ventilating mobile drop trailers poses a potential hazard since sparks and other sources of fire encountered on the open roads could enter into the cargo space and thereby detonate the explosive material.

In contrast, the opportunity for heat build-up and product deterioration are much greater in a permanent storage facility which is unventilated. Accordingly, the Agency intends that ventilation remain a requirement for all permanent storage facilities used to store packaged blasting agents because the requirement ensures added safety to mine personnel. This proposed modification to the ventilation requirement is fully consistent with BATF.

Sections 56/57.6131 Location of Explosive Material Storage Facilities

The stayed provision, §§ 56/57.6131(a)(1), addresses the placement of explosive material surface storage facilities and magazines on mine property. It was derived from former §§ 56/57.6020, "Magazine requirements," which was a comprehensive standard regarding construction, location, and housekeeping criteria for surface magazines. Paragraph (a) of the former rule now appears at §§ 56/57.6140, "Magazine location," and provides that "[m]agazines shall be located in accordance with the current American Table of Distances for storage of explosives." This latter provision, however, does not govern the distances between explosive storage facilities and occupied buildings on mine property; rather, it governs the distances between explosive storage facilities and structures, roads, and inhabited buildings off mine property.

The January 1991 final rule attempted to address this perceived lack of protection for miners on mine property by requiring operators to comply with MSHA-created tables of separation distances which would have applied on mine property. Stayed §§ 56/57.6131(a)(1) required explosive material storage facilities to be located in accordance with the distances and markers specified in the MSHA tables. These tables incorporated the pertinent parts of the IME "American Table of Distances" (ATD), February 1966 and the National Fire Protection Association's "Recommended Separation Distances of Ammonium Nitrate and Blasting Agents from Explosives or Blasting Agents NFPA 495–1990, appendix B). The provision also included performance language which would allow storage facilities without sufficient area at the mine site to comply with appendix I to be located so that the forces generated by a storage facility explosion would not create a

hazard to occupants in mine buildings or to physical structures such as dams or electric substations. The only change MSHA made to the ATD and NFPA tables' separation distances was in the categories of structures and equipment that were to be located away from explosive storage facilities.

The Agency received many comments objecting to the application of the separation distances between explosive storage facilities and structures on mine property. Many commenters objected to MSHA's new tables on the grounds that there was no technical data to support the selected distances or the cited hazards (for example, dangers associated with explosions near mine openings, electrical substations, dams, ventilation fans). Other commenters believed that compliance with the new MSHA tables would force placement of storage facilities for explosive materials unnecessarily and even dangerously close to non-mine structures and roads. Some commenters stated that it would not be feasible for operators to find alternative locations for the explosive storage facilities at the mine site due to space limitations. Also, they remarked that relocation costs would be wholly out of proportion to any incremental benefit the miners may experience.

Another major criticism of the stayed provision was that for the first time MSHA would enforce distance requirements on mine property, whereas before MSHA only cited violations of the separation distances on behalf of BATF, and then only with respect to structures, roads, and inhabited buildings off mine property. Commenters stated that MSHA's version and the ATD would cause confusion and, thereby, diminish miner safety. Moreover, the Institute of Makers of Explosives commented that the separation distances listed in their tables were never intended nor tested for use with respect to occupied structures on mine property.

Upon careful consideration of the safety and hazard data, operators' compliance costs, and issues of feasibility and enforcement, MSHA proposes to delete the requirement of §§ 56/57.6131(a). The safety and hazard data collected over the last twenty years indicate that there have been very few unplanned detonations of magazines or explosive material storage facilities and even fewer such detonations that have resulted in injury or death to miners. Applying the separation distances to occupied buildings and structures on mine property would cause operators to relocate explosive material storage facilities within the mine site. Relocating magazines and storage facilities might involve expenses with no ascertainable benefit. Also, the relocated storage facilities might be situated so as to create additional hazards to people, structures, and roads either on or off mine property. Accordingly, in the absence of hard data to substantiate the need for applying separation distances to occupied buildings, mine openings, and other structures on mine property, the Agency believes that the MSHA-created tables do not accomplish the purpose for which they had been designed. MSHA arrives at this conclusion on the basis of all the evidence available to it.

MSHA is unaware of any technical data that would aid in the determination of separation distances for storage facilities and inhabited buildings on mine property and that would be protective of people present on mine property. Therefore, MSHA requests comments on whether separation distances should be applied to explosive material storage facilities and occupied buildings located on mine property and on whether there exists any evidence suggesting safe distances for use on mine property.

As stated above, MSHA already enforces on behalf of BATF the ATD separation distances on mine property with respect to objects and people located or travelling off mine property. Paragraph (b) of §§ 56/57.6131, currently in effect, provides notice that operators should be aware of the BATF regulations in title 27 CFR part 55 which are applicable to explosive material storage facilities. Accordingly, under §§ 56/57.6131(b), MSHA intends to continue to enforce the separation distances found in subpart K of title 27 CFR parts 55.218, "American Table of Distances," 55.219, "Table of Distances for Storage of Low Explosives," and 55.220, "Table of Separation Distances of Ammonium Nitrate and Blasting Agents from Explosives or Blasting Agents."

"Transportation"

Sections 56/57.6202 Vehicles

The September 12, 1991, **Federal Register** notice (56 FR 46500) stayed §§ 56/57.6202(a)(1). MSHA did not stay the rest of the standard which addresses the hazard of an unplanned detonation of explosive material during transport on mine property. Vehicles transporting explosive material on mine property can detonate as a result of vehicle fires, vehicle accidents, or vehicle construction with inappropriate materials.

Stayed paragraph (a)(1) focuses on the structural integrity of the cargo space and the overall maintenance of the vehicle. Many operators convert older, less reliable mine vehicles into explosive material transport vehicles increasing the hazard of an unplanned detonation of explosive material during transport. In response to this hazard, paragraph (a)(1) requires that vehicles transporting explosive material be "structurally sound and well-maintained." Some commenters found the terms "structurally sound" and "well-maintained" to be vague.

MSHA proposes to revise this provision in response to commenters' concerns by adding the requirement that vehicles carrying explosive materials be maintained in good condition. The proposed provision also refers the operator to the mandatory performance criteria of subpart M—Machinery & Equipment, §§ 56/57.14000 et seq. Subpart M addresses the maintenance requirements for all self-propelled mobile equipment. With this proposed language, the Agency believes the mining community will better understand MSHA's intent.

The phrase "good condition" is derived from former §§ 56/57.6046, reinstated and renumbered as §§ 56/57.6220, maintenance and operation of transport vehicles, which requires that vehicles containing explosives or detonators be maintained in good condition and operated at a safe speed in accordance with all safe operating practices. "Good condition" means that the vehicle is road-worthy which implies that it would pass the licensing requirements of Federal, State, and local authorities for over-the-road use. Since the mining community is familiar with the meaning of "good condition" and with the substantive requirements of subpart M, MSHA believes that the proposed language will clarify any confusion as to the meaning of the standard.

"Use"

Sections 56/57.6304 Primer Protection

Paragraph (b) of §§ 56/57.6304 was stayed by the September 1991 **Federal Register** notice. The January 18, 1991 final rule preamble states that paragraph (b) was a new requirement and would "[prohibit] dropping of cartridges of explosive material which are 4 inches (100 millimeters) in diameter or larger directly on a primer unless the blasthole is full of water." The hazard addressed is that associated with the practice of dropping large cartridges of explosives or blasting agents directly onto primers, causing

impact accidents or misfires as the result of the separation of the primer components. The rule, itself, contradicted the preamble because its wording would permit cartridges of 4 inches (100 millimeters) in diameter to be dropped. Whereas the final rule contained a typographical error, the January 1991 preamble correctly reflects MSHA's intent as to the allowable cartridge diameter. Thus, the proposal would correct the standard to reflect MSHA's position that cartridges with diameters of 4 inches (100 millimeters) or larger pose an unreasonable risk of unplanned detonation when dropped directly onto primers.

MSHA also would like the affected community to know that paragraph (b) would allow the drop loading of slit packages or slit bags of prill or water gel. MSHA has not seen any evidence to suggest that the industry practice of drop loading these materials involves a hazard of detonating the primer. On this basis, MSHA believes that drop loading slit packages which contain either prill or water gel is safe. The Agency requests comments and any information regarding this practice.

Sections 56/57.6306 Loading and Blasting

As a consolidation of several former and new provisions, this standard addresses the precautions to be taken during the loading and blasting process. MSHA first stayed paragraph (b) of §§ 56/57.6306 on April 10, 1991 (56 FR 14470). As discussed above in the preamble section on the "blast site" definition, commenters found that the application of the "blast site" definition to paragraph (b) was too restrictive. Later, on September 12, 1991, MSHA stayed the remaining provisions of the standard in order to review the rulemaking record.

Since the entire standard was stayed, the former standards which addressed loading and blasting precautions were renumbered and reinstated as follows: Former §§ 56/57.6094 on blasthole charging was renumbered §§ 56/57.6320; former §§ 56/57.6160 on protection of personnel at blast site was renumbered §§ 56/57.6330; former § 57.6175 on loading and blast site restrictions was renumbered § 57.6375; and former § 57.6182 on blasting in shafts or winzes was renumbered § 57.6382.

Each paragraph of stayed §§ 56/57.6306 addresses different hazards encountered in the whole loading and blasting cycle. After examining each provision, the Agency now considers that the provisions which warrant revision are paragraphs (b) on activity restrictions during loading and blasting, (c) on the period of time allowed to begin and end the loading process, and (e) on the period of time allowed between the end of loading and the start of blasting. Presently, there appears to be no need to revise the substance of paragraphs (a) on vehicle excursions onto explosive material, (d) on the removal of personnel from the blast area, (f) on barring entry to the blast area, and (g) on post-blast inspections. In paragraphs (a), (d), and (g), however, one or a few words were either deleted or edited for clarity. MSHA specifically requests comments on these provisions of §§ 56/57.6306 which have not substantively changed.

MSHA proposes no change in the substance of paragraph (a), but the term "otherwise" has been deleted for purposes of clarity and conciseness. Paragraph (a) ensures proper treatment of explosive material and initiating systems. Explosive material can be prematurely detonated if struck by moving vehicles or contacted by electrically-powered equipment.

The Agency proposes to revise paragraph (b) in response to commenters' objections and concerns about the provision's prohibition of activities at the blast site. MSHA would delete the term "occasional," which appears in the final rule before the term "haulage," and continue to permit haulage activity near the base of the highwall being loaded on the condition that no other haulage access exists. Because haulage under this condition is always occasional, the Agency's proposal would not result in any diminution of safety to the miners. MSHA also proposes adding a statement that surveying, stemming, and reopening of holes are permitted at the blast site if reasonable care is exercised. These activities are expressly authorized because they are sufficiently related to the loading and blasting process. Thus, where necessary operators could perform haulage, stemming, reopening of holes, and surveying activities at the blast site so long as they undertake to minimize the risk of coming into contact with explosive material.

Numerous comments were received on paragraph (c) which requires that loading be a continuous operation with certain exceptions to avoid the hazard of prolonged sleeping of explosive material. This provision is derived from former §§ 56/57.6094, reinstated and renumbered §§ 56/57.6320, on blasthole charging, which provides that blasting occur within 72 hours of loading the hole unless prior approval is obtained. Commenters objected to replacing the 72-hour requirement with a requirement that loading be "continuous except for emergency situations, shift changes, and up to two consecutive idle shifts." Commenters stated that the limitation of two shifts is both too restrictive and vague and remarked that a "shift" varies in duration at each mine site. Furthermore, the two-shift limitation does not take into consideration the occurrence of atmospheric conditions such as lightning or weather inversions as well as other uncontrollable occurrences that necessitate delay in the loading process.

MSHA proposes to delete the vague language and replace the two-shift limitation with the well-known 72-hour rule of existing §§ 56/57.6320. The proposed provision would continue to require continuous loading but would provide that circumstances beyond the operator's control such as unfavorable weather conditions, large equipment failure, or other emergency situations might warrant an interruption in loading. Thus, the proposal would allow a period of 72 hours to begin and end the loading process. If an interruption in the loading process will exceed the 72-hour period, the proposal would require that operators notify the appropriate MSHA District Office of the nature and cause of the delay. This notice exemption to the 72-hour requirement may be invoked only for those circumstances over which the operator has no control and which the operator has not caused in the first instance. Accordingly, MSHA intends that such notice be the result of good faith efforts of the operator who has attempted to adhere to the 72-hour requirement but for the reasons cited cannot complete loading. MSHA believes these proposed changes to paragraph (c) responds to the hazards associated with leaving explosive materials in blastholes for a prolonged time period as well as to the unforeseen circumstances that often arise and cause delay.

MSHA proposes no change to paragraph (d) except that the term "connection" would replace the term "hook-up." Paragraph (d) addresses the time when persons must be removed from the blast area for their safety. This paragraph is not intended to prevent persons from performing the necessary hook-up activities.

Paragraph (e) addresses the need to initiate blasts without delay. As opposed to the hazard addressed in paragraph (c), this provision applies to the time between the end of loading and the start of blasting. MSHA believes that once all the circuits have been connected, conditions at the blast site reach their maximum potential to cause

injury or death if a partial detonation occurs. MSHA's intent, as discussed in the preamble of the January 1991 final rule, is to have the loaded circuits connected and fired as soon as practicable.

As with paragraph (c), commenters found paragraph (e) to be too restrictive and vague. For example, some commenters cited that the phrase "undue delay" provides little guidance as to the time allowable and suggested that the phrase would result in uneven enforcement. Other commenters found the provision unresponsive to the occurrence of unanticipated conditions which necessitate interruption and delay.

In response to these comments, MSHA proposes to clarify the meaning of "undue delay" by including language similar to that proposed in paragraph (c). The proposed addition would provide that circumstances beyond the operator's control such as unfavorable weather conditions, large equipment failure, or other emergency situations might warrant an interruption in firing the blasts. The proposal also would require that operators notify the appropriate MSHA District Office if the delay between the end of loading and the start of blasting will exceed 72 hours. Like the requirements contained in proposed paragraph (c), this notice exemption may be invoked only under those circumstances over which the operator has no control and which the operator has not caused in the first instance. Again, MSHA intends that such notice be the result of good faith efforts of the operator who has attempted to adhere to the 72-hour requirement but for the reasons cited cannot commence firing the blasts.

MSHA proposes no changes for paragraphs (f) and (g) which require specific safety measures immediately prior to and after the blasting process. It should be noted that paragraph (g) has been edited for clarity. Paragraph (f) requires warning, clear escape routes from the blast area, and all access to the blast area to be protected against entry. Paragraph (g) requires postblast examinations to minimize hazards to persons who will perform subsequent work in the area.

"Nonelectric Blasting-Surface and Underground"

Sections 56/57.6501 Nonelectric Initiation Systems

This section consolidated several former provisions which addressed misfire hazards encountered in nonelectric initiating systems. The only stayed portion of §§ 56/57.6501 is the new requirement of paragraph (a). Paragraph (a) builds upon the double trunkline or loop system requirement of former §§ 56/57.6163, on detonating cord blasting, and §§ 56/57.6164, on trunklines, by applying this requirement to newer types of nonelectric initiation systems such as stock tube where continuity cannot be tested. The Agency had anecdotal information that the components of several nonelectric initiating systems then on the market had a tendency to fragment and interrupt blasting. Thus, MSHA included this double trunkline or loop system requirement to ensure multiple initiation paths, providing for the contingency that a cut-off of one lead would not disable the blasting sequence.

Many commenters submitted responses and data in opposition to the new requirement of paragraph (a). Commenters suggested that MSHA could not substantiate the double trunkline or loop system requirement. One commenter asserted that paragraph (a) substantially would increase the exposure of miners to the hazards associated with being present on a loaded blast site due to the time required to hook-up the system. Other commenters stated that such redundant systems would be prohibitively costly to the operators and, therefore, were not economically feasible.

The Agency, upon staying paragraph (a) on April 10,1991, carefully reviewed all of the comments and data received. As a result, the Agency proposes to delete paragraph (a). At this point, the Agency finds persuasive the fact that there are no statistical data to support the double trunkline or loop system requirement when using shock tube. Furthermore, since so many operators already use some variant of a redundant nonelectric initiation system, MSHA believes that it would be unnecessary to mandate its use except when using detonating cord in multiple row blasting as required in paragraph (c)(2). Similarly, the Agency does not believe that deleting the January 1991 final rule requirement in any way diminishes the level of safety afforded to miners. MSHA, however, requests comments on whether the proposal to delete paragraph (a) poses any unforeseen safety risk.

"General Requirements"

Sections 56/57.6902 Excessive Temperatures

Sections 56/57.6902 address the placement of explosive materials in holes where heat could cause premature detonation. Paragraph (b) specifically requires the use of "special precautions" when blasting sulfide ores. In response to commenters' requests for clarification of the phrase "special precautions," paragraph (b) of the final rule standard was stayed.

MSHA proposes to clarify its intent regarding the meaning of "special precautions" by specifying three special precautions in paragraph (b). The first precaution is the requirement that blast hole temperatures be measured before the introduction of explosive material. MSHA believes that it is a safe and reasonable practice to measure the temperature of any hole suspected of being hot before loading. The second precaution is that once the holes are loaded, initiation of the blast would have to proceed within a maximum, 12-hour period beginning once the last hole has been loaded. In blasting sulfide ores, limiting the time explosive material sits in hot holes after loading and before blasting minimizes the risks of premature detonation.

The third proposed precaution requires the operator to take any other precautions as necessary to prevent the hazard of premature detonation. These other "special precautions" for use when blasting sulfide ores may include one or more of the following: Using ANFO or other ammonium nitrate-based explosive products containing inhibitors; using plastic hole liners or bagged explosive material; when stemming, using of material that is other than drill cuttings; avoiding loading some hot holes entirely if feasible; eliminating the use of a detonator in the hole and priming the use of detonating cord with a booster; and loading holes in suspected hot areas last and firing promptly. The Agency encourages operators to employ as many safe procedures and special precautions as warranted. Also, MSHA seeks comments on alternative language for this provision as well as on operator compliance with the provision's substantive requirements.

Sections 56/57.6903 Burning Explosive Material

Sections 56/57.6903 address actions to be taken with burning explosives at the blast site both on the surface and underground. The standard was stayed on September 12, 1991, in response to concerns that the standard would prohibit fighting fires in combustible ore body mines. The provision is derived from former standard §§ 56/57.6161, which was reinstated and renumbered as §§ 56/57.6331, "Burning charges." That standard prohibited persons from remaining in the area where explosives material was suspected of burning.

MSHA recognizes that incomplete detonation in a blasthole can lead to the slow burning of explosives in that hole. IME recommended and MSHA agreed, as stated in the final rule preamble, that these locations should not be approached for at least one hour after the apparent burning has stopped. In the case of fire in situations involving a quantity of explosive materials, such as a haulage or bulk loading vehicle, evacuation to one-half mile in all directions is recommended. (1990 Emergency Response Guidebook, Department of Transportation, P5800.4—Guide 46).

The comments received on this provision showed general approval of MSHA's treatment of the hazards associated with burning explosives at the blast site. Some commenters, however, remarked that the burning or suspected burning at mines with combustible ore bodies is more likely the result of burning ore bodies rather than the result of burning explosive material. Commenters stated that if such burning were left unattended, the result would be uncontrollable fire and mine ore body loss. These commenters requested that the standard expressly allow necessary personnel to remain to fight fires where combustible ore bodies are involved. The January 1991 preamble to the final rule responded to similar comments by stating that a request for a petition for modification would address the unique situation of fires in mines with combustible ore bodies. Consequently, the standard does not permit any exception to the personnel evacuation requirement.

Upon further review of these comments as well as the available data on fires at combustible ore mines, MSHA has concluded that the petition for modification process would not be as efficient a method to address the special circumstance of fires in combustible ore bodies. Both to prevent total mine destruction and to correspond with MSHA's coal mine regulations in § 75.1101–23(a)(1)(i) and § 77.1901(e), MSHA proposes to allow necessary personnel to remain present in order to fight fires at mines with combustible ore bodies.

The proposed exception to the personnel evacuation requirement would not reduce the protection the existing standard provides miners. The exception would only apply in those situations involving combustible ore bodies. Furthermore, the exception is limited to "necessary personnel" trained to respond to the unique situation of combustible ore body fires. The Agency would continue to have input and control over situations arising under the proposed exception through the application of sections 103(j) and 103(k) of the Federal Mine Safety and Health Act of 1977. These sections authorize the Secretary or a designated representative to take whatever action deemed appropriate to protect the life of any person in a mine accident or emergency. The Agency requests comments on whether the exemption from the personnel evacuation requirement adequately responds to the combustible ore body situation.

IV. Executive Order 12291 and the Regulatory Flexibility Act

In accordance with Executive Order 12291 and the Regulatory Flexibility Act, MSHA prepared combined Regulatory Impact Analysis and Regulatory Flexibility Analysis (RIA) to accompany its final rule (56 FR 2070) published January 18, 1991. In this previous analysis, MSHA had identified potential costs and benefits associated with the changes to its explosives standards for metal and nonmetal mines. The Agency had determined that the final rule did not result in major cost increases nor have an effect of $100 million or more on the economy. Also, MSHA had determined that a substantial number of small mines would not be affected significantly.

MSHA has used its RIA to determine the impact of these proposed revisions of the stayed provisions. The Agency has found that this proposed rule would reduce the cost of compliance without diminishing miner safety. The primary reason for and benefit of these proposed changes to the existing standards would be increased compliance flexibility and clarified compliance responsibilities.

MSHA estimates that this proposed rule would eliminate compliance costs previously projected for the explosives standards. Specifically, deleting the requirement of §§ 56/57.6131(a) on the location of explosive material storage facilities potentially could save operators from any costs associated with relocating explosive material storage facilities. Similarly, deleting the specific requirement of §§ 56/57.6501 on the use of double trunklines or loop systems in specified nonelectric initiation systems, would result in substantial cost savings. In addition, the proposed revision of §§ 56/57.6130 would allow certain types of trailers used for the temporary storage of explosive material to remain unvented. As a result, the previously estimated minimal cost for providing vents for these trailers would become insignificant. Also noteworthy is the proposal to allow necessary personnel to fight fires where combustible ore bodies are involved in §§ 56/57.6903. Increased flexibility and clarity, however, would reduce costs by allowing the mine operator to use the most cost-effective method of compliance. For example, more flexibility in the types of activities allowed within the blast site and an alternative for defining the perimeter of the blast site potentially would save compliance costs, especially at small mines where the mining cycle may have fewer options for alternate activities. On the basis of the RIA, therefore, MSHA estimates that the proposed changes in these standards would reduce the projected annual impact of the January 1991 final rule by at least $300,000.

The proposed change to the definition of "blast site" would provide an alternative method of compliance. The proposal also would clarify the intent of existing §§ 56/57.6306 as to the activities allowed to be performed within the blast site. In general, the proposed addition of definitions for "magazine" and "storage facility," as well as the addition, of specific clarifying language in §§ 56/57.6202, 56/57.6304, 56/57.6306, 56/57.6902, and 56/57.6903, would not change significantly the typical compliance costs of these provisions, nor would it reduce miner safety in comparison with the existing rule.

V. Metric Measurements

Under section 5164 of the Omnibus Trade and Competitiveness Act of 1988, MSHA intends to begin providing both metric and English specifications in its rules to assist industry in converting to metric measurements where appropriate. MSHA requests comments on the availability of metric conversion and equivalences of the English inch-pound measurements in this proposed rule.

In the final rule, MSHA intends to use 15, 10 and 5 meters as the metric equivalents to the 50, 30 and 15 foot requirements in §§ 56/57.6000, the definition of blast site. MSHA specifically requests comments on these measurements.

List of Subjects in 30 CFR Parts 56 and 57

Mine safety and health, Metal and nonmetal mining, Explosives.

Dated: October 8, 1992.

William J. Tattersall,

Assistant Secretary for Mine Safety and Health.

It is proposed to amend subpart E of part 56, subchapter N, chapter I, title 30

of the Code of Federal Regulations as follows:

PART 56—SAFETY AND HEALTH STANDARDS—SURFACE METAL AND NONMETAL MINES

1. The authority citation for 30 CFR part 56 continues to read as follows:

Authority: 30 U.S.C. 811.

2. The definitions of "blast site," "magazine," and "storage facility" are proposed in § 56.6000 as follows:

§ 56.6000 Definitions.

"Blast site." The area where explosive material is handled during loading, including the perimeter formed by the loaded blastholes and 50 feet (15.2 meters) in all directions from loaded holes. A minimum distance of 30 feet (9.1 meters) may replace the 50-foot (15.2-meter) requirement if the perimeter of loaded holes is demarcated with a berm or barrier. The 50-foot (15.2-meter) and alternative 30-foot (9.1-meter) requirements also apply in all directions along the full depth of the hole.

"Magazine." A bullet-resistant, theft-resistant, fire-resistant, weather-resistant, ventilated facility for the storage of explosives and detonators (BATF Type 1 or Type 2 facility).

"Storage facility." The entire class of structures used to store explosive materials. A "storage facility" used to store blasting agents corresponds to a BATF Type 4 or 5 storage facility.

3. Section 56.6130 is amended by revising the first sentence of paragraph (b) to read as follows:

§ 56.6130 Explosive material storage facilities.

* * * * *

(b) Packaged blasting agents shall be stored in a magazine or other facility which is ventilated to prevent dampness and excessive heating, weather-resistant, and locked or attended. Drop trailers that are licensed by the Federal, State, or local authorities for over-the-road use do not have to be ventilated.

* * *

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§ 56.6131 [Amended]

4. Section 56.6131 is amended by removing paragraph (a)(1) and redesignating subparagraph (2) as paragraph (a).

5. Section 56.6202 is amended by revising paragraph (a)(1) to read as follows:

§ 56.6202 Vehicles.

(a) Vehicles containing explosive material shall be—

(1) Maintained in good condition and shall comply with the requirements of subpart M of this part;

* * * * *

6. Section 56.6304 is amended by revising paragraph (b) to read as follows:

§ 56.6304 Primer protection.

* * * * *

(b) Cartridges of explosives or blasting agents that are 4 inches (100 millimeters) in diameter or larger shall not be dropped on the primer except where the blasthole is filled with or under water.

7. Section 56.6306 is revised to read as follows:

§ 56.6306 Loading and blasting.

(a) Vehicles and equipment shall not be driven over explosive material or initiating systems in a manner which could contact the material or system, or create other hazards.

(b) Once loading begins, the only activities permitted within the blast site shall be those activities directly related to the blasting operation and the activities of surveying, stemming, and reopening of holes provided that reasonable care is exercised. Haulage activity is permitted near the base of the highwall being loaded provided no other haulage access exists.

(c) Loading shall be continuous except where adverse circumstances such as unfavorable atmospheric conditions, large equipment failure, or other emergency situations necessitate an interruption in loading. If the interruption in the loading procedure will exceed 72 hours, the operator shall notify the appropriate MSHA District Office before the 72 hours has elapsed.

(d) In electric blasting prior to connecting to the power source and in nonelectric blasting prior to attaching an initiating device, all persons shall be removed from the blast area except persons in a blasting shelter or other location that protects them from concussion (shock wave), flying material, and gases.

(e) When loading is completed and circuits are connected, the blasts shall be fired without undue delay unless adverse circumstances such as unfavorable atmospheric conditions, large equipment failure, or other emergency situations necessitate delay. If the time between the completion of loading and connection of circuits will exceed 72 hours, the operator shall notify the appropriate MSHA District Office before the 72 hours has elapsed.

(f) Before firing a blast—

(1) Ample warning shall be given to allow all persons to be evacuated;

(2) Clear exit routes shall be provided for persons firing the round; and

(3) All access routes to the blast area shall be guarded or barricaded to prevent the passage of persons or vehicles.

(g) No work shall resume in the blast area until a post-blast examination addressing potential blast-related hazards has been conducted by a person with the ability and experience to perform the examination.

§ 56.6501 [Amended]

8. Section 56.6501 is amended by removing paragraph (a) and redesignating paragraphs (b) through (d) as paragraphs (a) through (c).

9. Section 56.6902 is amended by revising paragraph (b) to read as follows:

§ 56.6902 Excessive temperatures.

* * * * *

(b) When blasting sulfide ores that react with explosive material or stemming in blastholes, operators shall—

(1) Measure blasthole temperatures prior to the introduction of explosive material;

(2) Limit the time between the completion of loading and the initiation of the blast to no more than 12 hours; and

(3) Take other special precautions to prevent premature detonation.

10. Section 56.6903 is revised to read as follows:

§ 56.6903 Burning explosive material.

(a) In non-combustible ore bodies, if explosive material is suspected of burning at the blast site, persons shall be evacuated from the blast area and shall not return for at least one hour after the burning or suspected burning has stopped.

(b) In combustible ore bodies, if explosive material is suspected of burning at the blast site, persons shall be evacuated from the blast area and shall not return for at least one hour after the burning or suspected burning has stopped, except necessary personnel may remain to fight a fire.

It is proposed to amend subpart E of part 57, subchapter N, chapter I, title 30 of the Code of Federal Regulations as follows:

PART 57—SAFETY AND HEALTH STANDARDS—UNDERGROUND METAL AND NONMETAL MINES

1. The authority citation for 30 CFR part 57 continues to read as follows:

Authority: 30 U.S.C. 811.

2. The definitions of "blast site," "magazine," and "storage facility" are proposed in § 57.6000 as follows:

§ 57.6000 Definitions.

"Blast site." The area where explosive material is handled during loading, including the perimeter formed by the loaded blastholes and 50 feet (15.2 meters) in all directions from loaded holes. A minimum distance of 30 feet (9.1 meters) may replace the 50-foot (15.2-meter) requirement if the perimeter of loaded holes is demarcated with a berm or barrier. The 50-foot (15.2-meter) and alternative 30-foot (9.1-meter) requirements also apply in all directions along the full depth of the hole. In underground mines, at least 15 feet (4.6 meters) of solid rib, pillar, or broken rock can be substituted for the 50-foot (15.2 meter) distance.

"Magazine." A bullet-resistant, theft-resistant, fire-resistant, weather-resistant, ventilated facility for the storage of explosives and detonators (BATF Type 1 or Type 2 facility).

"Storage facility." The entire class of structures used to store explosive materials. A "storage facility" used to store blasting agents corresponds to a BATF Type 4 or 5 storage facility.

3. Section 57.6130 is amended by revising the first sentence of paragraph (b) to read as follows:

§ 57.6130 Explosive material storage facilities.

* * * * *

(b) Packaged blasting agents shall be stored in a magazine or other facility which is ventilated to prevent dampness and excessive heating, weather-resistant, and locked or attended. Drop trailers that are licensed by the Federal, State, or local authorities for over-the-road use do not have to be ventilated.

* * *

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§ 57.6131 [Amended]

4. Section 57.6131 is amended by removing paragraph (a)(1) and redesignating subparagraph (2) as paragraph (a).

5. Section 57.6202 is amended by revising paragraph (a)(1) to read as follows:

§ 57.6202 Vehicles.

(a) Vehicles containing explosive material shall be—

(1) Maintained in good condition and shall comply with the requirements of subpart M of this part;

* * * * *

6. Section 57.6304 is amended by revising paragraph (b) to read as follows:

§ 57.6304 Primer protection.

* * * * *

(b) Cartridges of explosives or blasting agents that are 4 inches (100 millimeters) in diameter or larger shall not be dropped on the primer except where the blasthole is filled with or under water.

7. Section 57.6306 is revised to read as follows:

§ 57.6306 Loading and blasting.

(a) Vehicles and equipment shall not be driven over explosive material or initiating systems in a manner which could contact the material or system, or create other hazards.

(b) Once loading begins, the only activities permitted within the blast site shall be those activities directly related to the blasting operation and the activities of surveying, stemming, and reopening of holes provided that reasonable care is exercised. Haulage activity is permitted near the base of the highwall being loaded provided no other haulage access exists.

(c) Loading shall be continuous except where adverse circumstances such as unfavorable atmospheric conditions, large equipment failure, or other emergency situations necessitate an interruption in loading. If the interruption in the loading procedure will exceed 72 hours, the operator shall notify the appropriate MSHA District Office before the 72 hours has elapsed.

(d) In electric blasting prior to connecting to the power source and in nonelectric blasting prior to attaching an initiating device, all persons shall be removed from the blast area except persons in a blasting shelter or other location that protects them from concussion (shock wave), flying material, and gases.

(e) When loading is completed and circuits are connected, the blasts shall be fired without undue delay unless adverse circumstances such as unfavorable atmospheric conditions, large equipment failure, or other emergency situations necessitate delay. If the time between the completion of loading and connection of circuits will exceed 72 hours, the operator shall notify the appropriate MSHA District Office before the 72 hours has elapsed.

(f) Before firing a blast—

(1) Ample warning shall be given to allow all persons to be evacuated;

(2) Clear exit routes shall be provided for persons firing the round; and

(3) All access routes to the blast area shall be guarded or barricaded to prevent the passage of persons or vehicles.

(g) No work shall resume in the blast area until a post-blast examination addressing potential blast-related hazards has been conducted by a person with the ability and experience to perform the examination.

§ 57.6501 [Amended]

8. Section 57.6501 is amended by removing paragraph (a) and redesignating paragraphs (b) through (d) as paragraphs (a) through (c).

9. Section 57.6902 is amended by revising paragraph (b) to read as follows:

§ 57.6902 Excessive temperatures.

* * * * *

(b) When blasting sulfide ores that react with explosive material or stemming in blastholes, operators shall—

(1) Measure blasthold temperatures prior to the introduction of explosive material;

(2) Limit the time between the completion of loading and the initiation of the blast to no more than 12 hours; and

(3) Take other special precautions to prevent premature detonation.

10. Section 57.6903 is revised to read as follows:

§ 57.6903 Burning explosive material.

(a) In non-combustible ore bodies, if explosive material is suspected of burning at the blast site, persons shall be evacuated from the blast area and shall not return for at least one hour after the burning or suspected burning has stopped.

(b) In combustible ore bodies, if explosive material is suspected of burning at the blast site, persons shall be evacuated from the blast area and shall not return for at least one hour after the burning or suspected burning has stopped, except necessary personnel may remain to fight a fire.

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Federal Register

Friday
October 16, 1992

Part IV

Department of Education

Grants to Institutions and Consortia to Encourage Women and Minority Participation in Graduate Education Program; Notice

DEPARTMENT OF EDUCATION

[CFDA NO.: 84.202]

Grants to Institutions and Consortia To Encourage Women and Minority Participation in Graduate Education Program; Notice Inviting Applications for New Awards for Fiscal Year (FY) 1993

Note to Applicants: This notice is a complete application package. Together with the statute authorizing the program and the Education Department General Administrative Regulations (EDGAR), the notice contains all of the information, application forms, and instructions needed to apply for a grant under this competition.

Purpose of Program: To provide grants to enable institutions of higher education and consortia of such institutions to identify and recruit talented undergraduate students who demonstrate financial need and are individuals from minority groups underrepresented in graduate education or are women underrepresented in fields of study in graduate education, such as the fields of science and mathematics; and to provide such students with an opportunity to participate in a program of research and scholarly activities at such institutions or consortia designed to provide such students with effective preparation for graduate study in such fields or related fields. This program supports AMERICA 2000, the President's strategy for moving the Nation toward the National Education Goals, especially the Goal Four objective to increase significantly the number of U.S. undergraduate and graduate students, especially women and minorities, who complete degrees in mathematics, science, and engineering.

Eligible Applicants: Institutions of higher education, as defined in section 1201(a) of the Higher Education Act of 1965, as amended, and consortia of such institutions.

Note: (a) The Secretary encourages each institution of higher education and each consortium to submit only one consolidated application rather than separate applications for different academic departments.

(b) An individual is eligible to apply for direct fellowship aid if the individual—

(1) Is a talented undergraduate student without a baccalaureate degree;

(2) Demonstrates financial need;

(3) Is from a minority group underrepresented in graduate education or a woman underrepresented in fields of study in graduate education such as the fields of science and mathematics; and

(4)(i) Is a citizen or national of the United States;

(ii) Is a permanent resident of the United States;

(iii) Provides evidence from the Immigration and Naturalization Service that he or she is in the United States for other than temporary purposes with the intent to become a citizen or permanent resident; or

(iv) Is a permanent resident of the Republic of Palau or the Commonwealth of the Northern Mariana Islands.

(c) The institution of higher education or consortium is responsible for making accurate determinations concerning the criteria in paragraph (b) of this section of the notice.

(d) Additional eligibility requirements may be established by the institution of higher education or consortium.

Deadline for Transmittal of Applications: November 20, 1992.

Deadline for Intergovernmental Review: January 20, 1993.

Available Funds: The Administration's budget request for FY 1993 does not include funds for the Women and Minority Participation in Graduate Education Program. This program was proposed for consolidation into a new McNair Graduate Outreach Program. However, applications are being invited to allow sufficient time to complete the grant process before the end of the fiscal year, should the Congress appropriate funds for the Women and Minority Participation in Graduate Education Program.

Estimated Range of Awards: $25,000-$100,000.

Estimated Average Size of Awards: $78,000.

Estimated Number of Awards: 75.

Estimated Number of Direct Fellowship and Recipients Per Award: 10–50.

Maximum Cost Per Student: $5,000.

Note: The Department is not bound by any estimates in this notice.

Project Period: Six weeks to two years. All student activities must begin summer 1993.

Applicable Regulations: The Education Department General Administrative Regulations (EDGAR) as follows:

(1) 34 CFR part 74 (Administration of Grants to Institutions of Higher Education, Hospitals, and Nonprofit Organizations).

(2) 34 CFR part 75 (Direct Grant Programs).

(3) 34 CFR part 77 (Definitions that Apply to Department Regulations).

(4) 34 CFR part 79 (Intergovernmental Review of Department of Education Programs and Activities).

(5) 34 CFR part 82 (New Restrictions on Lobbying).

(6) 34 CFR part 85 (Government-wide Debarment and Suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants)).

(7) 34 CFR part 86 (Drug-Free Schools and Campuses).

Description of Program: The Grants to Institutions and Consortia to Encourage Women and Minority Participation in Graduate Education Program is authorized by part A of title IX of the Higher Education Act of 1965, as amended (HEA). Grants under this program are designed to enable institutions of higher education and consortia of such institutions to identify, recruit, and make available direct fellowship aid to talented undergraduate students who demonstrate financial need and are from minority groups that are underrepresented in graduate education or are women underrepresented in fields of study in graduate education, such as the fields of science and mathematics; and provide such students with an opportunity to participate in a program of research and scholarly activities designed to provide them with effective preparation for graduate study. The program of research and scholarly activities must consist of summer research internships augmented by seminars and other educational experiences. All funds received under this program must be used for direct fellowship aid. Direct fellowship aid should provide an opportunity for students to spend from six to ten weeks during the summer on a grantee's campus participating in research and scholarly activities similar to those of graduate and professional programs.

Note: For guidance purposes only, the Secretary suggests that applicants consider "minority" to mean American Indian, Alaskan Native, Black (not of Hispanic origin), Hispanic (including persons of Mexican, Puerto Rican, Cuban, and Central or South American origin), Pacific Islander, or other ethnic groups underrepresented in graduate education.

Selection Criteria

(a) (1) The Secretary uses the following selection criteria to evaluate applications for new grants under this competition.

(2) The maximum score for all of these criteria is 100 points.

(3) The maximum score for each criterion is indicated in parentheses.

(b) *The criteria:*— (1) *Meeting the purposes of the authorizing statute.* (30 points) The Secretary reviews each application to determine how well the

project will meet the purpose of Part A of Title IX of the HEA, including consideration of—

(i) The objectives of the project; and

(ii) How the objectives of the project further the purposes of Part A of Title IX of the HEA.

(2) *Extent of need for the project.* (20 points) The Secretary reviews each application to determine the extent to which the project meets specific needs recognized in part A of title IX of the HEA, including consideration of—

(i) The needs addressed by the project;

(ii) How the applicant identified those needs;

(iii) How those needs will be met by the project; and

(iv) The benefits to be gained by meeting those needs.

(3) *Plan of operation.* (28 points) The Secretary reviews each application to determine the quality of the plan of operation for the project, including—

(i) The quality of the design of the project;

(ii) The extent to which the plan of management is effective and ensures proper and efficient administration of the project;

(iii) How well the objectives of the project relate to the purpose of the program;

(iv) The quality of the applicant's plan to use its resources and personnel to achieve each objective; and

(v) How the applicant will ensure that project participants who are otherwise eligible to participate are selected without regard to race, color, national origin, gender, age, or handicapping condition.

Note: Part A of Title IX of the HEA requires that fellowship awards be made to talented undergraduate students who are from minority groups underrepresented in graduate education or are women underrepresented in fields of study in graduate education, such as the fields of science and mathematics.

(4) *Quality of key personnel.* (7 points)

(i) The Secretary reviews each application to determine the quality of key personnel the applicant plans to use on the project, including—

(A) The qualifications of the project director (if one is to be used);

(B) The qualifications of each of the other key personnel to be used in the project;

(C) The time that each person referred to in paragraphs (b)(4)(i)(A) and (B) will commit to the project; and

(D) How the applicant, as part of its nondiscriminatory employment practices, will ensure that its personnel are selected for employment without regard to race, color, national origin, gender, age, or handicapping condition.

(ii) To determine personnel qualifications under paragraphs (b)(4)(i)(A) and (B), the Secretary considers—

(A) Experience and training in fields related to the objectives of the project; and

(B) Any other qualifications that pertain to the quality of the project.

(5) *Budget and cost effectiveness.* (5 points) The Secretary reviews each application to determine the extent to which—

(i) The budget is adequate to support the project; and

(ii) Costs are reasonable in relation to the objectives of the project.

(6) *Evaluation plan.* (5 points) The Secretary reviews each application to determine the quality of the evaluation plan for the project, including the extent to which the applicant's methods of evaluation—

(i) Are appropriate to the project; and

(ii) To the extent possible, are objective and produce data that are quantifiable.

(Cross-reference: See 34 CFR 75.590 Evaluation by the grantee.)

(7) *Adequacy of resources.* (5 points) The Secretary reviews each application to determine the adequacy of the resources that the applicant plans to devote to the project, including facilities, equipment, and supplies.

Note: Part A of Title IX of the HEA provides that all funds received under this program be used for direct fellowship aid.

(c) *Additional considerations required by the statute—*

(1) In making awards under this program, the Secretary shall consider the quality of an applicant's plan for recruiting students, and the quality of the program of study and of the research in which the students will be involved.

(2) The Secretary will ensure an equitable geographic distribution among public and private institutions of higher education and consortia of such institutions.

Intergovernmental Review of Federal Programs

This program is subject to the requirements of Executive Order 12372 (Intergovernmental Review of Federal Programs) and the regulations in 34 CFR part 79.

The objective of the Executive Order is to foster an intergovernmental partnership and to strengthen federalism by relying on State and local processes for State and local government coordination and review of proposed Federal financial assistance.

Applicants must contact the appropriate State Single Point of Contact to find out about, and to comply with, the State's process under Executive Order 12372. Applicants proposing to perform activities in more than one State should immediately contact the Single Point of Contact for each of those States and follow the procedure established in each State under the Executive Order. If you want to know the name and address of any State Single Point of Contact, see the list published in the **Federal Register** on September 21, 1992 (57 FR 43525 and 43526).

In States that have not established a process or chosen a program for review, State, areawide, regional, and local entities may submit comments directly to the Department.

Any State Process Recommendation and other comments submitted by a State Single Point of Contact and any comments from State, areawide, regional, and local entities must be mailed or hand-delivered by the date indicated in this notice to the following address: The Secretary, E.O. 12372—CFDA #84.202, U.S. Department of Education, room 4161, 400 Maryland Avenue, SW., Washington, DC 20202–0125.

Proof of mailing will be determined on the same basis as the application (see 34 CFR 75.102). Recommendations or comments may be hand-delivered until 4:30 p.m. (Washington, DC time) on the date indicated in this notice.

PLEASE NOTE THAT THE ABOVE ADDRESS IS NOT THE SAME ADDRESS AS THE ONE TO WHICH THE APPLICANT SUBMITS ITS COMPLETED APPLICATION. *DO NOT SEND APPLICATIONS TO THE ABOVE ADDRESS.*

Instructions for Transmittal of Applications

(a) If an applicant wants to apply for a grant, the applicant shall—

(1) Mail the original and two copies of the application on or before the deadline date to: U.S. Department of Education Application Control Center Attention: (CFDA #84.202) Washington, DC 20202–4725, or

(2) Hand deliver the original and two copies of the application by 4:30 p.m. (Washington, DC time) on the deadline date to: U.S. Department of Education Application Control Center Attention: (CFDA #84.202) room #3633, Regional Office Building #3, 7th and D Streets, SW., Washington, DC.

(b) An applicant must show one of the following as proof of mailing:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary.

(c) If an application is mailed through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

Note: (1) The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

(2) The Application Control Center will mail a Grant Application Receipt Acknowledgment to each applicant. If an applicant fails to receive the notification of application receipt within 15 days from the date of mailing the application, the applicant should call the U.S. Department of Education Application Control Center at (202) 708–9495.

(3) The applicant must indicate on the envelope and— if not provided by the Department—in Item 10 of the Application for Federal Assistance (Standard Form 424) the CFDA number—and suffix letter, if any—of the competition under which the application is being submitted.

Application Instructions and Forms

The appendix to this application contains a three-part application form; a statement regarding estimated public reporting burden; and various assurances and certifications. The three-part application form and additional materials are organized in the same manner that the submitted application should be organized. The parts and additional materials are as follows:

Part I: Application for Federal Assistance (Standard Form 424 (Rev. 4–88) and instructions).

Part II: Budget Information—Non-Construction Programs (ED Form 4–603 and instructions).

Part III: Application Narrative.

Additional Materials:

Estimated Public Reporting Burden.

Assurances—Non-Construction Programs (Standard Form 424B).

Certifications Regarding Lobbying; Debarment, Suspension, and Other Responsibility Matters; and Drug-Free Workplace Requirements (ED 80–0013).

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion: Lower tier Covered Transactions (ED 80–0014, 9/90) and instructions.

Note: ED 80–0014 is intended for the use of grantees and should not be transmitted to the Department.

Disclosure of Lobbying Activities (Standard Form LLL) (if applicable) and instructions; and Disclosure of Lobbying Activities Continuation Sheet (Standard Form LLL-A).

An applicant may submit information on a photostatic copy of the application and budget form, the assurances, and the certifications. However, the application form, the assurances, and the certifications must each have an original signature. No grant may be awarded unless a completed application form has been received.

The Secretary strongly requests the applicant to limit the Application Narrative to no more than 25 double-spaced, typed pages (on one side only) including appendices, although the Secretary will consider applications of greater length. The Department has found that successful applications under this program generally meet this page limit.

FOR FURTHER INFORMATION CONTACT: Ms. Cosette H. Ryan, Program Manager, U.S. Department of Education, Division of Higher Education Incentive Programs, Mail Stop 5251, 400 Maryland Avenue, SW., room 3022, ROB–3, Washington, DC 20202–5251. Telephone: (202) 708–7127. Individuals who are hearing impaired may call the Federal Dual Party Relay Service at 1–800–877–8339 (in the Washington, DC 202 area code, telephone 708–9300) between 8 a.m. and 7 p.m., Eastern time.

Program Authority: 20 U.S.C. 1134–1134b.

Dated: October 8, 1992.

Carolynn Reid-Wallace,

Assistant Secretary for Postsecondary Education.

BILLING CODE 4000–01–M

OMB Approval No. 0348-0043

APPLICATION FOR FEDERAL ASSISTANCE

2. DATE SUBMITTED	Applicant Identifier
3. DATE RECEIVED BY STATE	State Application Identifier
4. DATE RECEIVED BY FEDERAL AGENCY	Federal Identifier

1. TYPE OF SUBMISSION:

Application	Preapplication
☐ Construction	☐ Construction
☐ Non-Construction	☐ Non-Construction

5. APPLICANT INFORMATION

Legal Name	Organizational Unit
Address (*give city, county, state, and zip code*):	Name and telephone number of the person to be contacted on matters involving this application (*give area code*)

6. EMPLOYER IDENTIFICATION NUMBER (EIN): ☐☐ – ☐☐☐☐☐☐☐

7. TYPE OF APPLICANT: (*enter appropriate letter in box*) ☐

A. State
B. County
C. Municipal
D. Township
E. Interstate
F. Intermunicipal
G. Special District
H. Independent School Dist.
I. State Controlled Institution of Higher Learning
J. Private University
K. Indian Tribe
L. Individual
M. Profit Organization
N. Other (Specify): _____

8. TYPE OF APPLICATION:

☐ New ☐ Continuation ☐ Revision

If Revision, enter appropriate letter(s) in box(es): ☐ ☐

A. Increase Award B. Decrease Award C. Increase Duration
D. Decrease Duration Other (*specify*):

_____

9. NAME OF FEDERAL AGENCY:

U.S. Department of Education

10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER: 84.202

TITLE: Grants to Institutions and Consortia to Encourage Women and Minority Participation in Graduate Education.

11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:

12. AREAS AFFECTED BY PROJECT (*cities, counties, states, etc.*):

13. PROPOSED PROJECT: Start Date	Ending Date	14. CONGRESSIONAL DISTRICTS OF: a. Applicant	b. Project

15. ESTIMATED FUNDING:		
a. Federal	$	.00
b. Applicant	$	.00
c. State	$	.00
d. Local	$	.00
e. Other	$	.00
f. Program Income	$	.00
g. TOTAL	$	.00

16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?

a. YES. THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON

DATE _____

b. NO. ☐ PROGRAM IS NOT COVERED BY E.O. 12372

☐ OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW

17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?

☐ Yes If "Yes," attach an explanation. ☐ No

18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT, THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED

a. Typed Name of Authorized Representative	b. Title	c. Telephone number
d. Signature of Authorized Representative		e. Date Signed

Previous Editions Not Usable

Standard Form 424 (REV 4-88)
Prescribed by OMB Circular A-102

Authorized for Local Reproduction

BILLING CODE 4000-01-C

Instructions for the SF 424

This is a standard form used by applicants as a required facesheet for preapplications and applications submitted for Federal assistance. It will be used by Federal agencies to obtain applicant certification that States which have established a review and comment procedure in response to Executive Order 12372 and have selected the program to be included in their process, have been given an opportunity to review the applicant's submission.

Item and Entry

1. Self-explanatory.

2. Date application submitted to Federal agency (or State if applicable) & applicant's control number (if applicable).

3. State use only (if applicable).

4. If this application is to continue or revise an existing award, enter present Federal identifier number. If for a new project, leave blank.

5. Legal name of applicant, name of primary organizational unit which will undertake the assistance activity, complete address of the applicant, and name and telephone number of the person to contact on matters related to this application.

6. Enter Employer Identification Number (EIN) as assigned by the Internal Revenue Service.

7. Enter the appropriate letter in the space provided.

8. Check appropriate box and enter appropriate letter(s) in the space(s) provided:

—"New" means a new assistance award.

—"Continuation" means an extension for an additional funding/budget period for a project with a projected completion date.

—"Revision" means any change in the Federal Government's financial obligation or contingent liability from an existing obligation.

9. Name of Federal agency from which assistance is being requested with this application.

10. Use the Catalog of Federal Domestic Assistance number and title of the program under which assistance is requested.

11. Enter a brief descriptive title of the project. If more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For preapplications, use a separate sheet to provide a summary description of this project.

12. List only the largest political entities affected (e.g., State, counties, cities).

13. Self-explanatory.

14. List the applicant's Congressional District and any District(s) affected by the program or project.

15. Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate only the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 15.

16. Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process.

17. This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes.

18. To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office. (Certain Federal agencies may require that this authorization be submitted as part of the application.)

BILLING CODE 4000-01-M

PART II. BUDGET INFORMATION	FORM APPROVED OMB 1840-0603 EXPIRATION DATE

AGENCY DISCLOSURE OF ESTIMATED BURDEN:
Public reporting burden for this collection of information is estimated to average 4 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the U.S. Department of Education, Information Management and Compliance Division, Washington, D.C. 20202-4651; and to the Office of Management and Budget, Paperwork Reduction Project 1840-0603 *, Washington, D.C. 20503.

SECTION A. ENUMERATION OF STUDENT EXPENSES	
1. Room and Board	$
2. Transportation	
3. Tuition	
4. Other Applicable Expenses	
(Specify)	
5. TOTAL Federal Request	$

SECTION B. DATA ON FELLOWSHIPS	
1. Number of Fellowship Requested	2. Number of Weeks of Seminar

SECTION C. FELLOWSHIP ACTIVITIES	
1. Period of Activity Beginning Date:	Ending Date:
2. List of Academic Areas	

ED FORM 4-603, 6/91

BILLING CODE 4000-01-C

Form Approved:
EXP Date: 03–31–94
OMB No.: 1840–0603

Grants to Institutions and Consortia to Encourage Women and Minority Participation in Graduate Education Program

Instructions for Completing Part II, Budget Information

General

Successful applicants will be funded to serve approximately between 10 to 50 participants at a maximum of $100,000 with individual student costs not to exceed $5,000. All student fellowship activities must begin in the Summer of 1993, and end no later than two years from the start date. No costs will be allowed for payment of staff, indirect costs, or other administrative costs.

Important Note: When it is determined that a student had financial aid eligibility at his/her home institution in the academic year preceding the first Summer program, that student will be considered as having met the financial need criterion for both the first and the second summer session. The student need only to submit a statement verifying his/her financial aid eligibility to the grantee institution or consortium program officials that should be obtained from the student's home institution financial aid office.

Specific

Section A

1. Room and Board—Allowed for non-commuting students during Summer only.

2. Transportation—Allowed for one round trip per summer session for out-of-town participants' travel to and from the institution. Commuting costs to and from campus may be paid for students residing in the community. Costs will also be allowed for field trips related to research and other scholarly activities.

3. Tuition—Allowed only for courses for which credit will be given by institution. No tuition costs may be paid for courses that are included in students' normal course matriculation schedules.

4. Other Applicable Expenses—Stipends may be paid during Summer only. The costs of insurance, supplies, laboratory fees, and other materials relevant to the fellowship activities may also be paid from the grant.

5. Total Federal Request—Enter the total of items 1 through 5.

Section B

1. Indicate the number of students that will be recruited for fellowships in this program.

2. Indicate the number of weeks that students will be involved in the program, and whether the students will participate in one or two summer sessions.

Section C

1. Period of Activity—Please indicate the date that students will arrive on campus to begin their fellowship activities and the date that these activities will end.

2. List of Academic Areas—Please list all academic areas that will be included in the program.

Section D

Applicants are requested to list all other sources of support for the program, if any, in addition to the Federal share. This may include State, private or institutional sources. Please also include a total budget with cost breakouts for both Federal and other sources in each budget line item.

Instructions for Part III—Application Narrative

Before preparing the Application Narrative, an applicant should read carefully the purpose of the program, description of the program and the selection criteria the Secretary uses to evaluate applications. Applicants should address the selection criteria in the order the criteria are listed in this application notice.

The narrative should encompass each function or activity for which funds are being requested and should—

(1) Begin with a one-page Abstract; that is, a summary of the proposed project;

(2) Include information regarding—(a) the program of study, which should take the form of summer research internships, seminars, and other educational experiences; (b) the institution's or consortium's plan for identifying and recruiting talented minority and women undergraduates; (c) the participation of faculty in the program and a detailed description of the research in which the students will be involved; and (d) a plan for the evaluation of the effectiveness of the program.

(3) Include a description of the financial need analysis system or method to be used in determining the level of each fellow's financial need-based stipends, room and board costs, transportation costs, and tuition for courses for which credit is given;

(4) Include information regarding the number of students you propose to recruit to participate in the program from each minority group and from among women underrepresented in graduate education; and

(5) Include any other pertinent information that might assist the Secretary in reviewing the application including:

(a) the proposed project period.

(b) timelines for the completion of each project objective.

Estimated Public Reporting Burden

Under terms of the Paperwork Reduction Act of 1980, as amended, and the regulations implementing that Act, the Department of Education invites comment on the public reporting burden in this collection of information. Public reporting burden for this collection of information is estimated to average four hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. You may send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the U.S. Department of Education, Information Management and Compliance Division, Washington, DC 20202–4651; and to the Office of Management and Budget, Paperwork Reduction Project 1840–0603, Washington, DC 20503.

(Information collection approved under OMB control number 1840–0603. Expiration date: (March 1994).

BILLING CODE 4000–01–M

OMB Approval No. 0348-0040

ASSURANCES — NON-CONSTRUCTION PROGRAMS

Note: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application.

2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.

3 Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.

5 Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§ 4728-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).

6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse, (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C § 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.

8. Will comply with the provisions of the Hatch Act (5 U.S.C. §§ 1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§ 276a to 276a-7), the Copeland Act (40 U.S.C. § 276c and 18 U.S.C. §§ 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327-333), regarding labor standards for federally assisted construction subagreements.

10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program andto purchase flood insurance if the total cost of insurable construction and acquisition is $10,000 or more.

11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988, (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.); (f) conformity of Federal actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clear Air Act of 1955, as amended (42 U.S.C. § 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).

12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq.).

14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.

15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.

16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.) which prohibits the use of lead based paint in construction or rehabilitation of residence structures.

17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984.

18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	TITLE
APPLICANT ORGANIZATION	DATE SUBMITTED

SF 424B (4-88) Back

CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS; AND DRUG-FREE WORKPLACE REQUIREMENTS

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of this form provides for compliance with certification requirements under 34 CFR Part 82, "New Restrictions on Lobbying," and 34 CFR Part 85, "Government-wide Debarment and Suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Education determines to award the covered transaction, grant, or cooperative agreement.

1. LOBBYING

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 34 CFR Part 82, for persons entering into a grant or cooperative agreement over $100,000, as defined at 34 CFR Part 82, Sections 82.105 and 82.110, the applicant certifies that:

(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;

(b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions;

(c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all subrecipients shall certify and disclose accordingly.

2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS

As required by Executive Order 12549, Debarment and Suspension, and implemented at 34 CFR Part 85, for prospective participants in primary covered transactions, as defined at 34 CFR Part 85, Sections 85.105 and 85.110 --

A. The applicant certifies that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

3. DRUG-FREE WORKPLACE (GRANTEES OTHER THAN INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 34 CFR Part 85, Subpart F, for grantees, as defined at 34 CFR Part 85, Sections 85.605 and 85.610 --

A. The applicant certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an on-going drug-free awareness program to inform employees about--

(1) The dangers of drug abuse in the workplace;

(2) The grantee's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will--

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to: Director, Grants and Contracts Service, U.S. Department of Education, 400 Maryland Avenue, S.W. (Room 3124, GSA Regional Office

Building No. 3), Washington, DC 20202-4571. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted--

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

_____

_____

_____

Check ☐ if there are workplaces on file that are not identified here.

DRUG-FREE WORKPLACE (GRANTEES WHO ARE INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 34 CFR Part 85, Subpart F, for grantees, as defined at 34 CFR Part 85, Sections 85.605 and 85.610 --

A. As a condition of the grant, I certify that I will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant; and

B. If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, I will report the conviction, in writing, within 10 calendar days of the conviction, to: Director, Grants and Contracts Service, U.S. Department of Education, 400 Maryland Avenue, S.W. (Room 3124, GSA Regional Office Building No. 3), Washington, DC 20202-4571. Notice shall include the identification number(s) of each affected grant.

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

NAME OF APPLICANT	PR/AWARD NUMBER AND/OR PROJECT NAME
PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE	
SIGNATURE	DATE

ED 80-0013, 6/90 (Replaces ED 80-0008, 12/89; ED Form GCS-008, (REV. 12/88); ED 80-0010, 5/90; and ED 80-0011, 5/90, which are obsolete)

■

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -- Lower Tier Covered Transactions

This certification is required by the Department of Education regulations implementing Executive Order 12549, Debarment and Suspension, 34 CFR Part 85, for all lower tier transactions meeting the threshold and tier requirements stated at Section 85.110.

Instructions for Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.

2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

4. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.

5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion--Lower Tier Covered Transactions," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List.

8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

Certification

(1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

(2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

NAME OF APPLICANT	PR/AWARD NUMBER AND/OR PROJECT NAME
PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE	
SIGNATURE	DATE

ED 80-0014, 9/90 (Replaces GCS-009 (REV. 12/88), which is obsolete)

DISCLOSURE OF LOBBYING ACTIVITIES

Approved by OMB
0346-0046

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352
(See reverse for public burden disclosure.)

1. Type of Federal Action:	2. Status of Federal Action:	3. Report Type:
☐ a. contract b. grant c. cooperative agreement d. loan e. loan guarantee f. loan insurance	☐ a. bid/offer/application b. initial award c. post-award	☐ a. initial filing b. material change **For Material Change Only:** year _____ quarter _____ date of last report _____

4. Name and Address of Reporting Entity:	5. If Reporting Entity in No. 4 is Subawardee, Enter Name and Address of Prime:
☐ Prime ☐ Subawardee Tier _____, *if known:* Congressional District, *if known:*	Congressional District, *if known:*
6. Federal Department/Agency:	7. Federal Program Name/Description: CFDA Number, *if applicable:* _____
8. Federal Action Number, *if known:*	9. Award Amount, *if known:* $
10. a. Name and Address of Lobbying Entity *(if individual, last name, first name, MI):*	b. Individuals Performing Services *(including address if different from No. 10a)* *(last name, first name, MI):*

(attach Continuation Sheet(s) SF-LLL-A, if necessary)

11. Amount of Payment *(check all that apply):*	13. Type of Payment *(check all that apply):*
$ _____ ☐ actual ☐ planned	☐ a. retainer ☐ b. one-time fee ☐ c. commission ☐ d. contingent fee ☐ e. deferred ☐ f. other; specify: _____
12. Form of Payment *(check all that apply):* ☐ a. cash ☐ b. in-kind; specify: nature _____ value _____	

14. Brief Description of Services Performed or to be Performed and Date(s) of Service, including officer(s), employee(s), or Member(s) contacted, for Payment Indicated in Item 11:

(attach Continuation Sheet(s) SF-LLL-A, if necessary)

15. Continuation Sheet(s) SF-LLL-A attached: ☐ Yes ☐ No

16.	
Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.	Signature: _____ Print Name: _____ Title: _____ Telephone No.: _____ Date: _____

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INSTRUCTIONS FOR COMPLETION OF SF–LLL, DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress In connection with a covered Federal action. Use the SF–LLL–A Continuation Sheet for additional information if the space on the form is inadequate. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.

2. Identify the status of the covered Federal action.

3. Identify the appropriate classification of this report. If this is a followup report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.

4. Enter the full name, address, city, state and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.

5. If the organization filing the report in item 4 checks "Subawardee", then enter the full name, address, city, state and zip code of the prime Federal recipient. Include Congressional District, if known.

6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example. Department of Transportation. United States Coast Guard.

7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants. cooperative agreements, loans, and loan commitments.

8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitation for Bid (IFB) number, grant announcement number, the contract, grant, or loan award number, the application/proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP–DE–90–001."

9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.

10. (a) Enter the full name, address, city, state and zip code of the lobbying entity engaged by the reporting entity identified in item 4 to influence the covered Federal action.

(b) Enter the full names of the individual(s) performing services, and include full address if different from 10(a). Enter Last Name, First Name, and Middle Initial (MI).

11. Enter the amount of compensation paid or reasonably expected to be paid by the reporting entity (item 4) to the lobbying entity (item 10). Indicate whether the payment has been made (actual) or will be made (planned). Check all boxes that apply. If this is a material change report, enter the cumulative amount of payment made or planned to be made.

12. Check the appropriate box(es). Check all boxes that apply. If payment is made through an in-kind contribution, specify the nature and value of the in-kind payment.

13. Check the appropriate box(es). Check all boxes that apply. If other, specify nature.

14. Provide a specific and detailed description of the services that the lobbyist has performed, or will be expected to perform, and the date(s) of any services rendered. Include all preparatory and related activity, not just time spent in actual contact with Federal officials. Identify the Federal official(s) or employee(s) contacted or the officer(s), employee(s), or Member(s) of Congress that were contacted.

15. Check whether or not a SF–LLL–A Continuation Sheet(s) is attached.

16. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

Public reporting burden for this collection of information is estimated to average 30 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget. Paperwork Reduction Project (0348–0046), Washington, D.C. 20503.

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DISCLOSURE OF LOBBYING ACTIVITIES
CONTINUATION SHEET

Approved by OMB
0348-0046

Reporting Entity: _____ Page _____ of _____

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[FR Doc. 92–25092 Filed 10–15–92; 8:45 am]
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Federal Register

Friday
October 16, 1992

Part V

The President

Proclamation 6491—To Suspend the Davis-Bacon Act of March 3, 1931, Within a Limited Geographic Area in Response to the National Emergency Caused by Hurricanes Andrew and Iniki

Federal Register
Vol. 57, No. 201
Friday, October 16, 1992

Presidential Documents

Title 3—

The President

Proclamation 6491 of October 14, 1992

To Suspend the Davis-Bacon Act of March 3, 1931, Within a Limited Geographic Area in Response to the National Emergency Caused by Hurricanes Andrew and Iniki

By the President of the United States of America

A Proclamation

1. Section 1 of the Davis-Bacon Act of March 3, 1931 (46 Stat. 1494, as amended, 40 U.S.C. 276a(a)), provides:

> . . . every contract in excess of $2,000 to which the United States or the District of Columbia is a party, for construction, alteration, and/or repair, including painting and decorating, of public buildings or public works of the United States or the District of Columbia within the geographical limits of the States of the Union or the District of Columbia, and which requires or involves the employment of mechanics and/or laborers shall contain a provision stating the minimum wages to be paid various classes of laborers and mechanics which shall be based upon the wages that will be determined by the Secretary of Labor to be prevailing for the corresponding classes of laborers and mechanics employed on projects of a character similar to the contract work in the city, town, village, or other civil subdivision of the State in which the work is to be performed, or in the District of Columbia if the work is to be performed there. . . .

2. Under various other related acts, the payment of wages is made dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act.

3. Section 6 of the Davis-Bacon Act, 40 U.S.C. 276a–5, provides that "In the event of a national emergency the President is authorized to suspend the provisions of sections 276a to 276a–5 of this title."

4. Within less than the period of a month, three vital areas of the Nation have been devastated by hurricanes. In late August, South Florida and sections of Louisiana experienced the full force of Hurricane Andrew, one of the severest hurricanes ever to strike the United States. The devastation that ensued resulted in the largest amount of property damage from a natural disaster in the history of the Nation. Tens of thousands of homes were destroyed, thousands of business establishments were badly damaged, and the public infrastructure of much of Dade County was severely damaged. On September 12, an equally ferocious hurricane struck the Hawaiian Islands. As a result of Hurricane Iniki, hundreds of homes were destroyed, the tourist industry on the island of Kauai was devastated, and much of the island's infrastructure was severely damaged. The combined impact of these hurricanes has resulted in an unprecedented level of devastation.

The economic effects of the hurricanes have been equally devastating. Many businesses have been either destroyed or significantly damaged. Thousands of individuals have lost their jobs and livelihood. In addition, a record amount of Federal assistance will be needed to restore the communities that have been ravaged by these hurricanes. Accordingly, I find the conditions caused by Hurricanes Andrew and Iniki to constitute a "national emergency" within the meaning of section 6 of the Davis-Bacon Act.

(a) The devastation caused by both hurricanes has resulted in more than $20 billion in property damage.

(b) The Federal Government has provided over $10 billion in budgetary resources for disaster and related assistance to the people and the communities that were victimized by these hurricanes.

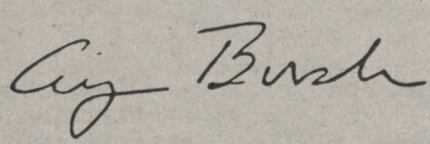
(c) The wage rates imposed by the Davis-Bacon Act increase the cost to the Federal Government of providing Federal assistance to these areas.

(d) Suspension of the Davis-Bacon Act, and the operation of related acts to the extent they depend upon the Secretary of Labor's determinations under the Davis-Bacon Act, will result in greater assistance to these devastated communities and will permit the employment of thousands of additional individuals.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do by this proclamation suspend, as to all contracts entered into on or after the date of this proclamation and until otherwise provided, the provisions of the Davis-Bacon Act of March 3, 1931, as amended, and the provisions of all other acts providing for the payment of wages, which provisions are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act, as they apply to contracts to be performed in the following jurisdictions: the counties of Broward, Collier, Dade, and Monroe in the State of Florida; the parishes of Terrebonne, Lafourche, St. Martin, Assumption, Iberia, St. John the Baptist, Iberville, St. Mary, Ascension, East Baton Rouge, Lafayette, St. Charles, St. Tammany, West Baton Rouge, West Feliciana, East Feliciana, Point Coupee, Jefferson, Acadia, Avoyelles, Cameron, Jefferson Davis, Orleans, Plaquemines, St. James, St. Bernard, Vermillion, Allen, Calcasieu, Evangeline, Livingston, Rapides, St. Helena, St. Landry, Tangipahoa, and Washington in the State of Louisiana; and the islands of Oahu, Maui, Hawaii, Kauai, Lanai, and Kahoolawe in the State of Hawaii;

And, as to such contracts to be performed in such jurisdictions, I do hereby suspend, until otherwise provided, the provisions of any Executive order, proclamation, rule, regulation, or other directive providing for the payment of wages, which provisions are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act;

IN WITNESS WHEREOF, I have hereunto set my hand this fourteenth day of October, 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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H.R. 2448/P.L. 102–406

Benjamin Franklin National Memorial Commemorative Medal and Fire Service Bill of Rights Act (Oct. 12, 1992; 106 Stat. 1986; 5 pages)

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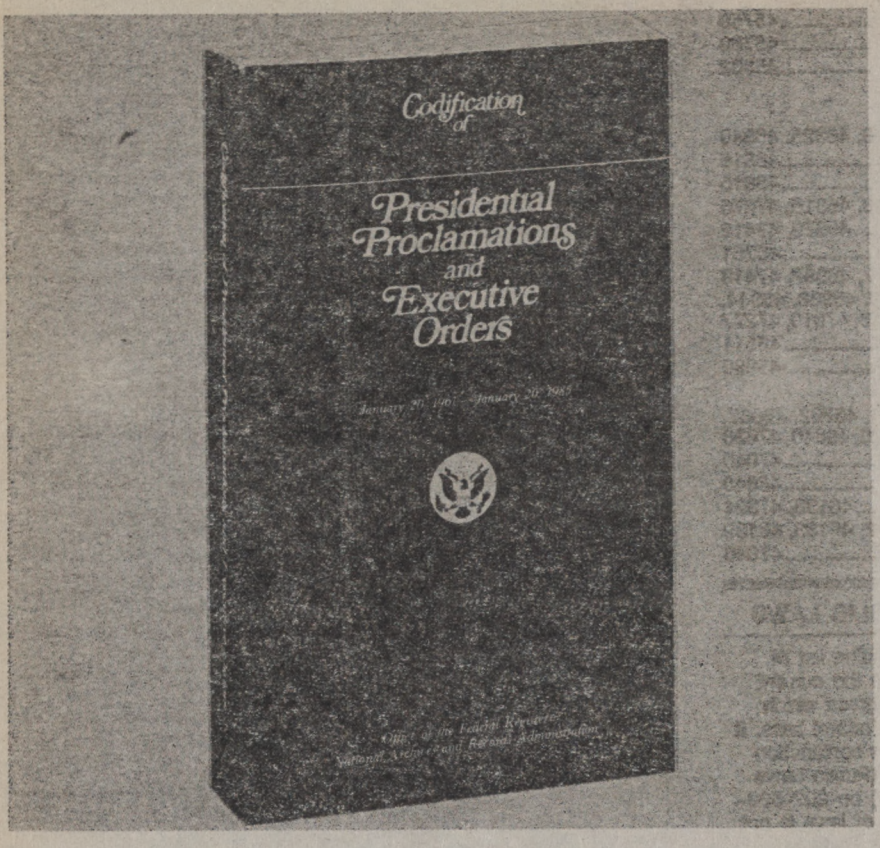

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