

2-10-92

Vol. 57

No. 27

# Federal Register

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Monday  
February 10, 1992

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United States  
Government  
Printing Office

SUPERINTENDENT  
OF DOCUMENTS  
Washington, DC 20402

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(ISSN 0097-6326)







Monday  
February 10, 1992



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## THE FEDERAL REGISTER

### WHAT IT IS AND HOW TO USE IT

- FOR:** Any person who uses the Federal Register and Code of Federal Regulations.
- WHO:** The Office of the Federal Register.
- WHAT:** Free public briefings (approximately 3 hours) to present:
1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
  2. The relationship between the Federal Register and Code of Federal Regulations.
  3. The important elements of typical Federal Register documents.
  4. An introduction to the finding aids of the FR/CFR system.
- WHY:** To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

### WASHINGTON, DC

- WHEN:** February 28, at 9:00 a.m.
- WHERE:** Office of the Federal Register,  
First Floor Conference Room,  
1100 L Street NW., Washington, DC.
- RESERVATIONS:** 202-523-5240.
- DIRECTIONS:** North on 11th Street from  
Metro Center to corner  
of 11th and L Streets.



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# Rules and Regulations

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

#### 7 CFR Part 907

##### [Navel Orange Regulation 732]

#### Navel Oranges Grown in Arizona and Designated Part of California

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** This regulation establishes the quantity of California-Arizona navel oranges that may be shipped to domestic markets during the period from February 7 through February 13, 1992. Consistent with program objectives, such action is needed to establish and maintain orderly marketing conditions for fresh California-Arizona navel oranges for the specified week. Regulation was recommended by the Navel Orange Administrative Committee (Committee), which is responsible for local administration of the navel orange marketing order.

**EFFECTIVE DATE:** Regulation 732 [7 CFR part 907] is effective for the period from February 7 through February 13, 1992.

**FOR FURTHER INFORMATION CONTACT:** Christian D. Nissen, Marketing Specialist, Marketing Order Administration Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, room 2523-S, P.O. Box 96456, Washington, DC 20090-6456; telephone: (202) 720-1754.

**SUPPLEMENTARY INFORMATION:** This final rule is issued under Marketing Order No. 907 [7 CFR part 907], as amended, regulating the handling of navel oranges grown in Arizona and designated part of California. This order is effective under the Agricultural Marketing Agreement Act of 1937, as

amended, hereinafter referred to as the "Act."

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

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of the use of volume regulations on small entities as well as larger ones.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 130 handlers of California-Arizona navel oranges subject to regulation under the navel orange marketing order and approximately 4,000 navel orange producers in California-Arizona. Small agricultural producers have been defined by the Small Business Administration [13 CFR 121.601] as those having annual receipts of less than \$500,000, and small agricultural service firms are defined as those whose annual receipts are less than \$3,500,000. The majority of handlers and producers of California-Arizona navel oranges may be classified as small entities.

The California-Arizona navel orange industry is characterized by a large number of growers located over a wide area. The production area is divided into four districts which span Arizona and part of California. The largest proportion of navel orange production is located in District 1, Central California, which represented about 79 percent of the total production in 1990-91. District 2 is located in the southern coastal area of California and represented almost 18 percent of 1990-91 production; District 3 is the desert area of California and Arizona, and it represented slightly less than 3 percent; and District 4, which represented slightly less than 1 percent, is northern California. The Committee's

revised estimate of 1991-92 production is 64,000 cars (one car equals 1,000 cartons at 37.5 pounds net weight each), as compared with 32,895 cars during the 1990-91 season.

The three basic outlets for California-Arizona navel oranges are the domestic fresh, export, and processing markets. The domestic fresh (regulated) market is a preferred market for California-Arizona navel oranges while the export market continues to grow. The Committee has estimated that about 68 percent of the 1991-92 crop of 64,600 cars will be utilized in fresh domestic channels (43,650 cars), with the remainder being exported fresh (14 percent), processed (16 percent), or designated for other uses (2 percent). This compares with the 1990-91 total of 16,675 cars shipped to fresh domestic markets, about 51 percent of that year's crop. In comparison to other seasons, 1990-91 production was low because of a devastating freeze that occurred during December 1990.

Volume regulations issued under the authority of the Act and Marketing Order No. 907 are intended to provide benefits to producers. Producers benefit from increased returns and improved market conditions. Reduced fluctuations in supplies and prices result from regulating shipping levels and contribute to a more stable market. The intent of regulation is to achieve a more even distribution of oranges in the market throughout the marketing season.

Based on the Committee's marketing policy, the crop and market information provided by the Committee, and other information available to the Department, the costs of implementing the regulations are expected to be more than offset by the potential benefits of regulation.

Reporting and recordkeeping requirements under the navel orange marketing order are required by the Committee from handlers of navel oranges. However, handlers in turn may require individual producers to utilize certain reporting and recordkeeping practices to enable handlers to carry out their functions. Costs incurred by handlers in connection with recordkeeping and reporting requirements may be passed on to growers.

Major reasons for the use of volume regulations under this marketing order are to foster market stability and



enhance producer revenue. Prices for navel oranges tend to be relatively inelastic at the producer level. Thus, even a small variation in shipments can have a great impact on prices and producer revenue. Under these circumstances, strong arguments can be advanced as to the benefits of regulation to producers, particularly smaller producers.

The Committee adopted its marketing policy for the 1991-92 season on June 25, 1991. The Committee reviewed its marketing policy at district meetings as follows: Districts 1 and 4 on September 24, 1991, in Visalia, California; and Districts 2 and 3 on October 1, 1991, in Ontario, California. The Committee subsequently revised its marketing policy at a meeting on October 15, 1991. The marketing policy discussed, among other things, the potential use of volume and size regulations for the ensuing season. The Committee considered the use of volume regulation for the season. This marketing policy is available from the Committee or Mr. Nissen. The Department reviewed that policy with respect to administrative requirements and regulatory alternatives in order to determine if the use of volume regulations would be appropriate.

The Committee met publicly on February 4, 1992, in Visalia, California, to consider the current and prospective conditions of supply and demand and recommended, with 6 members voting in favor, 3 opposing, and 2 abstaining, that 1,300,000 cartons is the quantity of navel oranges deemed advisable to be shipped to fresh domestic markets during the specified week. The marketing information and data provided to the Committee and used in its deliberations was compiled by the Committee's staff or presented by Committee members at the meeting. This information included, but was not limited to, price data for the previous week from Department market news reports and other sources, preceding week's shipments and shipments to date, crop conditions and weather and transportation conditions.

The Department reviewed the Committee's recommendation in light of the Committee's projections as set forth in its 1991-92 marketing policy. The recommended amount of 1,300,000 cartons is compared to the 1,700,000 cartons specified in the Committee's shipping schedule. Of the 1,300,000 cartons, 83.8 percent or 1,089,400 cartons are allotted for District 1, and 16.2 percent or 210,600 cartons are allotted for District 2. Districts 3 and 4 are not regulated since approximately 84 percent of District 3's crop and 100 percent of District 4's crop to date have

been utilized, and handlers would not be able to utilize their allotments.

During the week ending on January 30, 1992, shipments of navel oranges to fresh domestic markets, including Canada, totaled 1,526,000 cartons compared with 460,000 cartons shipped during the week ending on January 31, 1991. Export shipments totaled 433,000 cartons compared with 83,000 cartons shipped during the week ending on January 31, 1991. Processing and other uses accounted for 510,000 cartons compared with 1,823,000 cartons shipped during the week ending on January 31, 1991.

Fresh domestic shipments to date this season total 15,463,000 cartons compared with 15,009,000 cartons shipped by this time last season. Export shipments total 2,754,000 cartons compared with 2,011,000 cartons shipped by this time last season. Processing and other use shipments total 3,490,000 cartons compared with 9,473,000 cartons shipped by this time last season.

For the week ending January 30, 1992, regulated shipments of navel oranges to the fresh domestic market were 1,449,000 cartons on an adjusted allotment of 1,630,000 cartons which resulted in net undershipments of 181,000 cartons. Regulated general maturity shipments for the current week (January 31 through February 6, 1992) are estimated at 1,525,000 cartons on an adjusted allotment of 1,902,000 cartons. Thus, undershipments of 377,000 cartons could be carried forward into the week ending on February 13, 1992.

The average f.o.b. shipping point price for the week ending on January 30, 1992, was \$8.85 per carton based on a reported sales volume of 1,246,000 cartons. The season average f.o.b. shipping point price to date is \$9.90 per carton. The average f.o.b. shipping point price for the week ending on January 31, 1991, was \$15.67 per carton; the season average f.o.b. shipping point price at this time last year was \$10.49.

The Department's Market News Service reported that, as of February 4, demand for California-Arizona navel oranges is fairly light. The market is reported as higher for shippers first grade sizes 36-48, slightly lower for choice, with others about steady.

Committee members discussed implementing volume regulation at this time, as well as different levels of allotment. Several Committee members commented that the market was declining. Two Committee members favored open movement at this time, and one favored 1,700 cars, while the majority of Committee members favored

the issuance of general maturity allotment for Districts 1 and 2.

According to the National Agricultural Statistics Service, the 1990-91 season average fresh equivalent on-tree price for California-Arizona navel oranges was \$7.75 per carton, 119 percent of the season average parity equivalent price of \$6.52 per carton.

Based upon fresh utilization levels indicated by the Committee and an econometric model developed by the Department, the 1991-92 season average fresh on-tree price is estimated at \$6.33 per carton, about 85 percent of the estimated fresh on-tree parity equivalent price of \$7.44 per carton.

Limiting the quantity of navel oranges that may be shipped during the period from February 7 through February 13, 1992, would be consistent with the provisions of the marketing order by tending to establish and maintain, in the interest of producers and consumers, an orderly flow of navel oranges to market.

Based on consideration of supply and market conditions, and the evaluation of alternatives to the implementation of this volume regulation, the Administrator of the AMS has determined that this final rule will not have a significant economic impact on a substantial number of small entities and that this action will tend to effectuate the declared policy of the Act.

A proposed rule regarding the implementation of volume regulation and a proposed shipping schedule for California-Arizona navel oranges for the 1991-92 season was published in the September 30, 1991, issue of the *Federal Register* [56 FR 49432]. However, issuance of this final rule implementing volume regulation for the regulatory week ending on February 13, 1992, does not constitute a final decision on that proposal.

Pursuant to 5 U.S.C. 553, it is further found and determined that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in further public procedure with respect to this action and that good cause exists for not postponing the effective date of this action until 30 days after publication in the *Federal Register*. This is because there is insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared policy of the Act.

In addition, market information needed for the formulation of the basis for this action was not available until February 5, 1992, and this action needs to be effective for the regulatory week



which begins on February 7, 1992. Further, interested persons were given an opportunity to submit information and views on the regulation at an open meeting, and handlers were apprised of its provisions and effective time. It is necessary, therefore, in order to effectuate the declared purposes of the Act, to make this regulatory provision effective as specified.

#### List of Subjects in 7 CFR Part 907

Marketing agreements, Oranges, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 907 is amended as follows:

#### PART 907—[AMENDED]

1. The authority citation for 7 CFR part 907 continues to read as follows:

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

2. Section 907.1032 is added to read as follows:

Note: This section will not appear in the Code of Federal Regulations.

#### § 907.1032 Navel Orange Regulation 732.

The quantity of navel oranges grown in California and Arizona which may be handled during the period from February 7 through February 13, 1992, is established as follows:

- (a) District 1: 1,089,400 cartons;
- (b) District 2: 210,600 cartons;
- (c) District 3: unlimited cartons;
- (d) District 4: unlimited cartons.

Dated: February 6, 1992.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 92–3208 Filed 2–7–92; 8:45 am]

BILLING CODE 3410–02–M

## SMALL BUSINESS ADMINISTRATION

### 13 CFR Part 121

#### Small Business Size Standards; Motor Vehicle Dealers (New and Used) Industry

AGENCY: Small Business Administration.

ACTION: Final rule.

**SUMMARY:** The Small Business Administration (SBA) is amending its size standard regulation for Standard Industrial Classification (SIC) code 5511—the industry of Motor Vehicle Dealers (New and Used) from the present \$11.5 million in annual receipts to \$17.0 million. This action reflects findings by the SBA that businesses in this industry are much larger on average than firms in most other retail trade industries. Businesses in this industry are also more heavily capitalized relative to other retail trade industries and this also suggests the need for a relatively high size standard. A size standard of \$17.0 million would, therefore, better define small businesses within this industry by better matching its size standard with the structure of the industry.

**EFFECTIVE DATE:** March 11, 1992.

**FOR FURTHER INFORMATION CONTACT:** Robert N. Ray, Economist, Size Standards Staff, Tel: (202) 205–6618.

**SUPPLEMENTARY INFORMATION:** Comments received by the Small Business Administration in recent months have observed that the size standard of \$11.5 million for concerns engaged in the retail sale of new automobiles or new and used automobiles (SIC code 5511) no longer accurately reflects the level of annual

receipts for small concerns in the industry. To appraise this view, SBA analyzed the structure of the industry and compared it with the structure of other retail trade industries in a proposed rule published in the Federal Register dated September 5, 1991 (56 FR 43391).

In reviewing the appropriateness of a size standard, SBA evaluates an industry using five primary factors. The primary factors include: Industry competition, average firm size, start-up costs, distribution of firms by size and the impact on SBA's programs. Each of these factors were reviewed using various indexes relating to each factor. The results are summarized below.

#### Review of Factors

(1) Industry competition (measured by the percent of sales in an industry by firms with \$25.0 million or more in sales).

(2) Start-up costs (measured by average assets per IRS return and average sales per employee).

(3) Average firm size in sales.

(4) Size Distribution of Firms (measured by the sales share and distribution of firms of \$5.0 million or more and \$10.0 million or more in sales).

(5) Program Impact (measured by SBA guaranteed loan activity to firms in the motor vehicle dealers industry).

Each measurement for these five factors was specifically structured such that if an industry or an industry group had a larger index for any factor, that higher index would point to a higher size standard and vice versa. The relationship of motor vehicle dealers to major groups in retail trade using these measurements is summarized below.

#### SUMMATION OF FACTORS

| Factor                                                                                                                                                                                           | Finding                                                                                                                                                                                                                                                                             | Implication                                                                                                         |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------|
| Degree of competition in the industry as measured by the percent of sales to firms of \$25.0 million or more in annual sales.                                                                    | The motor vehicle dealers industry's degree of concentration among firms with \$25.0 million or more in sales is about average when compared with other major groups in retail trade.                                                                                               | This finding does not point to a higher or lower size standard relative to other size standards in retail trade.    |
| Start-up costs as measured by average capital requirements per firm in an industry. A second index of average sales per employee was also utilized to compare start-up costs between industries. | The motor vehicle dealers industry has significantly higher start-up costs than most retail trade industries.                                                                                                                                                                       | High start-up costs indicate, in isolation, that a relatively high size standard is warranted for this industry.    |
| Average firm size in an industry as measured in sales.                                                                                                                                           | Average firm size of motor vehicle dealers is more than seven times the average firm size in all of retail trade.                                                                                                                                                                   | High average firm size suggests that a relatively high size standard is warranted in this industry.                 |
| Firm size distribution of economic activity as measured by the percent of sales and of firms by firms with \$5 million and \$10 million or more in sales.                                        | The motor vehicle dealers industry has a significantly higher proportion of sales by firms above the standardized thresholds of \$5.0 million and \$10 million in sales than most retail trade industries. It also has a higher proportion of firms in excess of these size breaks. | Both the distribution of sales and of firms among larger size dealers point to the need for a higher size standard. |



## SUMMATION OF FACTORS—Continued

| Factor                                                                                   | Finding                                                                                                                      | Implication                                                                                                                               |
|------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------|
| Program impact as measured by the magnitude of guaranteed loan activity in the industry. | The motor vehicle dealer industry has a low level of SBA guaranteed loan activity relative to its importance in the economy. | A low level of guaranteed loan activity relative to its importance in the economy suggests that this industry's size standard is too low. |

The finding that four of the five factors cited above point to the need for a higher size standard for motor vehicle dealers is reinforced by the magnitude of some of the indexes used in comparing industries. Motor vehicle dealers, for example, are seven times the size of the average retail firm and their sales per employee are four times as high. Almost 36 percent of motor vehicle dealers have \$10 million or more in sales versus 3 percent for all of retail trade. These differences reflect the economic characteristics of the motor vehicle dealer industry as an industry comprised of some of the largest firms in all of the retail industries, and indicate that a size standard of \$17.0 million would be appropriate for this industry.

Although motor vehicle dealers expressed interest in reviewing the industry's size standard, SBA received only one written comment to the proposed rule. However, this comment was by an association representing over 20,000 franchised new car and truck dealers. This association suggested that the proposed size standard of \$17.0 million should be even higher, arguing that a size standard falling in the \$20–\$25 million range would better maintain the eligibility/ineligibility ratio (88.5 percent of industry firms under the size standard) established in 1984 under an \$11.5 million size standard.

SBA does not believe a size standard of \$20 million to \$25 million is supportable for this industry. A size standard within this range would include firms which cumulatively are responsible for more than 60 percent of industry revenues. For most retail trade industries, firms under the size standard generate about 30 percent of sales. The proposed size standard of \$17.0 million includes firms which account for 41 percent of industry sales.

SBA, therefore, is reluctant to raise the size standard for motor vehicle dealers above the proposed level because it would capture a proportion of sales by firms defined as small that would greatly exceed the average proportion of sales by small firms for other retail trade industries.

### Compliance With Regulatory Flexibility Act, Executive Orders 12291 and 12612, and the Paperwork Reduction Act

SBA certifies that this final rule would not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.* An increase from an \$11.5 million to a \$17.0 million size standard would raise the number of firms eligible for SBA program assistance from 16,400 to 20,200 (out of a total of 24,200), a 3,800 firm increase. While this increase appears to be significant, it would include only 83 percent of firms within the industry as small, a much lower figure than for most other industries. Further, SBA expects that only a small percentage of these newly eligible concerns will seek assistance from the Agency.

Because virtually all Federal procurement in the automobile industry is either directly from the manufacturer or through a nonmanufacturer wholesaler, there are no procurement programs affected by a higher size standard for retail motor vehicle dealers. Thus almost the entire program impact of a higher size standard for motor vehicle dealers would relate to SBA's business loan program.

Over the 1987–89 period, SBA guaranteed loans in the motor vehicle dealer industry averaged 85 per year and \$250,000 per loan. In the average year, about \$21 million in SBA loan guarantees are awarded in this industry.

In estimating the impact on its loan program of a size standard increase to \$17.0 million, SBA applied two adjustments to the average yearly loan amount to project loan guarantee demand if SBA were to revise its size standard in the motor vehicle dealers industry as contemplated. The first factor applied a 24 percent increase in the number of eligible firms from the present size standard to reflect greater loan demand as a result of the larger pool of eligible firms. The second factor (size of loan factor) assumes that these loans will, on average, be larger by about 30 percent than previous loans because the pool of eligible firms is composed of somewhat larger firms (30 percent larger on average), and it is assumed that there is a positive

correlation between size of firm and size of loan.

Applying these two factors to the average yearly loan amount of \$20.9 million in this industry produced an estimated yearly guaranteed demand of \$33.7 million, about \$13 million more in total SBA lending activity in this industry over the course of a year.

Based on these estimates, SBA certifies that this rule will not be a major rule within the meaning of Executive Order 12291, because it is not expected to have an annual economic impact of \$100 million or more, as previously discussed. This regulation will not likely result in a major increase in costs or prices or have a significant effect on the United States economy.

SBA certifies that this rule will not impose any requirement subject to the Paperwork Reduction Act of 1980, 44 U.S.C., chapter 35. SBA certifies that this rule will not have federalism implications warranting the preparation of a Federalism Assessment in accordance with Executive Order 12612.

### List of Subjects in 13 CFR Part 121

Government procurement, Government property, Grant programs—business, Loan programs—business, Small business.

Accordingly, part 121 of 13 CFR is amended as follows:

### PART 121—[AMENDED]

(1) The authority citation for part 121 continues to read as follows:

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

### § 121.601 [Amended]

(2) In § 121.601 Major Group 55, is amended by revising SIC code 5511 to read as follows:

| SIC* = new SIC code in 1987, not used in 1972) | Description (N.E.C. = not elsewhere classified) | Size standards in number of employees or millions of dollars |
|------------------------------------------------|-------------------------------------------------|--------------------------------------------------------------|
| 5511.....                                      | Motor Vehicle Dealers (New and Used).           | \$17.0                                                       |



Dated: December 30, 1991.

Patricia Saiki,

Administrator, U.S. Small Business Administration.

[FR Doc. 92-2996 Filed 2-7-92; 8:45 am]

BILLING CODE 8025-01-M

### 13 CFR Part 121

#### Small Business Size Standards; Motor Vehicle Parts and Accessories Industry

AGENCY: Small Business Administration.

ACTION: Final rule.

**SUMMARY:** The Small Business Administration (SBA) is amending its size standard regulation for the industry of Motor Vehicle Parts and Accessories (SIC code 3714) from the present 500 employees to 750 employees. This action reflects the findings of a study by the SBA which indicate that firms in the industry generally need to be larger than 500 employees to achieve competitive economies of scale. A size standard of 750 employees would better reflect small business within this industry than the present size standard of 500 employees.

**EFFECTIVE DATE:** March 11, 1992.

**FOR FURTHER INFORMATION CONTACT:**

Robert N. Ray, Economist, Size Standards Staff, Tel: (202) 205-6618.

**SUPPLEMENTARY INFORMATION:**

Comments received by the Small Business Administration have claimed that the size standard of 500 employees in the Motor Vehicle Parts and Accessories Industry (Standard Industrial Classification (SIC) code 3714) is too small to permit firms to reach acceptable efficiencies in size. Under this view, many firms within the size standard of 500 employees would be unable to compete with larger firms in the industry due primarily to their relatively modest size of operations. To appraise this view, SBA prepared a proposed rule which was published in the *Federal Register* on January 29, 1991 (56 FR 3229) which analyzed the structure of this industry and compared it with other industries in SIC Major Group 37—the Manufacture of Transportation Equipment. Based on an analysis of economic factors describing the structure of the motor vehicle parts industry, this rule proposed to raise the size standard in this industry from 500 to 750 employees. The public had 30 days to prepare comments to this proposal. The comments to the proposal and

SBA's assessment are discussed below.

Among commentors from the private sector, only one commentor responded in writing to SBA's proposed rule for this industry. This commentor, a major automobile manufacturer with many parts suppliers, desired a much higher size standard than 750 employees. This firm argued that a firm must be larger than 750 employees in the auto parts supply business to achieve desired economies of scale.

SBA's response to this comment focuses on the comparison of the motor vehicle parts industry with industries in its major group with a 1,000 employee size standard. In general, the indicators reviewed in this rule indicate that a 1,000-employee size standard would be too high for this industry. If SBA were to choose a size standard of 1,000 employees for this industry, it would match the size standard for motor vehicle manufacturers, an industry dominated by much larger firms with significantly higher concentration and coverage ratios. These findings lead SBA to prefer and recommend a size standard of 750 employees.

The second commentor, the Canadian government, objected to any raising of the size standard because of an anticipated effect of expanding the number of small business set-asides and thereby reducing the number of unrestricted procurements available to Canadian firms under the Canada-United States Free Trade Agreement. As an alternative to withdrawing SBA's proposed increase in the size standard, Canada proposed an "exemption" for Canadian manufacturers from the new standard.

For several reasons, SBA declines to adopt this comment. First, under SBA's definition of small business concern, many Canadian-owned firms are able to qualify as businesses eligible for set-asides and other SBA programs. An increase in set-asides will benefit such firms. Second, an increase in the size standard will increase the potential for small businesses to benefit from subcontracting opportunities with major auto manufacturers. Third, the present structure of the auto parts industry strongly suggests that an increase in the size standard is needed to improve the competitiveness of small firms competing with the major auto parts manufacturers by permitting further growth without losing eligibility for SBA programs. Fourth, the size standards generally have significance well beyond procurement issues related to trade agreements and it is SBA's obligation to

provide size standards for the variety of benefits available such as: Venture capital for small business investment companies, preference in tie bids, progress payments benefits, and SBA loan programs. Finally, SBA can discern no practical way to "exempt" Canadian manufacturers, even if that were determined to be appropriate.

#### Review of Industry Structure

Based on the analysis of economic factors relating to the motor vehicle parts industry, this rule raises the size standard from 500 to 750 employees. The following section discusses considerations first addressed in the proposed rule influencing this decision.

In evaluating the appropriateness of a size standard, SBA compares industries to each other using various factors. The primary factors include: Industry competition, average firm size, start-up costs, distribution of firms by size and the small business market share of Federal procurement (a factor not analyzed for this industry). Federal procurement was not a factor reviewed for this rule because the firm requesting a size standard change focused entirely on the observation that the size standard was too small for firms to achieve optimal efficiencies of size rather than citing problems with Federal procurement caused by the size standard.

For this industry, as well as other manufacturing industries, the four-firm concentration ratio (defined as the percent of sales generated by the four largest producers in the industry) measures the extent of industry competition. The average number of employees per firm in the industry is an indicator of average firm size. The coverage ratio (defined for manufacturers as the percent of sales by firms of 500 employees or more) is used as an indicator of both the relative difficulty of starting a firm and the distribution of firms by size.

For manufacturing industries, SBA has adopted a 500-employee size standard as the starting point for analyzing the size standard appropriate for an industry given its industry structure. Five hundred employees is, therefore, considered an "anchor standard" for manufacturing industries around which size standard decisions are based. For perspective, about 75 percent of industries in the manufacturing industry division have a size standard of 500 employees. SBA adjusts the size standard applied to an industry based



on an analysis of the primary factors discussed above. In general, for example, if the four-firm concentration ratio is high relative to other manufacturing industries, SBA would be inclined to set a higher size standard than the anchor standard, thus encouraging firms in a broad range of sizes to compete with the much larger and dominant firms in the industry. Similarly, if the industry's average firm size is high relative to other industries, SBA will view this as a factor suggesting a higher size standard than 500 employees. A high coverage ratio also suggests that the anchor size standard is too low for the industry under review relative to other industries and that a higher size standard than 500 employees might be warranted.

A summary of these indexes published in the proposed rule indicates that the industry structure for SIC code 3714 is significantly different from the structure of other industries in its major group which have a 500-employee size standard. Its concentration ratio of 61 is almost double that of the average for other industries with a 500-employee standard in Major Group 37. Similarly, its average firm size is between three to eight times the average of other industries in its major group which have a 500-employee size standard. Finally, its coverage ratio for firms of 500 employees or more in size, at 91 percent, easily exceeds the coverage ratio of other industries with a 500-employee size standard in Major Group 37, a factor suggesting a higher size standard. Thus all three factors point to a higher size standard than 500 employees for this industry.

Given that three important parameters of industry structure point to a size standard higher than 500 employees, the key question is which size standard in excess of 500 employees would be most appropriate for this industry. In general, when compared to industries with a 1,000-employee size standard, these indicators of industry structure for SIC code 3714 point to a lower size standard than 1,000 employees. SIC code 3714's four-firm concentration ratio and average firm size is generally less than industries in its major group with a 1,000-employee size standard, while its coverage ratio also tends to be lower. Six of ten industries have higher four-firm concentration ratios than SIC code 3714; 8 of 10 have higher average firm sizes; while 7 of 10 have higher coverage ratios.

Analysis of these primary factors points to a size standard for the motor vehicle parts and accessories industry of between 500 and 1,000 employees.

Therefore, SBA has made a determination that an increase in the size standard to 750 employees would be appropriate. A 750-employee size standard would be less than the size standard of a majority of industries in Major Group 37, but would reflect findings that an increase in the size standard from 500 employees appears merited based on industry structure.

#### Compliance with Regulatory Flexibility Act, Executive Orders 12291 and 12612, and the Paperwork Reduction Act

SBA certifies that this proposed rule would not, if promulgated in final form, have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601. *et seq.* Over the 1988-89 period, firms in this industry utilized SBA's guaranteed loan program for only \$6.0 million in loans per year. Over the 1986-1988 period, small firms were awarded an annual average of \$55 million in total Federal contracts in this industry which equates to about 25 percent of total Federal contracts in this industry. These dollar and percentage figures are not likely to increase significantly as a result of this revision. Only 28 firms out of a total of 2,000 firms constituting about 2 percent of sales in this industry are projected to gain eligibility as a result of this revision.

SBA certifies that this proposed rule would not, if promulgated in final form, be a major rule within the meaning of Executive Order 12291 because it is not expected to have an annual economic impact of \$100 million or more, as previously discussed. This size standard is proposed to better match the motor vehicle parts and accessories industry's size standard with the structure of the industry.

This regulation would not likely result in a major increase in costs or prices or have a significant effect on the United States economy.

SBA certifies that this proposal, if promulgated in final form, would not impose any requirements subject to the Paperwork Reduction Act, 44 U.S.C. chapter 35.

SBA certifies that this proposed rule, if promulgated in final form, would not have federalism implications warranting the preparation of a Federalism Assessment in accordance with Executive Order 12612.

#### List of Subjects in 13 CFR Part 121

Government procurement, Government property, Grant programs—business, Loan programs—business, Small business.

Accordingly, part 121 of 13 CFR is amended as follows:

#### PART 121—[AMENDED]

(1) The authority citation for part 121 continues to read as follows:

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

#### § 121.601 [Amended]

(2) In § 121.601, Major Group 37, is amended by revising SIC code 3714 to read as follows:

| SIC (* = new<br>SIC code in<br>1987, not used<br>in 1972) | Description<br>(N.E.C. = not<br>elsewhere classified) | Size<br>standards<br>in<br>number<br>of<br>employ-<br>ees or<br>millions<br>of dollars |
|-----------------------------------------------------------|-------------------------------------------------------|----------------------------------------------------------------------------------------|
| 3714.....                                                 | Motor Vehicle Parts &<br>Accessories.                 | 750                                                                                    |

Dated: December 26, 1991.

Patricia Saiki,

Administrator, U.S. Small Business  
Administration.

[FR Doc. 92-2995 Filed 2-7-92; 8:45 am]

BILLING CODE 9025-01-M

#### DEPARTMENT OF TRANSPORTATION

#### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 91-NM-160-AD; Amendment  
39-8162; AD 92-03-07]

#### Airworthiness Directives; Boeing Model 737 Series Airplanes

AGENCY: Federal Aviation  
Administration (FAA), DOT.

ACTION: Final rule.

**SUMMARY:** This amendment supersedes two existing airworthiness directives (AD), applicable to certain Boeing Model 737 series airplanes, which currently require repetitive inspections, cleaning of the auxiliary power unit (APU) shroud drains and plenum fuel drain, and an Airplane Flight Manual limitation which prescribes an operational procedure to be followed when an unsuccessful start occurs. This amendment requires modifications to the affected APU drains. This amendment requires modification, developed by the manufacturer, which provides an improved drain. Once installed, this modification terminates the need for the existing repetitive



inspections and operational procedure. The actions specified by this AD are intended to prevent severe fire damage to the empennage causing the loss of primary flight control surfaces.

**DATES:** Effective March 16, 1992.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 16, 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 FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington; or at the Office of the Federal Register, 1100 L Street NW., room 8401, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Mr. Stephen Bray, Seattle Aircraft Certification Office, Propulsion Branch, ANM-140S; telephone (206) 227-2681; fax (206) 227-1181. Mailing address: FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

**SUPPLEMENTARY INFORMATION:** A proposal to amend part 39 of the Federal Aviation Regulations by superseding AD 89-08-11, Amendment 39-6190 (55 FR 14639, April 12, 1989), and AD 90-05-02, Amendment 39-6518 (55 FR 6947), which are applicable to Boeing Model 737 series airplanes, was published in the *Federal Register* on October 8, 1991 (56 FR 50682). The action proposed to require modifications to the affected APU drains.

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

Two commenters agreed with the proposal.

Another commenter, the manufacturer, stated that in the description of the torching incident that prompted the AD action, the discussion section of the preamble of the AD states, " \* \* \* These torching incidents were attributed to an accumulation of unburned fuel in the APU shroud and plenum, which ignited when the APU start occurred." The commenter suggested that a more accurate description would be: " \* \* \* These torching incidents were attributed to an accumulation of unburned fuel in the tailpipe and plenum, which ignited when the APU start occurred." The FAA concurs that the commenter's description is more accurate; however,

no change to the proposed rule is necessitated.

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 1,977 Model 737 series airplanes of the affected design in the worldwide fleet. It is estimated that 895 airplanes of U.S. registry will be affected by this AD, that it will take approximately 10 work hours per airplane to accomplish the required actions, and that the average labor cost will be \$55 per work hour. Modification parts are estimated to cost \$378 per airplane. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be \$830,560.

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 "manor 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 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—[AMENDED]

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

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

#### § 39.13 [Amended]

2. Section 39.13 is amended by removing Amendments 39-6190 and 39-6518, and by adding the following new airworthiness directive:

92-03-07. Boeing: Amendment 39-8162.

Docket No. 91-NM-160-AD. Supersedes AD 89-08-11, Amendment 39-6190 and AD 90-05-02, Amendment 39-6518.

**Applicability:** Model 737 series airplanes, line number 0001 through 2060 equipped with Garrett GTCP 85-129 series auxiliary power units (APU), certificated in any category.

**Compliance:** Required as indicated, unless accomplished previously.

To prevent an uncontained APU tailpipe fire due to clogged shroud and fuel drains, accomplish the following:

(a) Prior to the accumulation of 150 flight hours after April 25, 1989 (the effective date of Amendment 39-6190, AD 89-08-11), perform a one-time inspection of the exhaust flange and the exhaust muffler heat shield skin joint and remove any excess or loose sealant, and perform an inspection and cleaning of the APU shroud, plenum and combustor drain lines, in accordance with Boeing Service Letter 737-SL-49-14, Revision A, dated March 29, 1989, or Boeing Service Letter 737-SL-49-14, Revision B, dated April 20, 1989.

Thereafter, at intervals not to exceed 500 hours, or immediately following maintenance involving the drain system (e.g., APU change, etc.), perform an inspection and cleaning of the APU shroud drains and plenum fuel drain in accordance with the service letters:

(b) Within 10 days after March 12, 1990 (the effective date of Amendment 39-6518, AD 90-05-02), revise the Limitations section of the FAA-approved Airplane Flight Manual (AFM) by adding the following instructions. This may be accomplished by inserting a copy of this AD into the AFM.

#### "Auxiliary Power Unit Limitation:"

After any unsuccessful APU ground start, either placard the APU "NO Ground Starting" or accomplish the following during the subsequent ground start attempt(s):

(1) Following an unsuccessful APU ground start attempt, the subsequent APU ground start attempt(s) must be monitored by a qualified ground observer to assure proper APU starting. The FAA Principal Maintenance Inspector (PMI) must approve the qualified ground observer, the monitoring procedures, and the method of documentation for compliance with these procedures. If APU tail pipe torching is observed, prior to flight, inspect the affected airplane surface(s) for fire damage and/or paint blistering. Repair or replace fire-damaged area(s) in a manner approved by the Manager, Seattle Aircraft Certification Office, prior to further flight.

(2) Following successful APU operation, if subsequent unsuccessful APU ground starts are again experienced, the ground start monitoring requirements required by paragraph (b)(1) of this AD must be repeated.

(3) The placard may be removed and normal APU ground starting procedures resumed following appropriate maintenance



action to determine and resolve the cause of the unsuccessful ground start, or successful ground start has been accomplished in accordance with paragraph (b)(1) of this AD, or in-flight starting and operation is accomplished.

**Note:** In-flight starting and operating of the APU is not impacted by this action.

(c) Within 36 months after the effective date of this AD, modify the APU drain assembly in accordance with Boeing Service Bulletin 737-49-1073, dated July 25, 1991. This modification constitutes terminating action for the repetitive inspections and cleaning requirement required by paragraph (a) of this AD. The AFM limitation required by paragraph (b) of this AD may be removed following completion of the modification.

(d) An alternative method of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate.

**Note:** The request should be forwarded through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Seattle ACO.

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

(f) The inspection required by this AD shall be done in accordance with Boeing Service Letter 737-SL-49-14, Revision A, dated March 29, 1989; or Boeing Service Letter 737-SL-49-14, Revision B, dated April 20, 1989. The modifications required by this AD shall be done in accordance with Boeing Service Bulletin 737-49-1073, dated July 25, 1991. 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, 1100 L Street NW., room 8401, Washington, DC.

(g) This amendment (39-8162), AD 92-03-07, becomes effective March 16, 1992.

Issued in Renton, Washington, on January 13, 1992.

**Darrell M. Pederson,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 92-3033 Filed 2-7-92; 8:45 am]

**BILLING CODE 4910-13-M**

#### 14 CFR Part 39

[Docket No. 91-NM-176-AD; Amendment 39-8172; AD 92-04-03]

#### Airworthiness Directives; Boeing Model 747 Series Airplanes

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD), applicable to certain Boeing Model 747 series airplanes, which requires examination of flow control units for the passenger oxygen system and replacement of certain units. This amendment is prompted by two reports of flow control units not activating at the proper altitude during a maintenance check of the system; certain other units may have the same manufacturing defects. The actions specified by this AD are intended to prevent failure of the flow control unit to automatically deploy oxygen to the passenger oxygen system in the event of loss of cabin pressure.

**DATES:** Effective March 16, 1992.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 16, 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 FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington; or at the Office of the Federal Register, 1100 L Street NW., room 8401, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Kenneth W. Frey, Aerospace Engineer, Seattle Aircraft Certification Office, Systems and Equipment Branch, ANM-130S; FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055-4056; telephone (206) 227-2673; 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 747 series airplanes, was published in the *Federal Register* on October 11, 1991 (56 FR 51348). That action proposed to require examination of flow control units for the passenger oxygen system and replacement of certain units.

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

The commenter supports the proposed rule.

Since issuance of the proposal, the FAA has reviewed and approved Revision 1 of Boeing Service Bulletin 747-35-2074, dated December 12, 1991. This revised service bulletin corrects the references to the part numbers and serial numbers. Therefore, the final rule

has been revised to cite Revision 1 of the service bulletin as the appropriate source for service information.

The FAA has revised the final rule to permit reworked flow control units to be installed. This had been omitted inadvertently from the proposal.

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 786 Model 747 series airplanes of the affected design in the worldwide fleet. It is estimated that 173 airplanes of U.S. registry will be affected by this AD, that it will take approximately 5.5 work hours per airplane to accomplish the required actions, and that the average labor rate is \$55 per work hour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be \$52,333.

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 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—[AMENDED]

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

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

#### § 39.13 [Amended]

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

92-04-03. Boeing: Amendment 39-8172.

Docket 91-NM-178-AD.

Applicability: Model 747 series airplanes, as listed in Boeing Service Bulletin 747-35-2074, dated June 27, 1991, certificated in any category.

Compliance: Required within the next 4,000 flight hours after the effective date of this AD, unless accomplished previously.

To ensure that the passenger oxygen system activates at the proper altitude, accomplish the following:

(a) Inspect the flow control units to determine the serial numbers, in accordance with Boeing Service Bulletin 747-35-2074, Revision 1, dated December 12, 1991.

(1) If the flow control unit serial number is listed in Table 1 of the service bulletin and the unit has not been reworked, prior to further flight, replace the unit and perform a low pressure leak check and a simulated automatic actuation test, in accordance with paragraph III.C. of the Accomplishment Instructions of the service bulletin.

(2) If the flow control unit serial number is not listed in Table 1 of the service bulletin, or if the unit has been reworked in accordance with paragraph III.C. of the Accomplishment Instructions of the service bulletin, no further action is necessary.

(b) An alternative method of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate.

Note: The request should be forwarded through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Seattle ACO.

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

(d) The inspection, replacement, check, and test required by this AD shall be done in accordance with Boeing Service Bulletin 747-35-2074, Revision 1, dated December 12, 1991. 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, 1100 L Street NW., Room 8401, Washington, DC.

(e) This amendment (39-8172), AD 92-04-03, becomes effective March 16, 1992.

Issued in Renton, Washington, on January 22, 1992.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92-3034 Filed 2-7-92; 8:45 am]

BILLING CODE 4910-13-M

#### 14 CFR Part 39

[Docket No. 91-NM-273-AD; Amendment 39-8174; AD 92-04-04]

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

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

**SUMMARY:** This amendment supersedes an existing airworthiness directive (AD), applicable to certain Boeing Model 757 series airplanes, which currently requires periodic inspections for cracking of the midspar fuse pins, and replacement of the pins, if necessary. This amendment requires the inspections to be accomplished at more frequent intervals, and provides a terminating action for the inspection requirements. The applicability of this amendment includes additional airplanes equipped with bulkhead type fuse pins that were installed by the manufacturer and are also subject to cracking. This amendment is prompted by testing of the pins, which demonstrated that the pin crack growth rates are greater than previously anticipated. This condition, if not corrected, could result in a strut and engine separating from the wing.

**DATES:** Effective February 25, 1992.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of February 25, 1992.

Comments for inclusion in the Rules Docket must be received on or before April 10, 1992.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration, Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 91-NM-273-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

The service information referenced in this AD may be obtained from Boeing Commercial Airplanes, P.O. Box 3707, Seattle, Washington 98124. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton,

Washington; or at the Office of the Federal Register, 1100 L Street NW., room 8401, Washington, DC.

#### FOR FURTHER INFORMATION CONTACT:

Mr. Thomas Rodriguez, Seattle Aircraft Certification Office, Airframe Branch, ANM-120S; telephone (206) 227-2779. Mailing address: FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

**SUPPLEMENTARY INFORMATION:** On January 3, 1989, the FAA issued AD 89-02-09, Amendment 39-6113 [54 FR 1399, January 13, 1989], to require periodic inspections for cracking of the midspar fuse pins, on Boeing Model 757 series airplanes equipped with Pratt and Whitney engines, and replacement of cracked pins. That action was prompted by reports of cracks found in the fuse pins during a strut modification. The actions required by that AD were intended to prevent the separation of a strut and engine from the wing.

Since issuance of that AD, testing has been accomplished by the manufacturer which demonstrated that the pin crack growth rates are greater than previously anticipated. These higher crack growth rates necessitate required inspections every 1,000 flight cycles in order to detect cracking and maintain an acceptable level of safety. Terminating action for such inspections has been developed, which involves an inspection of the bushings of the midspar attachment and the verification that the bushings' inside diameters are within allowable limits. Testing has also shown that the bulkhead-type fuse pins are also subject to cracking and must be replaced after 6,000 flight cycles.

The FAA has reviewed and approved Boeing Alert Service Bulletin 757-54A0019, Revision 2, dated October 11, 1991, which describes procedures for repetitive inspection of the fuse pins to detect cracks, and replacement of cracked pins. Included in this bulletin are procedures for performing the inspection of the bushings of the midspar attachment which, if accomplished, terminates the need for the repetitive inspections of the fuse pins. This service bulletin also specifies the replacement times for the bulkhead fuse pins. The effectivity of this revised service bulletin includes additional airplanes equipped with bulkhead-type fuse pins that were installed by the manufacturer and are also subject to cracking.

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design, this AD supersedes AD 89-



02-09 to require the inspections to detect cracking of the strut attach fuse pins at more frequent intervals, and replacement of the pins; and replacement of bulkhead type fuse pins at specific intervals. This AD also contains provisions for terminating the repetitive inspections. The actions are required to be accomplished in accordance with the service bulletin previously described.

The applicability of this AD calls out airplanes that are listed in Revision 2 of Boeing Alert Service Bulletin 757-54A0019. By doing so, the applicability has been expanded to include additional airplanes that are subject to the addressed unsafe condition.

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

#### Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this 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 under the caption "ADDRESSES." All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the 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 that summarizes each FAA-public contact concerned with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to

Docket Number 91-NM-273-AD." The postcard will be date stamped and returned to the commenter.

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

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

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

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

#### § 39.13 [AMENDED]

2. Section 39.13 is amended by removing Amendment 39-6113 and by adding the following new airworthiness directive:

92-04-04. Boeing: Amendment 39-8174.

Docket No. 91-NM-273. Supersedes AD 89-02-09, Amendment 39-6113.

Applicability: Model 757 series airplanes equipped with Pratt and Whitney engines, listed in Boeing Alert Service Bulletin 757-54A0019, Revision 2, dated October 11, 1991, certificated in any category.

Compliance: Required as indicated, unless previously accomplished.

To prevent engine separation, accomplish the following:

(a) For airplanes identified as Group 1 in Boeing Alert Service Bulletin 757-54A0019, Revision 2, dated October 11, 1991: Prior to the accumulation of 3,800 flight cycles on a new fuse pin, or within the next 30 days after the effective date of this AD, whichever occurs later; and thereafter at intervals not to exceed 1,000 flight cycles: Perform an eddy current inspection of the engine strut midspar fuse pins, part number 311N5067-1, for cracks, in accordance with Part II of the Accomplishment Instructions of Boeing Alert Service Bulletin 757-54A0019, Revision 2, dated October 11, 1991.

(b) Replace cracked fuse pins, prior to further flight, with either of the following fuse pins:

(1) A new midspar fuse pin, part number 311N5211-1, and repeat this replacement at intervals not to exceed 6,000 flight cycles.

(2) A new midspar fuse pin, part number 311N5067-1, and repeat the inspection requirements in accordance with paragraph (a) of this AD.

(c) For airplanes identified as Group 2 in Boeing Alert Service Bulletin 757-54A0019, Revision 2, dated October 11, 1991: Prior to the accumulation of 6,000 total flight cycles, or within the next 30 days after the effective date of this AD, whichever occurs later: Replace the engine strut midspar fuse pins, part number 311N5211-1, in accordance with Part III of the Accomplishment Instructions of Boeing Alert Service Bulletin 757-54A0019, Revision 2, dated October 11, 1991, with either of the following midspar fuse pins:

(1) A new midspar fuse pin, part number 311N5211-1, and repeat this replacement at intervals not to exceed 6,000 flight cycles.

(2) A new midspar fuse pin, part number 311N5067-1, and repeat the inspection requirements in accordance with paragraph (a) of this AD.

(d) Inspection and verification that the 6 bushings per wing in the wing side load fitting and the strut duckbill fitting have inside diameter measurements of not less than 1.5625 inches and not greater than 1.5633 inches, in accordance with Figure 1 of Boeing Alert Service Bulletin 757-54A0019, Revision 2, dated October 11, 1991, constitutes terminating action for the requirements of paragraphs (a), (b), and (c) of this AD when either of the following midspar fuse pins are installed:

(1) The removed midspar fuse pins, part number 311N5067-1, from the fittings they were removed from, after an eddy current inspection of the pins for cracks, in accordance with the inspection requirements of paragraph (a) of this AD, and installed in accordance with Part III of the Accomplishment Instructions of Boeing Alert Service Bulletin 757-54A0019, Revision 2, dated October 11, 1991. Or

(2) New midspar fuse pins, part number 311N5067-1, installed in accordance with Part III of the Accomplishment Instructions of Boeing Alert Service Bulletin 757-54A0019, Revision 2, dated October 11, 1991.



(e) If all of the bushings in the wing side load fitting and strut duckbill fitting are found to have an inside diameter measurement less than or equal to 1.5644 inches, and one or more of the dimensions is between 1.5633 inches and 1.5644 inches, in accordance with Figure 1 of Boeing Alert Service Bulletin 757-54A0019, Revision 2, dated October 11, 1991; prior to further flight, accomplish either paragraph (e)(1) or (e)(2) of this AD:

(1) Install new midspar fuse pins, part number 311N5067-1, in accordance with Part III of the Accomplishment Instructions of Boeing Alert Service Bulletin 757-54A0019, Revision 2, dated October 11, 1991. Thereafter, reinspect the bushings and install new midspar fuse pins, part number 311N5067-1, at intervals not to exceed 12,000 flight cycles. Or

(2) Accomplish an eddy current inspection of the removed midspar fuse pins, part number 311N5067-1, in accordance with paragraph (a) of this AD. If no cracks are found, install the midspar fuse pins into the fittings from which they were removed, in accordance with Part III of the Accomplishment Instructions of Boeing Alert Service Bulletin 757-54A0019, Revision 2, dated October 11, 1991; and thereafter repeat the inspections of the midspar fuse pins in accordance with paragraph (a) of this AD at intervals not to exceed 3,000 flight cycles.

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

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

(h) The inspections and replacement of parts shall be done in accordance with Boeing Alert Service Bulletin 757-54A0019, Revision 2, dated October 11, 1991. 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, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington, or at the Office of the Federal Register, 1100 L Street NW., Room 8401, Washington, DC.

(i) This amendment (39-8174), AD 92-04-04, becomes effective February 25, 1992.

Issued in Renton, Washington, on January 23, 1992.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.  
(FR Doc. 92-3032 Filed 2-7-92; 8:45 am)

BILLING CODE 4910-13-40

#### 14 CFR Part 39

[Docket No. 91-NM-31-AD; Amendment 39-8171; AD 92-04-02]

#### Airworthiness Directives; Dassault Aviation Model Mystere Falcon 900 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD), applicable to certain Dassault Aviation Model Mystere Falcon 900 series airplanes, which requires repetitive inspections to detect clogged drains in the box structures surrounding the flight controls at frame 25; modifications of the cross-section of the outlet of the drain stub; installation of a protective screen on drains on each side of the center beam; and modification of the collector drains. This amendment is prompted by reports of clogged drainage systems on in-service airplanes. The actions specified by this AD are intended to prevent stiffness of the center engine power control and /or flight controls (elevator and rudder), and reduced controllability of the airplane.

**DATES:** Effective March 16, 1992.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 16, 1992.

**ADDRESSES:** The service information referenced in this AD may be obtained from Falcon Jet Corporation, Customer Support Department, Teterboro Airport, Teterboro, New Jersey 07608. This information may be examined at the FAA, Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue SW., Renton, Washington; or at the Office of the Federal Register, 110 L Street NW., room 8401, 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 (202) 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 Dassault Aviation Model Mystere Falcon 900 series airplanes, was published as a supplemental notice of proposed rulemaking (NPRM) in the Federal Register on November 28, 1991 [56 FR 59902]. That action proposed to require repetitive inspections to detect clogged

drains in the box structures surrounding the flight controls at frame 25; modifications of the cross-section of the outlet of the drain stub; installation of a protective screen on drains on each side of the center beam; and modification of the collector drains.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were submitted in response to the supplement NPRM.

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

It is estimated that 40 airplanes of U.S. registry will be affected by this AD, that it will take approximately 33 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 \$1,772 per airplane. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be \$143,480.

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 reason 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 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—[AMENDED]**

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

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

**§ 39.13 [Amended]**

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

92-04-02. **Dassault Aviation** (formerly Avions Marcel Dassault-Breguet Aviation): Amendment 39-8171. Docket 91-NM-31-AD.

Applicability: Model Mystere Falcon 900 series airplanes, certificated in any category. Compliance: Required as indicated, unless accomplished previously.

To prevent stiffness of the center engine power control and/or flight controls (elevator and rudder), and reduced controllability of the airplane, accomplish the following:

(a) Within 30 days after the effective date of this AD, and thereafter at intervals not to exceed 7 days, accomplish paragraphs (a)(1) and (a)(2) of this AD:

(1) Verify proper operation of the drain stub heating, in accordance with the manufacturer's Maintenance Manual (reference Procedure 30-700).

(2) Verify freedom from clogging of the system by pressurizing the fuselage on the ground to a cabin pressure altitude of Z = -1,500 feet using the engines or APU, and by checking with the hand that air flows out of the drain stub, in accordance with the manufacturer's Maintenance Manual (reference Procedure 21-311).

(b) Within 90 days after the effective date of this AD, perform the modifications and inspections specified by paragraphs (b)(1), (b)(2), and (b)(3) of this AD, which constitute terminating action for the requirements of paragraph (a) of this AD.

(1) On drain stub Part Number C49RD0033, eliminate the 3 mm. diameter restrictor and enlarge the outlet cross-section, in accordance with Dassault Aviation Service Bulletin F900-38-1 (F900-82), dated October 4, 1990.

(2) On the drainage system, add protective screens to the drainage holes of the water collector under the washbasin, in accordance with Dassault Aviation Service Bulletin F900-38-1 (F900-82), dated October 4, 1990; and install a protective screen to the drainage holes on each side of the center beam, in accordance with Dassault Aviation Service Bulletin F900-53-5 (F900-57), dated October 4, 1990.

(3) Following the installation of the modifications required by paragraphs (b)(1) and (b)(2) of this AD, prior to further flight, check the stub heating for proper operations, in accordance with Procedure 30-701 in the manufacturer's Maintenance Manual, and inspect and clean the modified drain holes.

(c) Within 300 hours time-in-service after the effective date of this AD, or within 6 months after accomplishing the modifications required by paragraph (b) of this AD, whichever occurs first; and thereafter at intervals not to exceed 300 hours time-in-service or 6 months, whichever occurs first;

accomplish paragraphs (c)(1), (c)(2), and (c)(3) of this AD, in accordance with Dassault Aviation Service Bulletins F900-38-1 (F900-82) or F900-53-5 (F900-57), both dated October 4, 1990, as applicable:

(1) Check the stub heating for proper operation.

(2) Inspect and clean the drain hole protective screens.

(3) Verify correct water drainage via the frame 25 and washbasin collector drains.

(d) Within 12 months after the effective date of this AD, modify the collector drains, in accordance with Dassault Aviation Falcon 900 Service Bulletin F900-38-2 (F900-83), dated April 25, 1991. Installation of this modification constitutes terminating action for the repetitive inspections required by paragraph (c) of this AD.

(e) An alternative method of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate. The request shall be forwarded through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Standardization Branch, ANM-113.

(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 modifications and inspections shall be done in accordance with the Dassault Aviation Service Bulletin F900-38-1 (F900-82), dated October 4, 1990; Dassault Aviation Falcon 900 Service Bulletin F900-38-2 (F900-83), dated April 25, 1991; and Dassault Aviation Service Bulletin F900-53-5 (F900-57), dated October 4, 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 Falcon Jet Corporation, Customer Support Department, Teterboro Airport, Teterboro, New Jersey 07608. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington; or at the Office of the Federal Register, 1100 L Street NW., Room 8401, Washington, DC.

(h) This amendment (39-8171), AD 92-04-02, becomes effective March 16, 1992.

Issued in Renton, Washington, on January 22, 1992.

**Darrell M. Pederson,**  
Acting Manager, Transport Airplane  
Directorate, Aircraft Certification Service.  
[FR Doc. 92-3031 Filed 2-7-92; 8:45 am]

**BILLING CODE 4910-13-M**

**14 CFR Part 39**

[Docket No. 91-NM-139-AD; Amendment 39-8165; AD 92-03-10]

**Airworthiness Directives; SAAB-Scania Model SAAB 340B Series Airplanes**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD), applicable to certain SAAB-Scania Model SAAB 340B series airplanes, which requires a one-time visual inspection of the inner-wing fuel tanks to detect foreign objects, and removal of foreign objects, if found. This action is prompted by a recent report of extensive wing damage due to overpressurization during refueling caused by blockage of the ventline between the inner and outer fuel cells. The actions specified by this AD are intended to prevent reduced structural integrity of the wings.

**DATES:** Effective March 16, 1992.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 16, 1992.

**ADDRESSES:** The service information referenced in this AD may be obtained from SAAB-Scania AB, Product Support, S-581.88, Linköping, Sweden. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington; or at the Office of the Federal Register, 1100 L Street NW., room 8401, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Mr. Mark Quam, Standardization Branch, ANM-113; telephone (206) 227-2145. Mailing address: FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

**SUPPLEMENTARY INFORMATION:** A proposal to amend part 39 of the Federal Aviation Regulations to include an airworthiness directive (AD) that is applicable to SAAB-Scania Model SAAB 340B series airplanes, was published in the *Federal Register* on October 4, 1991 (56 FR 50295). That action proposed to require a one-time visual inspection of the inner-wing fuel tanks to detect foreign objects, and removal of foreign objects, if found. That action also proposed repetitive inspections of the inner-wing fuel tanks.

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

The commenter concurred with the proposed rule.

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

It is estimated that 32 airplanes of U.S. registry will be affected by this AD, that it will take approximately 5 work hours



per airplane to accomplish the required actions, and that the average labor rate is \$55 per work hour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be \$8,800.

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 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—[AMENDED]

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

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

##### § 39.13 [Amended]

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

92-03-10. Saab-Scania: Amendment 39-8165. Docket 91-NM-139-AD.

Applicability: Model SAAB 340B series airplanes, Serial Numbers 160 through 226, certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent reduced structural integrity of the wings, accomplish the following:

(a) Within 250 hours time-in-service after the effective date of this AD, perform a visual inspection of the inner-wing fuel tanks for foreign objects that could block or restrict the

flow of fuel between the outer and inner fuel tanks, in accordance with SAAB Service Bulletin 340-28-013, dated March 14, 1991.

(b) If foreign objects are found as a result of the inspection required by paragraph (a) of this AD, prior to further flight, remove the foreign objects; submit a report of such findings to SAAB Aircraft Product Support, in accordance with SAAB Service Bulletin 340-28-013, dated March 14, 1991; and perform additional inspections in a manner approved by the Manager, Standardization Branch, FAA, Transport Airplane Directorate. 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.

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

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

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

(e) The inspection required by this AD shall be done in accordance with SAAB Service Bulletin 340-28-013, dated March 14, 1991. 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 SAAB-Scania AB, Product Support, S-581.88, Linköping, Sweden. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington; or at the Office of the Federal Register, 1100 L Street NW., Room 8401, Washington, DC.

(f) This amendment (39-8165), AD 92-03-10, becomes effective March 16, 1992.

Issued in Renton, Washington, on January 13, 1992.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.  
[FR Doc. 92-3035 Filed 2-7-92; 8:45 am]

BILLING CODE 4910-13-M

#### 14 CFR Part 39

[Docket No. 91-NM-157-AD; Amendment 39-8166; AD 92-03-11]

#### Airworthiness Directives; SAAB-Scania Models SF-340A and SAAB 340B Series Airplanes

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD), applicable to certain SAAB-Scania Models SF-340A and SAAB 340B series airplanes, which requires replacement of the lavatory circuit breaker and accomplishment of an operational test. This action is prompted by a report that the wire to the lavatory can overheat when there is a failure in the lavatory electrical system. This condition, if not corrected, could result in a possible wire overload and resultant smoke and/or fire in the cabin.

**DATES:** Effective March 16, 1992.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 16, 1992.

**ADDRESSES:** The service information referenced in the AD may be obtained from SAAB-Scania AB, Product Support, S-581.88, Linköping, Sweden. This information may be examined at the FAA, Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue SW., Renton, Washington; or at the Office of the Federal Register, 1100 L Street NW., room 8401, Washington, DC.

#### FOR FURTHER INFORMATION CONTACT:

Mr. Mark Quam, Standardization Branch, ANM-113; telephone (206) 227-2145; fax (206) 227-1320. Mailing address: FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

**SUPPLEMENTARY INFORMATION:** A proposal to amend part 39 of the Federal Aviation Regulations to include an airworthiness directive (AD) that is applicable to SAAB-Scania Models SF-340A and SAAB 340B was published in the *Federal Register* on October 4, 1991 (56 FR 50294). That action proposed to require replacement of the lavatory circuit breaker and accomplishment of an operational test.

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

The commenter supports the proposal.

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.

It is estimated that 121 airplanes of U.S. registry will be affected by this AD, that it will take approximately 1 work hour per airplane to accomplish the required actions, and that the average labor rate is \$55 per work hour. Based



on these figures, the total cost impact of the AD on U.S. operators is estimated to be \$12,705.

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 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—[AMENDED]

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

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

##### § 39.13 [Amended]

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

92-03-11. Saab-Scania: Amendment 39-8166. Docket No. 91-NM-157-AD.

Applicability: Model SF-340A series airplanes, serial numbers 004 through 159; and Model SAAB 340B, serial numbers 160 through 169, and 171 through 219; equipped with a forward or aft lavatory; certificated in any category.

Compliance: Required as indicated, unless previously accomplished.

To prevent a possible wire overload and resultant smoke and/or fire in the cabin, accomplish the following:

(a) Within 3 months after the effective date of this AD, replace the lavatory circuit

breaker, 1MG (10A size), with circuit breaker, 1MG (7.5A size), and perform an operational test, in accordance with SAAB Service Bulletin 340-25-181, dated March 7, 1991.

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

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

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

(d) The replacement required by this AD shall be done in accordance with SAAB Service Bulletin 340-25-181, dated March 7, 1991. 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 SAAB-Scania AB, Product Support,

S-581.88, Linköping, Sweden. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington; or at the Office of the Federal Register, 1100 L Street NW., room 8401, Washington, DC.

(e) This amendment (39-8166), AD 92-03-11, becomes effective March 16, 1992.

Issued in Renton, Washington, on January 13, 1992.

Darrell M. Pederson,  
Acting Manager, Transport Airplane  
Directorate, Aircraft Certification Service.

[FR Doc. 92-3036 Filed 2-7-92; 8:45 am]

BILLING CODE 4910-13-M

#### 14 CFR Part 39

[Docket No. 91-NM-246-AD; Amendment 39-8170; AD 92-04-01]

#### Airworthiness Directives; Boeing Model 707-300, -300B, -300C, and -400 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to certain Boeing Model 707 series airplanes, which currently requires repetitive visual and ultrasonic inspections for cracks in the front spar upper terminal fitting lugs of the horizontal stabilizer center section and the outboard fitting upper clevis lug at the horizontal stabilizer front spar, and repair or replacement, if necessary. This amendment requires additional inspections to detect cracks of certain safety straps installed as repairs, and

deletes a specific terminating action currently provided by the existing rule. This amendment is prompted by the results of additional fatigue analysis conducted by the manufacturer, which indicates that certain items, when used in repairs, have low fatigue characteristics. The requirements of this amendment are intended to prevent loss of the horizontal stabilizer and subsequent reduced controllability of the airplane.

DATES: Effective February 25, 1992.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of February 25, 1992.

Comments for inclusion in the Rules Docket must be received on or before April 10, 1992.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration, Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 91-NM-246-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

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 FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington; or at the Office of the Federal Register, 1100 L Street NW., room 8401, Washington, DC.

#### FOR FURTHER INFORMATION CONTACT:

Mr. Thomas Rodriguez, Seattle Aircraft Certification Office, Airframe Branch, ANM-120S; telephone (206) 227-2779. Mailing address: FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

#### SUPPLEMENTARY INFORMATION: On

March 8, 1991, the FAA issued AD 91-07-07, Amendment 39-6943 (56 FR 11380, March 18, 1991), to require repetitive visual and ultrasonic inspections for cracks in the front spar upper terminal fitting lugs of the horizontal stabilizer center section and the outboard fitting upper clevis lug at the horizontal stabilizer front spar, and repair or replacement, if necessary. That action was prompted by an analysis of Model 707 service bulletins selected as part of the "Aging Fleet Program" which revealed that some of the modifications required by the existing AD, when combined with certain repairs, resulted in a configuration that will not sustain the ultimate design load of the airplane.



Ultimate design load capability is necessary for continued safe operation. This condition, if not corrected, could result in loss of the horizontal stabilizer and subsequent reduced controllability of the airplane.

Since issuance of that AD, an analysis by the manufacturer indicates that safety straps have low fatigue characteristics when installed as a repair for a cracked center section lug. Based on the results of its analysis, the manufacturer has recommended that such safety straps be repetitively inspected.

The analysis also demonstrated that an outboard fitting upper clevis lug made of 7075-T73 aluminum also has reduced fatigue characteristics when a safety strap is installed as a repair for a cracked center section lug. In light of this, the manufacturer has recommended that (1) replacement of the outboard fitting with a fitting made of 7075-T73 aluminum should not constitute terminating action of the currently required inspections for the fitting, when a safety strap has been installed as a repair for a cracked or crack-free center section lug made of 7079-T6 aluminum; and (2) repetitive inspections be conducted on repair configurations having a safety strap installed for a cracked center section lug and an outboard fitting upper clevis made of 7075-T73 aluminum.

The FAA has reviewed the manufacturer's recommendations and concurs that additional inspections are necessary to ensure the continuing airworthiness of these airplanes.

The FAA has reviewed and approved the following Boeing service bulletins:

a. Boeing Alert Service Bulletin A3482, Revision 1, dated August 29, 1991, which describes procedures for inspection and modification of the horizontal stabilizer center section upper lugs, the front spar upper terminal fittings, and the safety strap.

b. Boeing Service Bulletin 3067, Revision 3, dated August 24, 1979, which describes procedures for installation and repair of the safety strap on the center section lug.

c. Boeing Service Bulletin 2959, Revision 4, dated August 17, 1979, which describes procedures for rework of the center section upper lug, and defines the rework limits for cracks in the lugs.

d. Boeing Service Bulletin 3253, Revision 4, dated November 17, 1988, which describes procedures for rework of the outboard fitting upper lug and defines the rework limits for cracks in the lugs.

e. Boeing Service Bulletin 2330, Revision 2, dated November 17, 1967,

which describes procedures for repair of the outboard fitting upper clevis lug.

Since the unsafe condition described is likely to exist or develop on other airplanes of the same type design, this AD supersedes AD 91-07-07 to add a requirement for repetitive visual and high frequency eddy current inspections of the safety strap to center section attachment locations when such safety straps are installed as a repair for a cracked lug. These requirements are incorporated into the rule by the addition of new paragraphs (d) and (h).

This AD also reflects the determination that replacement of the outboard fitting with a fitting made of 7075-T73 aluminum does not constitute terminating action of the inspection requirements for that fitting, when a safety strap has been installed as a repair for a cracked or crack-free center section lug made of 7079-T6 aluminum; this determination is reflected in paragraphs (a) and (c) of the AD.

The actions specified in this AD are required to be accomplished in accordance with the Boeing service bulletins previously described.

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

#### Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this 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 under the caption "ADDRESSES." All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the 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 that summarizes each FAA-public contact concerned with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 91-NM-246-AD." The postcard will be date stamped and returned to the commenter.

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

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

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

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



## § 39.13 [AMENDED]

2. Section 39.13 is amended by removing Amendment 39-6943 and by adding the following new airworthiness directive:

92-04-01. Boeing: Amendment 39-8170.

Docket No. 91-NM-246-AD. Supersedes AD 91-07-07, Amendment 39-6943.

Applicability: Model 707-300, -300B, -300C, and -400 series airplanes; as listed in Boeing Alert Service Bulletin A3482, Revision 1, dated August 29, 1991; certificated in any category.

Compliance: Required as indicated, unless previously accomplished.

To ensure continued structural integrity of the horizontal stabilizer, accomplish the following:

(a) Within the next 45 days after April 3, 1991 (the effective date of Amendment 39-6943, AD 91-07-07), determine the composition of the material in the horizontal stabilizer front spar center section assembly and the outboard upper fittings. If the material of the center section is 7075-T73 aluminum, no inspection of the center section is required by this AD.

(b) If the material of the center section is 7079-T6 aluminum, prior to further flight, conduct a close visual and ultrasonic inspection of the center section upper lugs for cracks, in accordance with Figure 2 of Boeing Alert Service Bulletin A3482, dated September 27, 1990, or Revision 1, dated August 29, 1991; and determine if the safety strap has been installed in accordance with Boeing Service Bulletin 3067, Revision 3, dated August 24, 1979, or earlier FAA-approved revisions. Determine which of the following conditions describes each of the center section upper lugs:

(1) No crack in the lug and there is no safety strap installed.

(2) No crack in the lug and the safety strap is installed for a crack-free lug in accordance with Boeing Service Bulletin 3067, Revision 3, dated August 24, 1979.

(3) No crack in the lug and the safety strap is installed for a cracked lug in accordance

with Boeing Service Bulletin 3067, Revision 3, dated August 24, 1979, or earlier revisions.

(i) Without an anti-fretting washer installed.

(ii) With an anti-fretting washer installed.

(4) Crack in the lug and the crack length is within repairable hole rework limits defined in Boeing Service Bulletin 2959, Revision 4, dated August 17, 1979, and there is no safety strap.

(5) Crack in the lug and the crack length is within repairable hole rework limits defined in Boeing Service Bulletin 2959, Revision 4, dated August 17, 1979; and the safety strap is installed for a crack-free lug in accordance with Boeing Service Bulletin 3067, Revision 3, dated August 24, 1979.

(6) Crack in the lug and the crack length is within repairable hole rework limits defined in Boeing Service Bulletin 2959, Revision 4, dated August 17, 1979; and the safety strap is installed for a cracked lug in accordance with Boeing Service Bulletin 3067, Revision 3, dated August 24, 1979, or earlier revisions.

(i) Without an anti-fretting washer installed.

(ii) With an anti-fretting washer installed.

(7) Crack in the lug and the crack length is beyond repairable hole rework limits defined in Boeing Service Bulletin 2959, Revision 4, dated August 17, 1979; and there is no safety strap installed.

(8) Crack in the lug and the crack length is beyond the repairable hole rework limits defined in Boeing Service Bulletin 2959, Revision 4, dated August 17, 1979; and the safety strap is installed for a crack-free lug in accordance with Boeing Service Bulletin 3067, Revision 3, dated August 24, 1979.

(9) Crack in the lug and the crack length is beyond the repairable hole rework limits defined in Boeing Service Bulletin 2959, Revision 4, dated August 17, 1979; and the safety strap is installed for a cracked lug in accordance with Boeing Service Bulletin 3067, Revision 3, dated August 24, 1979.

(10) Crack in the lug and the crack length is beyond repairable hole rework limits defined in Boeing Service Bulletin 2959, Revision 4, dated August 17, 1979; and safety strap is installed in accordance with Boeing Service

Bulletin 3067, Revision 2, dated February 9, 1979, or earlier revisions (i.e., without anti-fretting washer installed).

(11) Crack in the lug and the crack length is beyond repairable hole rework limits defined in Boeing Service Bulletin 2959, Revision 4, dated August 17, 1979; and the safety strap is approximately 1/4 inch in thickness.

(c) If the material of the outboard fitting is 7079-T6 aluminum, prior to further flight, conduct a close visual and ultrasonic inspection of the outboard fitting upper clevis lugs in accordance with Figure 3 of Boeing Alert Service Bulletin A3482, dated September 27, 1990, or Revision 1, dated August 29, 1991. If the material of the outboard fitting is 7075-T73 aluminum and a safety strap is installed for a cracked or crack-free 7079-T6 aluminum center section lug in accordance with Boeing Service Bulletin 3067, Revision 3, dated August 24, 1979, or earlier revisions, conduct these inspections within the next 1,000 flight cycles or one calendar year after the effective date of this amendment, whichever occurs first. Determine which of the following conditions describes each of the outboard fitting upper clevis lugs:

(1) No crack is found in lug.

(2) The lug is cracked and not repaired.

(3) The lug is cracked and repaired in accordance with Boeing Service Bulletin 2330, Revision 2, dated November 17, 1967.

(d) If a safety strap is installed for a cracked center section lug and the crack length is beyond the repairable hole rework limits defined in Boeing Service Bulletin 2959, Revision 4, dated August 17, 1979; and the safety strap is installed for a cracked lug in accordance with Boeing Service Bulletin 3067, Revision 3, dated August 24, 1979, or earlier revisions: Within the next 45 days after the effective date of this amendment, perform a close visual and high frequency eddy current inspection of the safety strap terminal hole and center section attachment locations in accordance with Figure 3 of Boeing Alert Service Bulletin A3482, Revision 1, dated August 29, 1991.

(e) Repair or replace lugs in accordance with Table 1 below:

TABLE 1.—REPLACEMENT OR MODIFICATION REQUIREMENTS

| Condition of center section upper lug as determined from paragraph (b) of this AD | Condition of the outboard fitting upper clevis lug as determined from paragraph (c) of this AD. |                    |               |
|-----------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------|--------------------|---------------|
|                                                                                   | (c)(1)                                                                                          | (c)(2)             | (c)(3)        |
| (b)(1).....                                                                       | Para. (e)(1).....                                                                               | Para. (e)(2).....  | Para. (e)(1)  |
| (b)(2).....                                                                       | Para. (e)(1).....                                                                               | Para. (e)(2).....  | Para. (e)(1)  |
| (b)(3).....                                                                       | Para. (e)(3).....                                                                               | Para. (e)(4).....  | Para. (e)(3)  |
| (b)(4).....                                                                       | Para. (e)(5).....                                                                               | Para. (e)(6).....  | Para. (e)(5)  |
| (b)(5).....                                                                       | Para. (e)(5).....                                                                               | Para. (e)(6).....  | Para. (e)(5)  |
| (b)(6).....                                                                       | Para. (e)(7).....                                                                               | Para. (e)(8).....  | Para. (e)(7)  |
| (b)(7).....                                                                       | Para. (e)(9).....                                                                               | Para. (e)(10)..... | Para. (e)(11) |
| (b)(8).....                                                                       | Para. (e)(12).....                                                                              | Para. (e)(13)..... | Para. (e)(14) |
| (b)(9).....                                                                       | Para. (e)(1).....                                                                               | Para. (e)(15)..... | Para. (e)(16) |
| (b)(10).....                                                                      | Para. (e)(17).....                                                                              | Para. (e)(18)..... | Para. (e)(19) |
| (b)(11).....                                                                      | Para. (e)(20).....                                                                              | Para. (e)(21)..... | Para. (e)(22) |

(1) No modification or replacement is required by this AD.

(2) Prior to further flight, repair the outboard fitting upper clevis lug in accordance with Boeing Service Bulletin 2330,

Revision 2, dated November 17, 1967; or, for a crack within rework limits, modify the outboard fitting lug in accordance with Boeing Service Bulletin 3253, Revision 4, dated November 17, 1988.

(3) Prior to further flight, modify the safety strap to maintain a clearance in the hole of the strap in accordance with Boeing Service Bulletin 3067, Revision 3, dated August 24, 1979.



(4) Prior to further flight, repair the outboard fitting upper clevis lug in accordance with Boeing Service Bulletin 2330, Revision 2, dated November 17, 1987; or, for a crack within rework limits, rework in accordance with Boeing Service Bulletin 3253, Revision 4, dated November 17, 1988. Additionally, prior to further flight, modify the safety strap to maintain a clearance in the hole of the strap, in accordance with Boeing Service Bulletin 3067, Revision 3, dated August 24, 1979.

(5) Prior to further flight, modify the center section upper lug in accordance with Boeing Service Bulletin 2959, Revision 4, dated August 17, 1979.

(6) Prior to further flight, modify the center section upper lug in accordance with Boeing Service Bulletin 2959, Revision 4, dated August 17, 1979. Additionally, prior to further flight, repair the outboard fitting upper clevis lug in accordance with Boeing Service Bulletin 2330, Revision 2, dated November 17, 1987; or, for a crack within rework limits, modify the outboard fitting lug in accordance with Boeing Service Bulletin 3253, Revision 4, dated November 17, 1988.

(7) Prior to further flight, modify the center section upper lug in accordance with Boeing Service Bulletin 2959, Revision 4, dated August 17, 1979; and modify the safety strap to maintain a clearance in the hole of the strap in accordance with Boeing Service Bulletin 3067, Revision 3, dated August 24, 1979.

(8) Prior to further flight, modify the center section upper lug in accordance with Boeing Service Bulletin 2959, Revision 4, dated August 17, 1979; and modify the safety strap to maintain a clearance in the hole of the strap in accordance with Boeing Service Bulletin 3067, Revision 3, dated August 24, 1979. Additionally, prior to further flight, repair the outboard fitting upper clevis lug in accordance with Boeing Service Bulletin 2330, Revision 2, dated November 17, 1987; or, for a crack within rework limits, modify the outboard fitting lug in accordance with Boeing Service Bulletin 3253, Revision 4, dated November 17, 1988.

(9) Prior to further flight, install the safety strap as a repair for a cracked lug in accordance with Boeing Service Bulletin 3067, Revision 3, dated August 24, 1979.

(10) Prior to further flight, remove and replace the outboard fitting in accordance with Boeing Alert Service Bulletin A3482, Revision 1, dated August 29, 1991; or, for a crack within rework limits, modify the outboard fitting lug in accordance with Boeing Service Bulletin 3253, Revision 4, dated November 17, 1988. Additionally, prior to further flight, install the safety strap on the center section upper lug as a repair for a cracked lug in accordance with Boeing Service Bulletin 3067, Revision 3, dated August 24, 1979.

(11) Prior to further flight, remove and replace the outboard fitting in accordance with Boeing Alert Service Bulletin A3482, Revision 1, dated August 29, 1991; and install the safety strap on the center section upper lug as a repair for a cracked lug in accordance with Boeing Service Bulletin 3067, Revision 3, dated August 24, 1979.

(12) Prior to further flight, modify the safety strap as a repair for a cracked lug in

accordance with Boeing Alert Service Bulletin A3482, Revision 1, dated August 29, 1991, or Initial Release, dated September 27, 1990.

(13) Prior to further flight, remove and replace the outboard fitting in accordance with Boeing Alert Service Bulletin A3482, Revision 1, dated August 29, 1991; or, for a crack within rework limits, modify the outboard fitting upper lug in accordance with Boeing Service Bulletin 3253, Revision 4, dated November 17, 1988. Additionally, prior to further flight, modify the safety strap on the center section upper lug as a repair for a cracked lug in accordance with Boeing Alert Service Bulletin A3482, Revision 1, dated August 29, 1991, or Initial release, dated September 27, 1990.

(14) Prior to further flight, remove and replace the outboard fitting in accordance with Boeing Alert Service Bulletin A3482, Revision 1, dated August 29, 1991; and modify the safety strap on the center section upper lug as a repair for a cracked lug in accordance with Boeing Alert Service Bulletin A3482, dated September 27, 1990, or Revision 1, dated August 29, 1991.

(15) Prior to further flight, remove and replace the outboard fitting in accordance with Boeing Alert Service Bulletin A3482, Revision 1, dated August 29, 1991; or, for a crack within rework limits, modify the outboard fitting lug in accordance with Boeing Service Bulletin 3253, Revision 4, dated November 17, 1988.

(16) Prior to further flight, remove and replace the outboard fitting in accordance with Boeing Alert Service Bulletin A3482, Revision 1, dated August 29, 1991.

(17) Prior to further flight, modify the safety strap as a repair for a cracked lug in accordance with Boeing Service Bulletin 3067, Revision 3, dated August 24, 1979.

(18) Prior to further flight, remove and replace the outboard fitting in accordance with Boeing Alert Service Bulletin A3482, Revision 1, dated August 29, 1991; or, for a crack within rework limits, modify the outboard fitting lug in accordance with Boeing Service Bulletin 3253, Revision 4, dated November 17, 1988. Additionally, prior to further flight, modify the safety strap on the center section upper lug as a repair for a cracked lug in accordance with Boeing Alert Service Bulletin A3482, dated September 27, 1990, or Revision 1, dated August 29, 1991.

(19) Prior to further flight, remove and replace the outboard fitting in accordance with Boeing Alert Service Bulletin A3482, Revision 1, dated August 29, 1991; and modify the safety strap on the center section upper lug as a repair for a cracked lug in accordance with Boeing Alert Service Bulletin A3482, dated September 27, 1990, or Revision 1, dated August 29, 1991.

(20) Prior to further flight, replace the safety strap with a strap having an interference hole in accordance with Boeing Service Bulletin 3067, Revision 3, dated August 17, 1979.

(21) Prior to further flight, remove and replace the outboard fitting in accordance with Boeing Alert Service Bulletin A3482, Revision 1, dated August 29, 1991; or, for a crack within rework limits, modify the outboard fitting lug in accordance with

Boeing Service Bulletin 3253, Revision 4, dated November 17, 1988. Additionally, prior to further flight, replace the safety strap with a strap having an interference hole in accordance with Boeing Service Bulletin 3067, Revision 3, dated August 17, 1979.

(22) Prior to further flight, remove and replace the outboard fitting in accordance with Boeing Alert Service Bulletin A3482, Revision 1, dated August 29, 1991; and replace the safety strap with a strap having an interference hole in accordance with Boeing Service Bulletin 3067, Revision 3, dated August 17, 1979.

(f) Repeat the inspection of the center section lugs required by paragraph (b) of this AD at intervals not to exceed 1,000 flight cycles or 1 calendar year, whichever occurs first. If a crack is found, prior to further flight, repair or replace the center section lugs in accordance with paragraph (e) of this AD.

(g) Repeat the inspection of the outboard fitting upper clevis lugs required by paragraph (c) of this AD at intervals not to exceed 1,000 flight cycles or 1 calendar year, whichever occurs first. If a crack is found, prior to further flight, repair or replace the outboard fitting upper clevis lugs in accordance with paragraph (e) of this AD.

(h) Repeat the inspection of the safety strap terminal hole and center section attachment locations required by paragraph (d) of this AD at intervals not to exceed 500 flight cycles.

(1) If a crack is found in the terminal hole or in the center section attachment hole/holes of the strap, prior to further flight, replace the safety strap with a strap having an interference fit hole in accordance with Service Bulletin 3067, Revision 3, dated August 17, 1979. The inspections required by this paragraph must be continued after such replacement at intervals not to exceed 500 flight cycles.

(2) Replacement of the center section front spar assembly with an assembly made of 7075-T73 aluminum constitutes terminating action for the inspections required by this paragraph.

(i) Replacement of both the horizontal stabilizer center section front spar assembly and the outboard front spar fittings, with an assembly and fittings made of 7075-T73 aluminum, in accordance with Boeing Service Bulletin 2959, Revision 4, dated August 17, 1979, and Boeing Alert Service Bulletin A3482, Revision 1, dated August 29, 1991, constitutes terminating action for the inspection requirements of this AD.

(j) An alternative method of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate.

**Note:** The request should be forwarded through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Seattle ACO.

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



(l) The inspections, repair, and modifications shall be done in accordance with the following service bulletins:

(1) Boeing Alert Service Bulletin A3482, dated September 27, 1990, or Revision 1, dated August 29, 1991;

(2) Boeing Service Bulletin 3067, Revision 3, dated August 24, 1979;

(3) Boeing Service Bulletin 2959, Revision 4, dated August 17, 1979;

(4) Boeing Service Bulletin 3253, Revision 4, dated November 17, 1988, which contains the following list of effective pages:

| Page No.                                      | Revision level | Date               |
|-----------------------------------------------|----------------|--------------------|
| 1-14, 16, 19, 25, 31, 35, 46-49, 54-56.       | 4              | November 17, 1988. |
| 15, 17-18, 20-24, 26-30, 32-34, 36-45, 50-53. | 3              | February 25, 1988. |

and

(5) Boeing Service Bulletin 2330, Revision 2, dated November 17, 1967, which contains the following list of effective pages:

| Page No.        | Revision level | Date               |
|-----------------|----------------|--------------------|
| 1-4, 14.....    | 2              | November 17, 1967. |
| 5-13, 15-23.... | 1              | October 9, 1967.   |

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, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington, or at the Office of the Federal Register, 1100 L Street NW., room 8401, Washington, DC.

(m) This amendment (39-8170), AD 92-04-01, becomes effective February 25, 1992.

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

**Darrell M. Pederson,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 92-3058 Filed 2-7-92; 8:45 am]

BILLING CODE 4910-13-M

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### 18 CFR Part 271

[Docket No. RM80-53]

#### Maximum Lawful Price and Inflation Adjustments Under the Natural Gas Policy Act

**AGENCY:** Federal Energy Regulatory Commission, DOE.

**ACTION:** Final rule; order of the director, OPFR.

**SUMMARY:** Pursuant to the authority delegated by 18 CFR 375.307(c)(1), the Director of the Office of Pipeline and Producer Regulation revises and publishes the maximum lawful prices prescribed under title I of the Natural Gas Policy Act (NGPA) for the months of February, March and April, 1992. Section 101(b)(6) of the NGPA requires that the Commission compute and publish the maximum lawful prices before the beginning of each month for which the figures apply.

**EFFECTIVE DATE:** February 1, 1992.

**FOR FURTHER INFORMATION CONTACT:** Garry L. Penix, (202) 208-0622.

#### Order of the Director, OPFR

Issued January 29, 1992.

Section 101(b)(6) of the Natural Gas Policy Act of 1978 (NGPA) requires that the Commission compute and make available maximum lawful prices and

inflation adjustments prescribed in title I of the NGPA before the beginning of any month for which such figures apply.

Pursuant to this requirement and § 375.307(c)(1) of the Commission's regulations, which delegates the publication of such prices and inflation adjustments to the Director of the Office of Pipeline and Producer Regulation, the maximum lawful prices for the months of February, March and April, 1992, are issued by the publication of the price tables for the applicable quarter. Pricing tables are found in § 271.101(a) of the Commission's regulations. Table I of § 271.101(a) specifies the maximum lawful prices for gas subject to NGPA sections 102, 103(b)(1), 105(b)(3), 106(b)(1)(B), 107(c)(5), 108 and 109. Table II of § 271.101(a) specifies the maximum lawful prices for sections 104 and 106(a) of the NGPA. Table III of § 271.102(c) contains the inflation adjustment factors. The maximum lawful prices and the inflation adjustment factors for the periods prior to February, 1992, are found in the tables in §§ 271.101 and 271.102.

#### List of Subjects in 18 CFR Part 271

Natural gas.

**Kevin P. Madden,**

*Director, Office of Pipeline and Producer Regulation.*

#### PART 271—[AMENDED]

1. The authority citation for part 271 continues to read as follows:

**Authority:** Natural Gas Act, 15 U.S.C. 717-717w; Department of Energy Organization Act, 42 U.S.C. 7101-7352; E.O. 12009, 3 CFR 1978 Comp., p. 142; Natural Gas Policy Act of 1978, 15 U.S.C. 3301-3432.

#### § 271.101 [Amended]

2. Section 271.101(a) is amended by adding the maximum lawful prices for February, March and April, 1992, in Tables I and II.

TABLE I.—NATURAL GAS CEILING PRICES

[Other Than NGPA sections 104 and 106(a)]

| Subpart of part 271 | NGPA section      | Category of gas                                                                         | Maximum lawful price per MMBtu for deliveries in— |            |            |
|---------------------|-------------------|-----------------------------------------------------------------------------------------|---------------------------------------------------|------------|------------|
|                     |                   |                                                                                         | Feb. 1992                                         | March 1992 | April 1992 |
| B                   | 102.....          | New Natural Gas, Certain OCS Gas <sup>1</sup> .....                                     | \$6.514                                           | \$6.545    | \$6.576    |
| C                   | 103(b)(1).....    | New Onshore Production Wells <sup>2</sup> .....                                         | 3.814                                             | 3.820      | 3.826      |
| E                   | 105(b)(3).....    | Intrastate Existing Contracts.....                                                      | 6.101                                             | 6.125      | 6.149      |
| F                   | 106(b)(1)(B)..... | Alternative Maximum Lawful Price for Certain Intrastate Rollover Gas <sup>3</sup> ..... | 2.182                                             | 2.185      | 2.188      |
| G                   | 107(c)(5).....    | Gas Produced from Tight Formations <sup>4</sup> .....                                   | 7.628                                             | 7.640      | 7.652      |
| H                   | 108.....          | Stripper Gas.....                                                                       | 6.978                                             | 7.011      | 7.045      |
| I                   | 109.....          | Not Otherwise Covered.....                                                              | 3.154                                             | 3.159      | 3.164      |

<sup>1</sup> Commencing January 1, 1985, the price of natural gas finally determined to be new natural gas under section 102(c) was deregulated. (See part 272 of the Commission's regulations.)

<sup>2</sup> Commencing January 1, 1985, and July 1, 1987, the price of some natural gas finally determined to be natural gas produced from a new, onshore production well under section 103 was deregulated. (See part 272 of the Commission's regulations.) Thus, for all months succeeding June 1987 publication of a maximum lawful price per MMBtu under NGPA section 103(b)(2) is discontinued.



<sup>3</sup>Section 271.602(a) provides that for certain gas sold under an intrastate rollover contract the maximum lawful price is the higher of the price paid under the expired contract, adjusted for inflation or an alternative Maximum Lawful Price specified in this Table. This alternative Maximum Lawful Price for each month appears in this row of Table I. Commencing January 1, 1985, the price of some intrastate rollover gas was deregulated. (See part 272 of the Commission's regulations.)

<sup>4</sup>The maximum lawful price for light formation gas is the lesser of the negotiated contract price or 200% of the price specified in subpart C of part 271. The incentive ceiling price does not apply to certain gas after May 12, 1990, as a result of Commission Order No. 519-A. (See § 271.703 of the Commission's regulations.)

TABLE II.—NATURAL GAS CEILING PRICES: NGPA SECTIONS 104 AND 106(A) (SUBPART D, PART 271)

| Category of natural gas and type of sale or contract | Maximum lawful price per MMBtu for deliveries in— |            |            |
|------------------------------------------------------|---------------------------------------------------|------------|------------|
|                                                      | Feb. 1992                                         | March 1992 | April 1992 |
| Post-1974 gas: <sup>2</sup> All producers.....       | \$3.154                                           | \$3.159    | \$3.164    |
| 1973-1974 Biennium gas:                              |                                                   |            |            |
| Small producer.....                                  | 2.660                                             | 2.664      | 2.668      |
| Large producer.....                                  | 2.041                                             | 2.044      | 2.047      |
| Interstate rollover gas: All producers.....          | 1.170                                             | 1.172      | 1.174      |
| Replacement contract gas or recompletion gas:        |                                                   |            |            |
| Small producer.....                                  | 1.499                                             | 1.501      | 1.503      |
| Large producer.....                                  | 1.146                                             | 1.148      | 1.150      |
| Flowing gas:                                         |                                                   |            |            |
| Small producer.....                                  | 0.754                                             | 0.755      | 0.756      |
| Large producer.....                                  | 0.638                                             | 0.639      | 0.640      |
| Certain Permian Basin gas:                           |                                                   |            |            |
| Small producer.....                                  | 0.891                                             | 0.892      | 0.893      |
| Large producer.....                                  | 0.791                                             | 0.792      | 0.793      |
| Certain Rocky Mountain gas:                          |                                                   |            |            |
| Small producer.....                                  | 0.891                                             | 0.892      | 0.893      |
| Large producer.....                                  | 0.754                                             | 0.755      | 0.756      |
| Certain Appalachian Basin gas:                       |                                                   |            |            |
| North subarea contracts dated after 10-7-69.....     | 0.719                                             | 0.720      | 0.721      |
| Other contracts.....                                 | 0.667                                             | 0.668      | 0.669      |
| Minimum rate gas: <sup>1</sup> All producers.....    | 0.392                                             | 0.393      | 0.394      |

<sup>1</sup>Prices for minimum rate gas are expressed in terms of dollars per Mcf, rather than MMBtu.

<sup>2</sup>This price may also be applicable to other categories of gas (see §§ 271.402 and 271.602).

#### § 271.102 [Amended]

3. Section 271.102(c) is amended by adding the inflation adjustment for the months of February, March and April 1992, in Table III.

TABLE III.—INFLATION ADJUSTMENT

| Month of delivery   | Factor by which price in preceding month is multiplied |
|---------------------|--------------------------------------------------------|
| February, 1992..... | 1.00157                                                |
| March, 1992.....    | 1.00157                                                |
| April, 1992.....    | 1.00157                                                |

[FR Doc. 92-2808 Filed 2-7-92; 8:45 am]

BILLING CODE 6717-01-M

#### 18 CFR Part 271

[Docket No. RM80-53]

#### Maximum Lawful Price and Inflation Adjustments Under the Natural Gas Policy Act

**AGENCY:** Federal Energy Regulatory Commission, DOE

**ACTION:** Final Rule; supplemental order of the Director, OPR.

**SUMMARY:** Pursuant to the authority delegated by 18 CFR § 375.307 (c)(1), the Director of the Office of Pipeline and Producer Regulation revises and

publishes the maximum lawful prices prescribed under title I of the Natural Gas Policy Act (NGPA) for the months of February, March and April, 1992. Section 101(b)(6) of the NGPA requires that the Commission compute and publish the maximum lawful prices before the beginning of each month for which the figures apply.

**EFFECTIVE DATE:** February 1, 1992.

#### FOR FURTHER INFORMATION CONTACT:

Garry L. Penix (202) 208-0622.

Supplemental Order of the Director, OPR.

Issued January 31, 1992

The maximum lawful prices and inflation adjustment factors for the months of February, March and April, 1992, listed in the January 29, 1992 Order Of The Director, OPR, were computed using the percentage change in the gross domestic product (GDP) published by the Department of Commerce instead of the gross national product (GNP) required by the Natural Gas Policy Act. The GDP was used because the Department of Commerce advised that the GNP won't be published until February 28, 1992, and that the GDP and GNP are virtually the same. When the GNP is published, revised prices and inflation adjustment factors for the

months of March and April, 1992 will be published, if necessary.

Kevin P. Madden,

Director, Office of Pipeline and Producer Regulation.

[FR Doc. 92-2807 Filed 2-7-92; 8:45 am]

BILLING CODE 6717-01-M

#### DEPARTMENT OF DEFENSE

#### Office of the Secretary

#### 32 CFR Part 340

[DoD Directive 3020.4]

#### Order of Succession of Officers to Act as Secretary of Defense

**AGENCY:** Office of the Secretary, DoD.

**ACTION:** Final rule.

**SUMMARY:** This document implements Executive Order 12787 which establishes the order of succession to act as Secretary of Defense.

**EFFECTIVE DATE:** January 28, 1992.

**ADDRESSES:** General Counsel of the Department of Defense, room 3E999, the Pentagon, Washington, DC 20301.

**FOR FURTHER INFORMATION CONTACT:** F. Holmes, telephone (703) 695-1055



**SUPPLEMENTARY INFORMATION:****Lists of Subjects in 32 CFR Part 340**

Organization and functions  
(Government agencies).

Accordingly, title 32 of the Code of Federal Regulations, chapter 1, subchapter R, is amended to add part 340 to read as follows:

**PART 340—ORDER OF SUCCESSION  
OF OFFICERS TO ACT AS SECRETARY  
OF DEFENSE**

Sec.

340.1 Purpose.

340.2 Applicability.

340.3 Policy.

Authority: 10 U.S.C. 301; E.O. 12787, 56 FR 517, January 7, 1992.

**§ 340.1 Purpose.**

This part establishes the order of succession to act as Secretary of Defense pursuant to Executive Order 12787. The order of succession to act as Secretary of the Army, Secretary of the Navy, and Secretary of the Air Force is specified in 10 U.S.C. 3017, 5017, and 8017.

**§ 340.2 Applicability.**

This part applies to the Office of the Secretary of Defense, the Military Departments, the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Unified and Specified Commands, the Inspector General of the Department of Defense, the Defense Agencies, and the DoD Field Activities.

**§ 340.3 Policy.**

(a) In the event of the death, permanent disability, or resignation of the Secretary of Defense, DoD officials, in the order specified in Executive Order 12787, shall act for and exercise the powers of the Secretary of Defense.

(b) Officials listed in Executive Order 12787 shall be fully familiar with the order of succession to the position of Secretary of Defense.

Dated: February 4, 1992.

L.M. Bynum,

Office of the Secretary of Defense, Alternate  
Federal Register Liaison Officer, Department  
of Defense.

[FR Doc. 92-3045 Filed 2-7-92; 8:45 am]

BILLING CODE 3810-01-M

**Department of the Navy**

**32 CFR Part 706**

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

**AGENCY:** Department of the Navy, DOD.

**ACTION:** Final rule.

**SUMMARY:** The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), to reflect that the Judge Advocate General of the Navy has determined that USS ESSEX (LHD 2) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with certain provisions of the 72 COLREGS without interfering with its special functions as a naval amphibious assault ship. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

**EFFECTIVE DATE:** January 16, 1992.

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

**SUPPLEMENTARY INFORMATION:** Pursuant to the authority granted in 33 U.S.C. 1605, the Department of the Navy amends 32 CFR part 706. This amendment provides notice that the Judge Advocate General of the Navy, under authority delegated by the Secretary of the Navy, has certified that

USS ESSEX (LHD 2) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with 72 COLREGS: Rule 21(a), pertaining to the location of the masthead lights over the fore and aft centerline of the ship; Annex 1, section 2(g), pertaining to the distance of the sidelights above the hull; Annex I, section 3(a), pertaining to the location of the forward masthead light in the forward quarter of the ship; the placement of the after masthead light, and the horizontal distance between the forward and after masthead lights; and Annex I, section 3(b), pertaining to the positioning of the sidelights in relationship to the forward masthead light, without interfering with its special functions as a Navy ship. The Judge Advocate General of the Navy has also certified that the aforementioned lights are located in closest possible compliance with the applicable 72 COLREGS requirements.

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

**List of Subjects in 32 CFR Part 706**

Marine safety, Navigation (Water), and Vessels.

**PART 706—[AMENDED]**

Accordingly, 32 CFR part 706 is amended as follows:

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

Authority: 33 U.S.C. 1605.

**§ 706.2 [Amended]**

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

TABLE TWO

| Vessel         | No.   | Masthead lights, distance to stbd of keel in meters; rule 21(a) | Forward anchor light, distance below flight dk in meters; § 2(k), annex I | Forward anchor light, number of; rule 30(a)(i) | AFT anchor light, distance below flight dk in meters; rule 21(e), rule 30(a)(ii) | AFT anchor light, number of; rule 30(a)(ii) | Side lights, distance below flight dk in meters; § 2(g), annex I | Side lights, distance forward of forward masthead light in meters; § 3(b), annex I | Side lights, distance inboard of ship's sides in meters; § 3(b), annex I |
|----------------|-------|-----------------------------------------------------------------|---------------------------------------------------------------------------|------------------------------------------------|----------------------------------------------------------------------------------|---------------------------------------------|------------------------------------------------------------------|------------------------------------------------------------------------------------|--------------------------------------------------------------------------|
| USS ESSEX..... | LHD 2 |                                                                 |                                                                           |                                                |                                                                                  |                                             | 3.1                                                              | 91.1                                                                               |                                                                          |

**§ 706.2 [Amended]**

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



TABLE FIVE

| Vessel         | No.   | Masthead lights not over all other lights and obstructions. annex I, sec. 2(f) | Forward masthead light not in forward quarter of ship. annex I, sec. 3(a) | After masthead light less than 1/2 ship's length aft of forward masthead light. annex I, sec. (3)(a) | Percentage horizontal separation attained |
|----------------|-------|--------------------------------------------------------------------------------|---------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|-------------------------------------------|
| USS ESSEX..... | LHD 2 |                                                                                | X                                                                         | X                                                                                                    | 39                                        |

Dated: January 16, 1992.

Approved:

J.E. Gordon,

Rear Admiral, JAGC, U.S. Navy.

Judge Advocate General.

[FR Doc. 92-3039 Filed 2-7-92; 8:45 am]

BILLING CODE 3810-AE-M

**32 CFR Part 706****Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972; Amendment****AGENCY:** Department of the Navy, DOD.**ACTION:** Final rule.

**SUMMARY:** The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), to reflect that the Judge Advocate General of the Navy has determined that USS MONTPELIER (SSN 765) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with certain provisions of the 72 COLREGS without interfering with its special functions as a naval submarine. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

**EFFECTIVE DATE:** January 16, 1992.

**FOR FURTHER INFORMATION CONTACT:** Captain R.R. ROSSI, JAGC, U.S. Navy, Admiralty Counsel, Office of the Judge Advocate General, Navy Department, 200 Stovall Street, Alexandria, VA

22332-2400, Telephone number: (703) 325-9744.

**SUPPLEMENTARY INFORMATION:** Pursuant to the authority granted in 33 U.S.C. 1605, the Department of the Navy amends 32 CFR part 706. This amendment provides notice that the Judge Advocate General of the Navy, under authority delegated by the Secretary of the Navy, has certified that USS MONTPELIER (SSN 765) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with 72 COLREGS: Rule 21(c), pertaining to the arc of visibility of the sternlight; Annex I, section 2(a)(i), pertaining to the height of the masthead light; Annex 1, section 2(k), pertaining to the height and relative positions of the anchor lights; and Annex 1, section 3(b), pertaining to the location of the sidelights. Full compliance with the above-mentioned 72 COLREGS provisions would interfere with the special functions and purposes of the vessel. The Judge Advocate General of the Navy has also certified that the aforementioned lights are located in closest possible compliance with the applicable 72 COLREGS requirements.

Notice is also provided to the effect that USS MONTPELIER (SSN 765) is a member of the SSN-688 class of vessels for which certain exemptions, pursuant to 72 COLREGS, Rule 38, have been previously authorized by the Secretary of the Navy. The exemptions pertaining to that class, found in the existing tables of section 706.3, are equally applicable to USS MONTPELIER (SSN 765).

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

**List of Subjects in 32 CFR Part 706**

Marine safety, Navigation (Water), and Vessels.

**PART 706—[AMENDED]**

Accordingly, 32 CFR part 706 is amended as follows:

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

Authority: 33 U.S.C. 1605.

**§ 706.2 [Amended]**

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

| Vessel              | Number  | Distance in meters of forward masthead light below minimum required height. § 2(a)(i), annex I |
|---------------------|---------|------------------------------------------------------------------------------------------------|
| USS MONTPELIER..... | SSN 765 | 3.5                                                                                            |

**§ 706.2 [Amended]**

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

| Vessel              | Number  | Masthead lights, arc of visibility; rule 21(a) | Side lights, arc of visibility; rule 21(b) | Stern light, arc of visibility; rule 21(c) | Side lights, distance inboard of ship's sides in meters; § 3(b), annex I | Stern light distance forward of stern in meters; rule 21(c) | Forward anchor light, height above hull in meters; § 2(k), annex I | Anchor lights, relationship of aft light to forward light in meters; § 2(k), annex I |
|---------------------|---------|------------------------------------------------|--------------------------------------------|--------------------------------------------|--------------------------------------------------------------------------|-------------------------------------------------------------|--------------------------------------------------------------------|--------------------------------------------------------------------------------------|
| USS MONTPELIER..... | SSN 765 |                                                |                                            | 209                                        | 4.3                                                                      | 6.1                                                         | 3.4                                                                | 1.7 below.                                                                           |



Dated: January 16, 1992.

Approved:

J.E. Gordon,

Rear Admiral, JAGC, U.S. Navy, Judge Advocate General.

[FR Doc. 92-3040 Filed 2-7-92; 8:45 am]

BILLING CODE 3810-01-M

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

#### 43 CFR Public Land Order 6922

[ID-943-4214-10; IDI-15624A]

#### Partial Revocation of Executive Order Dated August 31, 1917, Which Established Powersite Reserve No. 654; Idaho

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Public Land Order.

**SUMMARY:** This order revokes an Executive order insofar as it affects 195 acres of land withdrawn for the Bureau of Land Management's Powersite Reserve No. 654. The lands are no longer needed for waterpower development. This action will open 195 acres to surface entry and will permit consummation of a pending land exchange. The 195 acres has been open to mining under the provisions of Mining Claims Rights Restoration Act of 1955 and these provisions are no longer required. The lands have been and will remain open to mineral leasing.

**EFFECTIVE DATE:** March 11, 1992.

#### FOR FURTHER INFORMATION CONTACT:

Larry Lievsay, BLM Idaho State Office, 3380 Americana Terrace, Boise, Idaho 83706, 208-384-3166.

By virtue of the authority vested in the Secretary of the Interior by section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (1988), it is ordered as follows:

1. The Executive Order dated August 31, 1917, which established Powersite Reserve No. 654, is hereby revoked insofar as it affects the following described lands:

Boise Meridian

T. 48 N., R. 1 W.,

Sec. 1, lots 6 and 7;

Sec. 8, S½NW¼.

T. 48 N., R. 1 E.,

Sec. 8, lots 9 and 10.

The areas described aggregate 195 acres in Kootenai County.

2. The State of Idaho has waived its right of selection in accordance with the provisions of section 24 of the Federal Power Act of June 10, 1920, as amended, 41 Stat. 1075; 16 U.S.C. 818 (1988).

3. At 9 a.m. on March 11, 1992, the lands described in paragraph 1 will be open to the operation of the public land laws generally subject to valid existing rights, the provisions of existing withdrawals and reservations, other segregations of record, and the requirements of applicable law. All valid applications received at or prior to 9 a.m. on March 11, 1992, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

The lands described in paragraph 1 have been open to mining under the provisions of the Mining Claims Rights Restoration Act of 1955, Public Law 359, Act of August 11, 1955, 69 Stat. 682; 30 U.S.C. 621 and these provisions are no longer required.

Dated: January 31, 1992.

Dave O'Neal,

Secretary of the Interior.

[FR Doc. 92-3048 Filed 2-7-92; 8:45 am]

[BILLING CODE 4310-GG-M]

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 69

[CC Docket No. 78-72; FCC 91-327]

#### Access Charges

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice.

**SUMMARY:** The Commission adopted a Memorandum Opinion and Order reaffirming its approval of proposed revisions to the average schedule formulas that were filed by the National Exchange Carrier Association, Inc. (NECA) on September 17, 1985. The Commission first approved the proposed revisions on April 11, 1986, 103 FCC 2d 1017. However, in July 1987, the United States Court of Appeals for the District of Columbia Circuit remanded, for further explanation, the Commission's approval of those revisions. In reaffirming its earlier approval of NECA's proposed revisions to the average schedules, the Commission rejected a proposed alternative methodology for computing the schedules, found reasonable support for the transition plan that was contained in NECA's proposal, and concluded that the methodologies, data, and formulas that NECA utilized were reasonable.

**ADDRESSES:** Federal Communications Commission, 1919 M Street NW., Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** Kent Nilsson, (202) 632-6363. Policy and

Program Planning Division, Common Carrier Bureau.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Memorandum Opinion and Order in CC Docket No. 78-72, adopted October 21, 1991, and released November 15, 1991 (FCC 91-327). The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 239), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, Downtown Copy Center, 1114 21st Street NW., Washington, DC 20037, (202) 452-1422.

#### Memorandum Opinion and Order

1. In 1983, average schedules were first filed with the Commission. Average schedules are used to compensate certain local exchange carriers for the use of their services in originating and terminating interstate calls. In 1985, NECA filed proposed revisions to the average schedules which were approved by the Commission on April 11, 1986. Although ICORE, a consulting firm representing companies that would have experienced large settlement reductions under the 1986 revisions, objected to the proposed schedules, the Commission concluded that the proposed schedules contained more recent data, eliminated traffic volume based compensation under the average revenue per message schedules, and complied more closely with its rules.

2. The ICORE exchange carriers filed a petition for review of the Commission's approval of the 1986 schedules. In 1987, the United States Court of Appeals for the District of Columbia Circuit remanded for further consideration that portion of the Commission's decision that approved NECA's proposed settlement schedules and transition plan.

3. In response to the court's remand, the Commission's Common Carrier Bureau directed 35 questions to NECA concerning the data, statistical tests, methodologies, and safeguards that NECA had employed in preparing its proposed revisions. The Common Carrier Bureau then sought public comment on NECA's responses in light of the court's remand order and the record that had been before the court.

4. On October 21, 1991, the Commission adopted a Memorandum Opinion and Order (FCC 91-327) reaffirming its earlier approval of the average schedules that were in effect between June 1, 1986 and March 31, 1989. The Commission concluded that



there was a reasonable basis to approve the 1986 schedules. The Commission also rejected a proposed alternative methodology for computing the schedules and found reasonable support for the transition plan established in the 1986 schedules. The Commission did, however, permit certain exchange carriers that had received transition payments to elect to have NECA perform cost studies of their operations and receive compensation on that basis.

#### Ordering Clauses

1. *Accordingly, It Is Ordered* That the Commission's April 11, 1986 approval of NECA's average schedule *Is Reaffirmed As Modified Herein*;

2. *It Is Further Ordered* That NECA shall perform cost studies and make the settlements adjustments that are appropriate in light of those studies *As Specified Herein*;

3. *It Is Further Ordered* That NECA shall promptly transmit to the Secretary, Federal Communications Commission, the name and address of each exchange carrier that may properly elect to be cost studied by NECA pursuant to this order;

4. *It Is Further Ordered* That the motions of all parties to this proceeding are granted to the extent stated herein and otherwise are, in all respects, denied;

5. *It Is Further Ordered* That this proceeding is terminated.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 92-2940 Filed 2-7-92; 8:45 am]

BILLING CODE 6712-01-M

#### 47 CFR Part 73

[MM Docket No. 91-239; RM-7769]

#### Radio Broadcasting Services; Antigo, WI

AGENCY: Federal Communications Commission.

ACTION: Final rule.

**SUMMARY:** This document allots Channel 291C3 to Antigo, Wisconsin, as that community's second FM broadcast service in response to a petition filed by Nicolet Broadcasting, Inc. See 56 FR 41812, August 23, 1991. Canadian concurrence has been obtained for this

allotment at coordinates 45-08-54 and 89-09-00. With this action, this proceeding is terminated.

**EFFECTIVE DATE:** March 20, 1992. The window period for filing applications for Channel 291C3 at Antigo will open on March 23, 1992, and close on April 22, 1992.

**FOR FURTHER INFORMATION CONTACT:** Kathleen Scheuerle, Mass Media Bureau, (202) 634-6530.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Report and Order, MM Docket No. 91-239, adopted January 23, 1992, and released February 4, 1992. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may be purchased from the Commission's copy contractors, Downtown Copy Center, 1714 21st Street, NW., Washington, DC 20036, (202) 452-1422.

#### List of Subjects in 47 CFR Part 73

Radio broadcasting.

#### PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

#### § 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Wisconsin, is amended by adding Channel 291C3 at Antigo.

Federal Communications Commission.

Michael C. Ruger,

Assistant Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 92-3063 Filed 2-7-92; 8:45 am]

BILLING CODE 6712-01-M

#### 47 CFR Part 73

[MM Docket No. 91-299; RM-7812]

#### Television Broadcasting Services; Tamuning, Guam

AGENCY: Federal Communications Commission.

ACTION: Final rule.

**SUMMARY:** This document allots UHF television Channel 20 to Tamuning, Guam, as the community's second local service, at the request of Guahan Airwaves, Inc. See 56 FR 52497, October 21, 1991. Channel 20 can be allotted to Tamuning in compliance with the Commission's minimum distance separation requirements. The coordinates for this allotment are North Latitude 13-29-02 and West Longitude 144-46-36. Although the Commission has imposed a freeze on television allotments in certain areas, Tamuning is not in one of the affected areas. With this action, this proceeding is terminated.

**EFFECTIVE DATE:** March 20, 1992.

**FOR FURTHER INFORMATION CONTACT:** Nancy J. Walls, Mass Media Bureau, (202) 634-6530.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Report and Order, MM Docket No. 91-299, adopted January 24, 1992, and released February 4, 1992. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, Downtown Copy Center, (202) 452-1422, 1714 21st Street, NW., Washington, DC 20037.

#### List of Subjects in 47 CFR Part 73

Television broadcasting.

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

#### § 73.606 [Amended]

2. Section 73.606(b), the Television Table of Allotments under Guam, is amended by adding Channel 20 at Tamuning.

Federal Communications Commission.

Michael C. Ruger,

Assistant Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 92-3062 Filed 2-7-92; 8:45 am]

BILLING CODE 6712-01-M



# Proposed Rules

Federal Register

Vol. 57, No. 27

Monday, February 10, 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 LABOR

### Occupational Safety and Health Administration

#### 29 CFR Part 1910

[Docket No. S-760-B]

RIN 1218-AB27

#### Accreditation of Training Programs for Hazardous Waste Operations

**AGENCY:** Occupational Safety and Health Administration, Labor.

**ACTION:** Proposed rule; limited reopening of the record and request for comments.

**SUMMARY:** The Occupational Safety and Health Administration (OSHA) issued a proposal January 26, 1990 (55 FR 2776) to accredit training programs for hazardous waste operations which asked whether OSHA should also accredit training programs for emergency response to incidents involving hazardous substances. Comments have been received, public hearings have been held and the public rulemaking record has been closed.

OSHA recently received the final report of a survey which collected information on the number, type and characteristics of training programs for hazardous waste and emergency response workers. Eastern Research Group, Inc. (ERG) performed this study. With this notice OSHA announces the availability of the ERG report and reopens the public record for Docket S-760B to receive public comment only on the ERG report and the survey results.

**DATES:** Comments must be postmarked by March 26, 1992.

**ADDRESSES:** 1. Copies of the report are available at or upon either telephone or written request to the Docket Office, Occupational Safety and Health Administration, room N-2625, U.S. Department of Labor, 200 Constitution Ave., NW., Washington, DC 20210; Telephone: (202) 523-7894.

2. Written comments on the report should be submitted in quadruplicate to

the Docket Office, Docket No. S-760-B, OSHA room N-2625, U.S. Department of Labor, 200 Constitution Ave., NW., Washington, DC 20210.

#### FOR FURTHER INFORMATION CONTACT:

Mr. James F. Foster, Office of Information and Consumer Affairs, Occupational Safety and Health Administration, room N-3647, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210, 202-523-8151.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

OSHA has rules regulating hazardous waste and emergency response operations located at 29 CFR 1910.120 which include training requirements. Congress has directed that OSHA accredit such training programs in certain circumstances. OSHA proposed January 26, 1990 (55 FR 2776) to accredit hazardous waste training programs and asked whether it should accredit emergency response training programs.

Comments were received pursuant to the proposal. At public request, hearings were also held (see 55 FR 30720, July 27, 1990 and 55 FR 45616, October 30, 1990). Final post-hearing briefs were received May 1, 1991 and the record was closed August 9, 1991.

Separately OSHA has collected information on characteristics of selected training programs for emergency response personnel for hazardous materials incidents. This data collection was initiated to help OSHA fulfill its part of a 5-Agency Task Force on developing emergency response training programs. That 5-Agency Task Force included the U.S. Department of Transportation (DOT), the U.S. Environmental Protection Agency (EPA), the Federal Emergency Management Agency (FEMA), the U.S. Department of Labor (DOL), and the U.S. Department of Health and Human Services (HHS).

Specifically, OSHA needed the information to:

1. Identify emergency response training courses that could be used by the Agency as models of effective programs. OSHA may prepare its own training courses (or adapt existing courses) to fulfill its responsibilities to contribute to the 5-Agency Task Force; and

2. Analyze the collective effectiveness of emergency response training programs in meeting the requirements of

previous OSHA regulations, in particular, 29 CFR 1910.120.

OSHA conducted a survey to collect this information. The survey was submitted to the Office of Management and Budget (OMB) for approval and public comments on the survey instrument were requested on March 22, 1991 (56 FR 12261). OSHA requested that OMB complete its review by May 8, 1991. As a result of the process the survey's emphasis was refocused. The survey was performed by Eastern Research Group (ERG). The survey covered the technical content of training programs, the use of videos, equipment demonstrations and simulations, the methods used to test students, and the means used to provide feedback to instructors about their training effectiveness.

As part of their analysis, ERG also collected information on a selected number of training programs for workers employed at uncontrolled hazardous waste sites and at hazardous waste management facilities.

##### II. Agency Action

ERG has prepared a final report on the results of the voluntary telephone survey and recently submitted that report to OSHA. Upon review, OSHA believes that the results of the survey may be of some use when it makes final decisions on the proposed standard for the accreditation of training programs for hazardous waste operations and on whether training for emergency response should be accredited. Accordingly, the Agency submitted this report to the public record and is granting the public an opportunity to review and comment on the report and survey results and its relevance to the proposed standard. OSHA is not reopening the record for any other purposes.

##### III. Public Participation

Interested persons are invited to submit written data, views, and arguments with respect to this report and survey. These comments must be postmarked by March 26, 1992 and submitted in quadruplicate to the Docket Officer, Docket No. S-760-B, room N-2625, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210, telephone (202) 523-7894. The report is available for inspection and copying in the Docket Office. In



addition, to facilitate public comment, OSHA will mail copies of the report to parties who request a copy by mail, phone, or telefacsimile (FAX) from the Docket Office. Since the report is itself too long to send via FAX, OSHA will be unable to honor any request to FAX copies of the report. Comments limited to 10 pages or less also may be transmitted by FAX to (202) 523-5046 or (for FTS) 8-523-5046 by the date specified, provided the original and 3 copies are sent to the Docket Office within three days thereafter. There is no need to resubmit comments already submitted.

Written submissions must clearly identify the findings of the report which are addressed and the position taken with respect to each finding. The data, views, and arguments that are submitted will be available for public inspection and copying at the above address. All timely written submissions will be made a part of the record of the proceeding.

#### List of Subjects in 29 CFR Part 1910

Flammable materials, Hazardous substances, Hazardous wastes, Training programs, Waste treatment and disposal.

**Authority:** This document was prepared under the direction of Dorothy L. Strunk, Acting Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington DC 20210.

It is issued pursuant to sections 6 and 8 of the Occupational Safety and Health Act of 1970, Public Law 91-596, (29 U.S.C. 655, 657), the Superfund Amendments and Reauthorization Act of 1986 as amended (29 U.S.C. 655, note), section 4 of the Administrative Procedures Act (5 U.S.C. 553), 29 CFR

part 1911 and Secretary of Labor's Order No. 1-90 (55 FR 9033) as applicable.

Signed at Washington, DC this 3rd day of February, 1992.

**Dorothy L. Strunk,**

*Acting Assistant Secretary of Labor.*

[FR Doc. 92-3061 Filed 2-7-92; 8:45 am]

BILLING CODE 4510-26-M

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[MM Docket No. 92-14, RM-7884]

### Radio Broadcasting Services; Ashland, WI

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This document requests comments on a petition filed by the Phoenix Media Group proposing the allotment of Channel 227C1 to Ashland, Wisconsin, as that community's second FM broadcast service. There is a site restriction 8.5 kilometers (5.3 miles) northwest of the community. Canadian concurrence will be requested for this allotment at coordinates 46-39-30 and 90-56-00.

**DATES:** Comments must be filed on or before March 27, 1992, and reply comments on or before April 13, 1992.

**ADDRESSES:** Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: Steven T. Moravec, Phoenix Media Group, 1407 Summer Street, suite 200, St. Paul, Minnesota 55116.

### FOR FURTHER INFORMATION CONTACT:

Kathleen Scheuerle, Mass Media Bureau, (202) 634-6530.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 92-14, adopted January 23, 1992, and released February 4, 1992. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, Downtown Copy Center, 1714 21st Street, NW., Washington, DC 20036, (202) 452-1422.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

### List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

**Michael C. Ruger,**

*Assistant Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.*

[FR Doc. 92-3064 Filed 2-7-92; 8:45 am]

BILLING CODE 6712-01-M



# Notices

Federal Register

Vol. 57, No. 27

Monday, February 10, 1992

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

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

[Docket No. 91-188]

#### Availability of Environmental Assessment and Finding of No Significant Impact for Oriental Fruit Fly Regulatory Program; Record of Decision

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Notice.

**SUMMARY:** We are advising the public that the Animal and Plant Health Inspection Service has prepared and is making available an environmental assessment for the Oriental Fruit Fly Regulatory Program, a finding of no significant impact, and the Agency record of decision. The preparation of an environmental assessment was necessary to evaluate the effects of a program to prevent the spread of the oriental fruit fly noninfested areas of the United States, and to determine the program's potential effects upon the environment, including human health, nontarget organisms, endangered and threatened species, cumulative impacts, and unavoidable environmental effects. The analysis of the alternatives in the environmental assessment resulted in a finding of no significant impact.

**ADDRESSES:** Copies of the environmental assessment, finding of no significant impact, and record of decision are available for public inspection at USDA, room 1141, South Building, 14th Street and Independence Avenue, SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Copies of the environmental assessment, finding of no significant impact, and record of decision are also available upon request from Michael B. Stefan, Operations Officer, Domestic and Emergency

Operations, Plant Protection and Quarantine, APHIS, USDA, room 642, Federal Building, 6505 Belcrest Road, Hyattsville, MD, 20782, (301) 436-8247.

**FOR FURTHER INFORMATION CONTACT:** Harold Smith, Environmental Protection Officer, Environmental Analysis and Documentation, Biotechnology, Biologics, and Environmental Protection, APHIS, USDA, room 543, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-8565.

#### SUPPLEMENTARY INFORMATION:

##### Background

The oriental fruit fly, *Bactrocera dorsalis* (Hendel), is a destructive pest of numerous fruits (especially citrus fruits), nuts, vegetables, and berries. The oriental fruit fly can cause serious economic losses. Heavy infestations can cause complete loss of some crops. The short life cycle of this pest permits the rapid development of large populations resulting in serious outbreaks. It belongs to the fruit fly family *Tephritidae*.

The United States Department of Agriculture (USDA) is authorized to establish quarantine areas under the Plant Quarantine Act of 1912, as amended, (7 U.S.C. 151-165, 167), which regulates the importation of nursery stock, plants, and plant products; and establishes quarantine districts to regulate the movement of fruits, vegetables, and plants for purposes such as interstate shipments. The Federal Plant Pest Act of 1957 (7 U.S.C. 150) authorizes USDA to use emergency measures set up by the Secretary; it authorizes inspections and seizures of regulated articles. The Domestic Quarantine Notices, Subpart Oriental Fruit Fly (7 CFR 301.93 *et seq.*) sets forth the Agency regulations to be followed for oriental fruit fly infestations.

In 1990, trapping surveys by inspectors of California State and county agencies and by inspectors of the Animal and Plant Health Inspection Service (APHIS), USDA, revealed that portions of Los Angeles, Riverside, and San Bernardino Counties in California are infested with the oriental fruit fly. Specifically, inspectors collected 37 male oriental fruit flies and 1 female oriental fruit fly in traps in portions of Los Angeles, Riverside, and San Bernardino Counties in California between September 20, and October 4, 1991. Therefore, in a document published November 13, 1991 (56 FR

57579-57587; Docket No. 91-149), these areas were placed under quarantine and Federal regulations were established to prevent the spread of the oriental fruit fly to other states.

Initiated in cooperation with State agriculture departments, the Oriental Fruit Fly Regulatory Program involves the establishment of quarantine areas, and the designation of regulated articles (host materials capable of harboring the oriental fruit fly), and requires various treatments as a means for certifying or permitting movement of the regulated articles. The regulatory program uses some control measures to prevent the spread of the oriental fruit fly, but does not include control measures associated solely with its eradication or suppression. The environmental assessment (EA) has been prepared to evaluate the effects of the regulatory program to prevent the spread of the oriental fruit fly.

#### Alternatives

The EA identifies and discusses the three following program alternatives for preventing the spread of the oriental fruit fly:

- (1) No action;
- (2) Quarantine only; and
- (3) Quarantine and commodity certification.

The EA identifies the quarantine and commodity certification alternative as the preferred alternative for preventing the spread of the oriental fruit fly. The quarantine and commodity certification alternative includes restricting untreated, regulated commodities harvested within the quarantine area to movement within that area and permitting treated, regulated commodities to movement outside the quarantined area only upon issuance of a certificate or limited permit.

#### Major Issues

The major issues discussed in the EA are the environmental impacts, consequences, and mitigation measures. Included in the EA is an analysis of the toxicological and environmental fate properties of the treatment methods. Potential environmental effects of the alternatives to human health, nontarget organisms, endangered species, cumulative impacts, and unavoidable environmental effects are analyzed.



**Record of Decision**

The operational procedures and mitigation measures identified in the EA will ensure that no significant environmental impacts occur to the human environment. Wildlife and species of concern will be protected from significant environmental risks by program design, the directed nature of program treatments, and specific mitigative measures. Cumulative effects also were considered, and the carefully coordinated use of chemical and other control methods in this program will not have a cumulative adverse effect on the environment. It is concluded that there will be no significant primary or secondary effects, negligible long term effects, and no significant unavoidable effects on the environment, expected as a consequence of the program.

The EA and finding of no significant impact have been prepared in accordance with: (1) The National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 *et seq.*), (2) Regulations of the Council on Environmental Quality for Implementing the Procedural Provisions of NEPA (40 CFR parts 1500-1508), (3) USDA Regulations Implementing NEPA (7 CFR part 1b), and (4) APHIS Guidelines Implementing NEPA (44 FR 50381-50384, August 28, 1979, and 44 FR 51272-51274, August 31, 1979).

Done in Washington, DC, this 4th day of January 1992.

Robert Melland,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 92-3104 Filed 2-7-92; 8:45 am]

BILLING CODE 3410-34-M

**DEPARTMENT OF COMMERCE****Agency Forms Under Review by the Office of Management and Budget (OMB)**

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

**Agency:** Bureau of Economic Analysis.  
**Title:** Unemployment Insurance Benefit Payments by County.

**Form Number:** N/A.  
**OMB Approval Number:** 0608-0038.  
**Type of Request:** Extension of the expiration date of a currently approved collection.

**Burden:** 244 hours.  
**Number of Respondents:** 24.  
**Avg Hours Per Response:** 6 hours.  
**Needs and Uses:** The Bureau of Economic Analysis prepares county

estimates of personal income. To produce country estimates of unemployment benefit payments, which are a part of personal income, it is necessary to request data directly from the responsible State agencies. The data which are compiled by the States for their own administrative purposes are only available from the State administering the programs.

**Affected Public:** State Government agencies.

**Frequency:** Annually.  
**Respondent's Obligation:** Voluntary.  
**OMB Desk Officer:** Paul Buggs, (202) 395-3093.

**Agency:** International Trade Administration.

**Title:** Information on Articles for Physically Handicapped Persons Imported Free of Duty.

**Form Number:** ITA-362P.  
**OMB Approval Number:** 0625-0118.  
**Type of Request:** Extension of the expiration date of a currently approved collection.

**Burden:** 185 hours.  
**Number of Respondents:** 370.  
**Avg Hours Per Response:** 5 minutes.  
**Needs and Uses:** Congress, when it enacted legislation to implement the Nairobi Protocol to the Florence Agreement, included a provision for the Departments of Treasury and Commerce to collect information on the import of articles for the handicapped. The legislation provided for the temporary implementation of most treaty provisions in a more liberal fashion than strictly required by the Protocol. To ensure that this liberality did not cost U.S. jobs in affected commerce, Congress established a safeguard mechanism under which the U.S. could modify its tariff treatment in the event domestic injury resulted from importation of such items. The data collected assists the U.S. Government to assess domestic injury.

**Affected Public:** State or local governments, Federal agencies, and non-profit institutions.

**Frequency:** On occasion.  
**Respondent's Obligation:** Required to obtain or retain a benefit.

**OMB Desk Officer:** Gary Waxman, (202) 395-7340.

**Agency:** International Trade Administration.

**Title:** Request for Duty-Free Entry of Scientific Instruments or Apparatus.

**Form Number:** ITA-338P.  
**OMB Approval Number:** 0625-0037.  
**Type of Request:** Extension of the expiration date of a currently approved collection.

**Burden:** 600 hours.  
**Number of Responses:** 300.

**Avg Hours Per Response:** 2 hours.

**Needs and Uses:** The Departments of Commerce and Treasury are required to determine whether institutions importing scientific instruments are entitled to duty-free treatment under the Florence Agreement. To be eligible the Federal government must find that: (1) The applicant is a non-profit institution established for scientific or educational purposes; (2) the instrument is a scientific instrument in one of the tariff categories listed by the law; (3) and that there is not an equivalent instrument being manufactured in the U.S.

**Affected Public:** State or local governments, Federal agencies, and non-profit institutions.

**Frequency:** On occasion.

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

**OMB Desk Officer:** Gary Waxman, (202) 395-7340.

**Agency:** Minority Business Development Agency.

**Title:** Business Development Report.

**Form Number:** N/A.

**OMB Approval Number:** 0640-0005.

**Type of Request:** Revision of a currently approved collection.

**Burden:** 9,600 hours.

**Number of Responses:** 19,200.

**Avg Hours Per Response:** 30 minutes.

**Needs and Uses:** The Business Development Report identifies business clients receiving agency-sponsored management and technical assistance and the kind of assistance each receives. MBDA needs this information for program evaluation, program planning and monitoring.

**Affected Public:** Individuals or households, state or local government, businesses or other institutions, and small businesses or organizations.

**Frequency:** Quarterly

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

**OMB Desk Officer:** Gary Waxman, (202) 395-7340.

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

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



Dated: February 4, 1992.

Edward Michals,

*Departmental Forms Clearance Officer,  
Office of Management and Organization.*

[FR Doc. 92-3120 Filed 2-7-92; 8:45 am]

BILLING CODE 3510-CW

## Foreign-Trade Zones Board

[Order No. 560]

### Resolution and Order Approving the Request of the Greater Kansas City Foreign-Trade Zone, Inc., for Rescission of Restrictions 1 and 2, Board Order 454, Foreign-Trade Subzone 15E, Kawasaki Small Engine Plant, Nodaway County, Missouri; Proceedings of the Foreign-Trade Zones Board, Washington, DC; Resolution and Order

Pursuant to the authority granted in the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a-81u), the Foreign-Trade Zones Board has adopted the following Resolution and Order:

The Board, having considered the matter, hereby orders:

After consideration of the application of the Greater Kansas City Foreign-Trade Zone, Inc., grantee of Foreign-Trade Zone 15 and Subzone 15E at the small engine/transmission manufacturing plant of Kawasaki Motors Manufacturing Corporation U.S.A. (KMM) in Nodaway County, Missouri, for rescission of Restrictions 1 and 2 in FTZ Board Order 454 approving Subzone 15E (time limit and review), upon review, the Board, finding that KMM's operations under zone procedures have proceeded in accordance with the plan outlined in the application, approves the request subject to special monitoring under the FTZ Board's regulations to ensure continuing adherence to the plan. This action establishes the scope of this subzone activity as including engines and related drive train parts.

The Secretary of Commerce, as Chairman and Executive Officer of the Board, is hereby authorized to issue a grant of authority and appropriate Board Order.

Signed at Washington, DC, this 31st day of January, 1992.

Alan M. Dunn,

*Assistant Secretary of Commerce for Import Administration, Chairman, Committee of Alternates, Foreign-Trade Zones Board.*

Attest:

John J. Da Ponte, Jr.,  
*Executive Secretary.*

[FR Doc. 92-3121 Filed 2-7-92; 8:45 am]

BILLING CODE 3510-DS-M

## International Trade Administration

[A-583-803]

### Preliminary Results of Antidumping Duty Administrative Review; Light-Walled Rectangular Carbon Steel Tubing From Taiwan

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

**ACTION:** Notice of preliminary results of antidumping duty administrative review.

**SUMMARY:** In response to a request by petitioners, the Department of Commerce is conducting an administrative review of the antidumping duty order on light-walled welded rectangular carbon steel tubing ("LWRT") from Taiwan. The review covers shipments of this merchandise to the United States from one exporter during the period March 1, 1990 through February 28, 1991. As a result of this review, the Department has preliminarily determined that the weighted average margin for the company under review is 7.46 percent. Interested parties are invited to comment on these preliminary results.

**EFFECTIVE DATE:** February 10, 1992.

**FOR FURTHER INFORMATION CONTACT:** Will Sjoborg or Alain Letort, Office of Agreements Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone (202) 377-3793 or telefax (202) 377-1388.

#### SUPPLEMENTARY INFORMATION:

##### Background

On February 3, 1989, the Department of Commerce ("the Department") published in the *Federal Register* an antidumping duty order on LWRT from Taiwan (54 FR 5532). On March 8, 1991, we published in the *Federal Register* a notice of opportunity to request an administrative review of this order (56 FR 9936). On March 29, 1991, the Mechanical Tubing Subcommittee of the Committee on Pipe and Tube Imports and its individual members, petitioners, requested an administrative review of this order citing Ornatube Enterprise Co. Ltd. ("Ornatube") as the only producer/exporter to be reviewed. On April 18, 1991, we initiated the review, covering the period beginning on March 1, 1990, and ending on February 28, 1991 (56 FR 15856). The Department is now conducting this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended ("the Act").

This review covers shipments of LWRT from Taiwan to the United States by Ornatube.

#### Scope of the Review

Imports covered by this review are shipments of light-walled welded carbon steel pipes and tubes of rectangular (including square) cross-section having a wall thickness of less than 0.156 inch. Until January 1, 1989, this merchandise was classifiable under item number 610.4928 of the Tariff Schedules of the United States, Annotated ("TSUSA"). Since that date, these products have been classifiable under item number 7306.60.5000 of the Harmonized Tariff Schedule ("HTS"). As with the TSUSA number, the HTS number is provided for convenience and customs purposes. The written product description remains dispositive.

#### Fair Value Comparisons

To determine whether sales in the United States of LWRT from Taiwan were made at less than fair value, we compared United States price with foreign market value.

#### United States Price

In accordance with section 772(b) of the Act, we based United States price on purchase price because the merchandise was sold to unrelated purchasers in the United States prior to its importation. We calculated purchase price based on c. & f. or c.i.f. packed prices to U.S. customers.

We made deductions from purchase price, where appropriate, for foreign inland freight, ocean freight, marine insurance, brokerage and handling charges, bank charges, and export taxes. We made an addition to purchase price for duty drawback where the exported merchandise was manufactured with steel coil imported from outside Taiwan.

#### Foreign Market Value

On June 18, 1991, the Department received a response to its antidumping questionnaire from Ornatube. On August 26, 1991, petitioners alleged, based upon information in the questionnaire response, that Ornatube's home-market sales were made at prices below the cost of production. After reviewing this allegation, the Department issued a cost of production questionnaire on September 18, 1991. Ornatube submitted a response to that questionnaire on October 22, 1991. After determining that Ornatube's cost of production questionnaire response was inadequate, the Department issued the respondent a deficiency letter on December 12, 1991. In a letter received



by the Department on December 30, 1991, Ornatube stated that it considered it had already responded to the cost of production questionnaire and would not be providing the Department with any further information on production costs.

Because Ornatube's cost of production questionnaire response contained no factual data with respect to cost of materials, labor, energy, selling and administrative expenses, and other key components of production costs, the Department, in accordance with section 776(c) of the Act, based FMV on the best information otherwise available. In the instant case, the Department determined that the best information otherwise available was the production cost data provided by petitioners.

Because Ornatube's home-market sales were below the production costs supplied by petitioners, in accordance with section 773(a)(2) of the Act, the Department used constructed value, based on petitioners' production cost data as foreign market value.

In accordance with section 773(e) of the Act and for purposes of these preliminary results, we calculated constructed value as the sum of the cost of materials and fabrication of the exported merchandise, plus general expenses not less than 10 percent of the cost of materials and fabrication, plus profit not less than 8 percent of the sum of the cost of materials, fabrication, and general expenses. In cases where the exported merchandise was produced with steel coil purchased in Taiwan, we reduced constructed value by the amount of the rebate paid to Ornatube by the domestic coil producer upon exportation of the subject merchandise. In order to adjust for differences in packing between the two markets, we added U.S. packing costs to constructed value in accordance with section 773(a)(1)(B) of the Act. In accordance with section 773(a)(4)(B) of the Act and 19 CFR 353.56(a)(2), we made an adjustment to constructed value for differences in commissions between the two markets. In accordance with 19 CFR 353.56(b)(1), we limited the adjustment for differences in commissions to the amount of indirect selling expenses in the home market because Ornatube paid sales commissions in the United States but not in the home market.

#### Results of the Review

As a result of our comparison of United States price to foreign market value, we preliminarily determine that the weighted-average dumping margin for Ornatube is 7.46 percent.

The Department shall determine, and the U.S. Customs Service shall assess, antidumping duties on all appropriate

entries. Individual differences between United States price and foreign market value may vary from the percentages stated above. The Department will issue appraisement instructions directly to the Customs Service upon completion of this review.

Furthermore, the following deposit requirements will be effective upon publication of the final results of this review for all shipments of the subject merchandise from Taiwan that are entered or withdrawn from warehouse for consumption on or after the publication date, as provided by section 751(a)(1) of the Tariff Act: (1) The cash deposit rate for Ornatube will be that established in the final results of this review; (2) for merchandise exported by manufacturers or exporters not covered in this review but covered in previous reviews or the final determination in the original less-than-fair-value investigation, the cash deposit rate will continue to be the rate published in the most recent final results or determination for which the manufacturer or exporter received a company-specific rate; (3) if the exporter is not a firm covered in this or a prior review, but the manufacturer is, the cash deposit rate will be that established for the manufacturer of the merchandise in the final results of this review or the most recent review or, if not covered in this review or an earlier review, the rate from the less-than-fair-value investigation; and (4) the cash deposit rate for any future entries from all other manufacturers or exporters who are not covered in this or prior administrative reviews and who are unrelated to the reviewed firm or any previously reviewed firm, will be the rate established in the final results of this administrative review. This is the most current non-BIA rate for any firm in this proceeding.

Interested parties may submit briefs and/or written comments not later than 30 days after the date of publication. The same parties may file rebuttal briefs and rebuttals to written comments, limited to issues raised in the case briefs and comments, not later than 37 days after the date of publication. The Department will publish the final results of this administrative review, including the results of its analysis of issues raised in any such written comments or at a hearing.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22.

Dated: January 31, 1992.

Alan M. Dunn,

Assistant Secretary for Import Administration.

[FR Doc. 92-3122 Filed 2-7-92; 8:45 am]

BILLING CODE 3510-DS-M

#### Short Supply Review: Certain Hexagonal and Trilobe Steel Tubes

**AGENCY:** Import Administration/ International Trade Administration, Commerce.

**ACTION:** Notice of short-supply review and request for comments; certain hexagonal steel tubes and trilobe steel tubes.

**SUMMARY:** The Secretary of Commerce ("Secretary") hereby announces a review and request for comments on a short-supply request for 28 metric tons of certain hexagonal steel tube and trilobe steel tubes through March 31, 1992 under Article 7 of the Arrangement Between the European Economic Community and the Government of the United States of America Concerning Trade in Certain Steel Pipes and Tubes ("the U.S.-EC Arrangement").

**SHORT-SUPPLY REVIEW NUMBER:** 65.

**SUPPLEMENTARY INFORMATION:** Pursuant to Section 4(b)(4)(A) of the Steel Trade Liberalization Program Implementation Act, Public Law No. 101-221, 103 Stat. 1886 (1989) ("the Act"), and § 357.102 of the Department of Commerce's Short-Supply Procedures, 19 CFR 357.102 ("Commerce's Short-Supply Procedures"), the Secretary hereby announces that a short-supply determination is under review with respect to certain hexagonal steel tubes and trilobe steel tubes.

On February 4, 1992, the Secretary received an adequate petition from AL-KO Kober Corporation ("AL-KO Kober") requesting a short-supply allowance for 28 metric tons of this product through March 31, 1992 under Article 7 of the U.S.-EC Arrangement. AL-KO Kober is requesting short supply for this material because it alleges this product is not produced in the United States and because its foreign supplier has insufficient quota of this product to meet AL-KO Kober's needs.

The requested material consists of one size of custom-shaped asymmetrical hexagonal tubes and one size of trilobe tubes. The two shapes of tubing are complimentary and used together to form a unified axle.

The exact sizes, grades and quantity requested of each tube is as follows:



## HEXAGONAL TUBE

| Size        | Steel grade          | Quantity<br>(metric<br>tons) |
|-------------|----------------------|------------------------------|
| 80 × 3..... | SAE 1012 or 1020 ... | 21                           |

## TRILOBE TUBE

| Size          | Steel grade<br>(German) | Quantity<br>(metric<br>tons) |
|---------------|-------------------------|------------------------------|
| 56 × 4.7..... | QSiE 460 TM.....        | 7                            |

The hexagonal tube is welded but has smoothed outer seams. The cross-section of the 80 × 3 mm hexagonal tube consists of three 96 degree angles between which are three 144 degree angles in alternating order. The 144 degree angles tend to be sharper than the other angles, which are more rounded.

The trilobe tube is welded, but has smoothed outer seams. The cross-section of the trilobe tube is essentially rounded equiangular, equilateral triangles comprised of three equiangular lobes. Each of the three lobes is a bell-shaped, rounded curve, the sides of which form a 60 degree angle. Between the bell-shaped lobes are shallow, U-shaped curves, and the sides of each form a 120 degree angle.

On February 4, 1992, the Secretary established an official record on this short-supply request (Case Number 65) in the Central Records Unit, Room B-099, Import Administration, U.S. Department of Commerce at the above address. Section 4(b)(4)(B)(i) of the Act and § 357.106(b)(1) of Commerce's Short-Supply Procedures require the Secretary to apply a rebuttable presumption that a product is in short supply and to make a determination with respect to a short-supply petition not later than the 15th day after the petition is filed, if the Secretary finds that one of the following conditions exists: (1) The raw steelmaking capacity utilization in the United States equals or exceeds 90 percent; (2) the importation of additional quantities of the requested steel product was authorized by the Secretary during each of the two immediately preceding years; or (3) the requested steel product is not produced in the United States. The Secretary finds that the requested steel product is not produced in the United States. Therefore, the Secretary has applied a rebuttable presumption that this product is presently in short supply in accordance with Section 4(b)(B)(i)(III) of the Act and § 357.106(b)(1)(iii) of Commerce's Short-Supply procedures.

Unless domestic steel procedures provide comments in response to this notice indicating that they can and will supply this product within the requested period of time, provided it represents a normal order-to-delivery period, the Secretary will issue a short-supply allowance not later than February 19, 1992.

**COMMENTS:** Interested parties wishing to comment upon this review must send written comments not later than February 18, 1992 to the Secretary of Commerce, Attention: Import Administration, room 7866, U.S. Department of Commerce, Pennsylvania Avenue and 14th Street NW., Washington, DC 20230. All documents submitted to the Secretary shall be accompanied by four copies. Interested parties shall certify that the factual information contained in any submission they make is accurate and complete to the best of their knowledge.

Any person who submits information in connection with a short-supply review may designate that information, or any part thereof, as proprietary, thereby requesting that the Secretary treat that information as proprietary. Information that the Secretary designates as proprietary will not be disclosed to any person (other than officers or employees of the United States Government who are directly concerned with the short-supply determination) without the consent of the submitter unless disclosure is ordered by a court of competent jurisdiction. Each submission of proprietary information shall be accompanied by a full public summary or approximated presentation of all proprietary information which will be placed in the public record. All comments concerning this review must reference the above-noted short-supply review number.

**FOR FURTHER INFORMATION CONTACT:**

Marissa Rauch or Kathy McNamara, Office of Agreements Compliance, Import Administration, U.S. Department of Commerce, room 76866, Pennsylvania Avenue and 14th Street NW., Washington, DC 20230, (202) 377-1382 or 377-3793.

Dated: February 6, 1992.

Alan M. Dunn,  
Assistant Secretary for Import  
Administration.

[FR Doc. 92-3201 Filed 2-7-92; 8:45 A.M.]

BILLING CODE 3510-DS-M

**Alabama A&M University; Notice of Decision on Application for Duty-Free Entry of Scientific Instrument**

This decision is made pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR part 301). Related records can be viewed between 8:30 a.m. and 5 p.m. in room 4211, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

*Docket Number:* 91-146. *Applicant:* Alabama A&M University, Normal, AL 35762. *Instrument:* Experimental Set-ups for Structural Loading Frame. *Manufacturer:* Hi-Tech Scientific Ltd., United Kingdom. *Intended Use:* See notice at 56 FR 56408, November 4, 1991.

*Comments:* None received. *Decision:* Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, is being manufactured in the United States. *Reasons:* This is a compatible accessory for an instrument previously imported for the use of the applicant. The instrument and accessory were made by the same manufacturer.

The accessory is pertinent to the intended uses and we know of no domestic accessory which can be readily adapted to the instrument.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 92-3123 Filed 2-7-92; 8:45 am]

BILLING CODE 3510-DS-M

**University of Illinois at Urbana-Champaign, et al., Notice of Consolidated Decision on Applications for Duty-Free Entry of Scientific Instruments**

This is a decision consolidated pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR part 301). Related records can be viewed between 8:30 a.m. and 5 p.m. in room 4211, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

*Comments:* None received.

*Decision:* Approved. No instrument of equivalent scientific value to the foreign instruments described below, for such purposes as each is intended to be used, is being manufactured in the United States.

*Docket Number:* 91-040R. *Applicant:* University of Illinois at Urbana-Champaign, Urbana, IL 61801.



**Instrument:** Gas/Liquid Phase Behavior Apparatus. **Manufacturer:** DB Robinson Design and Manufacturing Ltd., Canada. **Intended Use:** See notice at 56 FR 51880, October 16, 1991. **Reasons:** The foreign instrument provides: (1) An unobstructed and full view of the entire fluid mixture in the pressure cell, (2) volumetric measurement of both gas and liquid under low pressure (less than 200 psi) and (3) measurements of gas viscosity. **Advice Submitted By:** The National Institute for Petroleum and Energy Research, January 2, 1992.

**Docket Number:** 91-144. **Applicant:** Texas Agricultural Experimental Station, Uvalde, TX 78801. **Instrument:** Thermogradient Table, Model DB-5002. **Manufacturer:** Van Dok & Deboer B.V., The Netherlands. **Intended Use:** See notice at 56 FR 56408, November 4, 1991. **Reasons:** The foreign instrument provides: (1) A refrigerated water circulator with capacity to 10 liters, (2) a range of  $-20^{\circ}\text{C}$  to  $100^{\circ}\text{C}$ , (3) accuracy of  $\pm 0.02^{\circ}$  and (4) adjustable flow rate to a minimum of 15 liters per minute. **Advice Received From:** The Agricultural Research Service—USDA, January 9, 1992.

**Docket Number:** 91-150. **Applicant:** Lamont-Doherty Geological Observatory of Columbia University, Palisades, NY 10964. **Instrument:** High Temperature Well-Logging Probe with cable. **Manufacturer:** BRGM, France. **Intended Use:** See notice at 56 FR 56409, November 4, 1991. **Reasons:** The foreign instrument provides a pressure housing and cablehead probe designed to operate to  $350^{\circ}\text{C}$  at up to 1 kilobar of external pressure in corrosive environments for high resolution ( $\pm 0.001^{\circ}\text{C}$ ) ambient temperature measurements in ocean boreholes. **Advice Received From:** The U.S. Geological Survey, January 9, 1992.

**Docket Number:** 91-158. **Applicant:** University of California, Los Alamos National Laboratory, Los Alamos, NM 87545. **Instrument:** (2) Mass Spectrometers, Model TS SOLA. **Manufacturer:** Turner Scientific, United Kingdom. **Intended Use:** See notice at 56 FR 60971, November 29, 1991. **Reasons:** The foreign instrument provides an electron multiplier/Paraday detector system with linear response across the entire mass range and can calibrate and quantify Cs and Na at the 10 ppb and 500 ppm level, respectively in a single run. **Advice Received From:** National Institute of Standards and Technology, January 2, 1992.

The National Institute for Petroleum and Energy Research, Agricultural Research Service—USDA, U.S.

Geological Survey and National Institute of Standards and Technology advise that (1) the capabilities of each of the foreign instruments described above are pertinent to each applicant's intended purpose and (2) they know of no domestic instrument or apparatus of equivalent scientific value for the intended use of each instrument.

We know of no other instrument or apparatus being manufactured in the United States which is of equivalent scientific value to any of the foreign instruments.

**Frank W. Creel,**

*Director, Statutory Import Programs Staff.*

[FR Doc. 92-3124 Filed 2-7-92; 8:45 am]

**BILLING CODE 3510-DS-M**

### National Institute of Standards and Technology

#### Visiting Committee on Advanced Technology

**AGENCY:** National Institute of Standards and Technology, DOC.

**ACTION:** Notice of partially closed meeting.

**SUMMARY:** Pursuant to the Federal Advisory Committee Act, 5 U.S.C. App., notice is hereby given that the National Institute of Standards and Technology Visiting Committee on Advanced Technology will meet on Tuesday, March 10, 1992, from 8:30 a.m. to 5 p.m. The Visiting Committee on Advanced Technology is composed of nine members appointed by the Director of the National Institute of Standards and Technology who are eminent in such fields as business, research, new product development, engineering, labor, education, management consulting, environment, and international relations. The purpose of this meeting is to review and make recommendations regarding general policy for the Institute, its organization, its budget, and its programs within the framework of applicable national policies as set forth by the President and the Congress. Presentations will be given on information technology at the Institute, strategic plans for Computer Systems Laboratory and Physics Laboratory, other agency funding, review of research and development agreements, update on the Manufacturing Technology Center evaluation, and a discussion on the Institute's budget.

The discussion on NIST Budget, scheduled to begin at 4 p.m. and end at 5 p.m. on March 10, 1992, will be closed.

**DATES:** The meeting will convene March 10, 1992, at 8:30 a.m. and will adjourn at 5 p.m.

**ADDRESSES:** The meeting will be held in Lecture Room A, Administration Building, National Institute of Standards and Technology, Gaithersburg, Maryland.

#### FOR FURTHER INFORMATION CONTACT:

Dale E. Hall, Visiting Committee Executive Director, National Institute of Standards and Technology, Gaithersburg, Maryland 20899, telephone number (301) 975-2158.

**SUPPLEMENTARY INFORMATION:** The Assistant Secretary for Administration, with the concurrence of the General Counsel, formally determined on August 20, 1990, that portions of the meeting of the Visiting Committee on Advanced Technology which involve examination and discussion of the budget for the Institute may be closed in accordance with section 552(b)(9)(B) of title 5, United States Code, since the meeting is likely to disclose financial information that may be privileged or confidential.

Dated: February 4, 1992.

**John W. Lyons,**

*Director.*

[FR Doc. 92-3113 Filed 2-7-92; 8:45 am]

**BILLING CODE 3510-13-M**

### National Oceanic and Atmospheric Administration

#### Marine Mammals

**AGENCY:** National Marine Fisheries Service, NOAA.

**ACTION:** Withdrawal of application (P472).

On January 25, 1991, notice was published in the *Federal Register* (56 FR 2906) that the California Marine Mammal Center, Fort Cronkhite, CA 94965, had submitted an application for a permit to release two captive-born California sea lions (*Zalophus californianus*) into the wild to determine if they could survive and successfully integrate into the wild population.

Notice is hereby given that on January 31, 1992, the application was withdrawn and the withdrawal request has been acknowledged and accepted without prejudice by the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review by interested persons in the following offices:

Office of Protected Resources, National



Marine Fisheries Service, NOAA, 1335 East-West Hwy., suite 7324, Silver Spring, Maryland 20910 (301/713-2289);

Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731-7415 (213/514-6196);

Director, Southeast Region, National Marine Fisheries Service, NOAA, 9450 Koger Blvd., St. Petersburg, Florida (813/893-3141);

Director, Northwest Region, National Marine Fisheries Service, NOAA, 7600 Sand Point Way, NE., Seattle, Washington, 98115 (206/526-6150);

Director, Northeast Region, National Marine Fisheries Service, NOAA, One Blackburn Drive, Gloucester, Massachusetts 01930 (508/281-9200); and

Director, Alaska Region, National Marine Fisheries Service, NOAA, P.O. Box 21666, Juneau, Alaska 99802 (907/586-7221).

Dated: January 31, 1992.

Nancy Foster,  
Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 92-3038 Filed 2-7-92; 8:45 am]

BILLING CODE 3510-22-M

## COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

### Announcement of Import Restraint Limits for Certain Cotton, Wool and Man-Made Fiber Textiles and Textile Products and Silk Blend and Other Vegetable Fiber Apparel Produced or Manufactured in the Philippines; Correction

February 4, 1992.

In the letter to the Commissioner of Customs published in the **Federal Register** on January 23, 1992 (57 FR 2712), in the table, under "Category," include Categories 836-846 and 850-859 under Group II.

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 92-3119 Filed 2-7-92; 8:45 am]

BILLING CODE 3510-DR-F

## COMMODITY FUTURES TRADING COMMISSION

### Public Information Collection Requirement Submitted for Review to Office of Management and Budget

**AGENCY:** Commodity Futures Trading Commission.

**ACTION:** Notice of Information Collection.

**SUMMARY:** The Commodity Futures Trading Commission has submitted information collection 3038-0025, Practice by Former Members and Employees of the Commission to OMB for review and clearance under the Paperwork Reduction Act of 1980, 44 U.S.C. chapter 35. The information collected pursuant to this regulation, which generally governs the practice by former members and employees of the Commission before the Commission, is intended to insure that the Commission is aware of any conflicts of interest that may exist.

**ADDRESSES:** Persons wishing to comment on this information collection should contact Gary Waxman, Office of Management and Budget, room 3228, NEOB, Washington, DC 20502, (202) 395-7340. Copies of the submission are available from Joe F. Mink, Agency Clearance Officer, (202) 254-9735.

**Title:** Practice by Former Members and Employees of the Commission, 17 CFR 140.735-10.

**Control Number:** 3038-0025.

**Action:** Extension.

**Respondents:** Former members and employees of the Commission.

**Estimated Annual Burden:** .60 hours.

| Respondents                             | Regulation 17 CFR   | Estimated No. of respondents | Annual responses | Est. avg. hours per response |
|-----------------------------------------|---------------------|------------------------------|------------------|------------------------------|
| Former CFTC Members and Employees ..... | \$ 140.735-10 ..... | 6                            | 6                | 0.10                         |

Issued in Washington, DC on February 4, 1992.

Jean A. Webb,  
Secretary of the Commission.

[FR Doc. 92-3026 Filed 2-7-92; 8:45 am]

BILLING CODE 6351-01-M

## DEPARTMENT OF DEFENSE

### Office of the Secretary

### Strategic Defense Initiative Advisory Committee

**ACTION:** Notice of advisory committee meetings.

**SUMMARY:** The Strategic Defense Initiative (SDI) Advisory Committee will meet in closed session in Washington, DC, on February 20 and 21, 1992.

The mission of the SDI Advisory

Committee is to advise the Secretary of Defense and the Director, Strategic Defense Initiative Organization on scientific and technical matters as they affect the perceived needs of the Department of Defense.

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, (1982)), it has been determined that this SDI Advisory Committee meeting concerns matters listed in 5 U.S.C., 552(c)(1) (1982), and that accordingly this meeting will be closed to the public.

Dated February 5, 1992.

Linda M. Bynum,

OSD Federal Register Liaison Officer,  
Department of Defense.

[FR Doc. 92-3083 Filed 2-7-92; 8:45 am]

BILLING CODE 3810-01-M

### Per Diem, Travel and Transportation Allowance Committee

**AGENCY:** Per Diem, Travel and Transportation Allowance Committee, DOD.

**ACTION:** Publication of changes in per diem rates.

**SUMMARY:** The Per Diem, Travel and Transportation Allowance Committee is publishing Civilian Personnel Per Diem Bulletin Number 160. This bulletin lists changes in per diem rates prescribed for U.S. Government employees for official travel in Alaska, Hawaii, Puerto Rico, the Northern Mariana Islands and Possessions of the United States. Bulletin Number 160 is being published in the **Federal Register** to assure that travelers are paid per diem at the most current rates.

**EFFECTIVE DATE:** February 1, 1992



**SUPPLEMENTARY INFORMATION:** This document gives notice of changes in per diem rates prescribed by the Per Diem, Travel and Transportation Allowance Committee for non-foreign areas outside the continental United States.

Distribution of Civilian Personnel Per Diem Bulletins by mail was discontinued effective 1 June 1979. Per Diem Bulletins published periodically in the **Federal Register** now constitute the only notification of change in per diem rates to agencies and establishments outside the Department of Defense.

The text of the Bulletin follows:

BILLING CODE 3810-01-M



MAXIMUM PER DIEM RATES FOR OFFICIAL TRAVEL IN ALASKA, HAWAII, THE  
COMMONWEALTHS OF PUERTO RICO AND THE NORTHERN MARIANA ISLANDS AND  
POSSESSIONS OF THE UNITED STATES BY FEDERAL GOVERNMENT CIVILIAN  
EMPLOYEES

| LOCALITY              | MAXIMUM<br>LODGING<br>AMOUNT |   | M&IE<br>RATE | MAXIMUM<br>PER DIEM<br>RATE | EFFECTIVE<br>DATE |
|-----------------------|------------------------------|---|--------------|-----------------------------|-------------------|
|                       | (A)                          | + | (B)          | = (C)                       |                   |
| ALASKA:               |                              |   |              |                             |                   |
| ADAK 5/               | \$ 10                        |   | \$ 34        | \$ 44                       | 10-01-91          |
| ANAKTUVUK PASS        | 83                           |   | 57           | 140                         | 12-01-90          |
| ANCHORAGE             |                              |   |              |                             |                   |
| 05-15--09-15          | 129                          |   | 67           | 196                         | 05-15-92          |
| 09-16--05-14          | 83                           |   | 62           | 145                         | 01-01-92          |
| ANIAK                 | 73                           |   | 36           | 109                         | 07-01-91          |
| ATQASUK               | 129                          |   | 86           | 215                         | 12-01-90          |
| BARROW                | 86                           |   | 73           | 159                         | 06-01-91          |
| BETHEL                |                              |   |              |                             |                   |
| 05-01--09-30          | 93                           |   | 83           | 176                         | 05-01-92          |
| 10-01--04-30          | 80                           |   | 81           | 161                         | 02-01-92          |
| BETTLES               | 65                           |   | 45           | 110                         | 12-01-90          |
| CANTWELL              | 62                           |   | 46           | 108                         | 06-01-91          |
| COLD BAY              | 71                           |   | 54           | 125                         | 12-01-90          |
| COLDFOOT              | 75                           |   | 47           | 122                         | 12-01-90          |
| CORDOVA               | 83                           |   | 77           | 160                         | 02-01-92          |
| CRAIG                 | 67                           |   | 35           | 102                         | 07-01-91          |
| DILLINGHAM            | 76                           |   | 38           | 114                         | 12-01-90          |
| DUTCH HARBOR-UNALASKA | 91                           |   | 54           | 145                         | 12-01-90          |
| EIELSON AFB           |                              |   |              |                             |                   |
| 05-15--09-15          | 91                           |   | 65           | 156                         | 05-15-92          |
| 09-16--05-14          | 63                           |   | 63           | 126                         | 01-01-92          |
| ELMENDORF AFB         |                              |   |              |                             |                   |
| 05-15--09-15          | 129                          |   | 67           | 196                         | 05-15-92          |
| 09-16--05-14          | 83                           |   | 62           | 145                         | 01-01-92          |
| EMMONAK               | 60                           |   | 40           | 100                         | 06-01-91          |
| FAIRBANKS             |                              |   |              |                             |                   |
| 05-15--09-15          | 91                           |   | 65           | 156                         | 05-15-92          |
| 09-16--05-14          | 63                           |   | 63           | 126                         | 01-01-92          |
| FALSE PASS            | 80                           |   | 37           | 117                         | 06-01-91          |
| FT. RICHARDSON        |                              |   |              |                             |                   |
| 05-15--09-15          | 129                          |   | 67           | 196                         | 05-15-92          |
| 09-16--05-14          | 83                           |   | 62           | 145                         | 01-01-92          |
| FT. WAINWRIGHT        |                              |   |              |                             |                   |
| 05-15--09-15          | 91                           |   | 65           | 156                         | 05-15-92          |
| 09-16--05-14          | 63                           |   | 63           | 126                         | 01-01-92          |
| HOMER                 |                              |   |              |                             |                   |
| 05-01--09-30          | 71                           |   | 60           | 131                         | 05-01-92          |
| 10-01--04-30          | 57                           |   | 58           | 115                         | 01-01-92          |



MAXIMUM PER DIEM RATES FOR OFFICIAL TRAVEL IN ALASKA, HAWAII, THE COMMONWEALTHS OF PUERTO RICO AND THE NORTHERN MARIANA ISLANDS AND POSSESSIONS OF THE UNITED STATES BY FEDERAL GOVERNMENT CIVILIAN EMPLOYEES

| LOCALITY              | MAXIMUM<br>LODGING<br>AMOUNT<br>(A) | + | M&IE<br>RATE<br>(B) | = | MAXIMUM<br>PER DIEM<br>RATE<br>(C) | EFFECTIVE<br>DATE |
|-----------------------|-------------------------------------|---|---------------------|---|------------------------------------|-------------------|
| ALASKA: (CONT'D)      |                                     |   |                     |   |                                    |                   |
| JUNEAU                |                                     |   |                     |   |                                    |                   |
| 05-01--10-01          | \$ 88                               |   | \$ 74               |   | \$162                              | 05-01-92          |
| 10-02--04-30          | 75                                  |   | 73                  |   | 148                                | 01-01-92          |
| KATMAI NATIONAL PARK  | 89                                  |   | 59                  |   | 148                                | 12-01-90          |
| KENAI-SOLDOTNA        |                                     |   |                     |   |                                    |                   |
| 04-02--09-30          | 94                                  |   | 68                  |   | 162                                | 04-02-92          |
| 10-01--04-01          | 69                                  |   | 66                  |   | 135                                | 01-01-92          |
| KETCHIKAN             |                                     |   |                     |   |                                    |                   |
| 05-14--10-14          | 77                                  |   | 61                  |   | 138                                | 05-14-92          |
| 10-15--05-13          | 62                                  |   | 59                  |   | 121                                | 01-01-92          |
| KING SALMON 3/        | 75                                  |   | 59                  |   | 134                                | 12-01-90          |
| KLAWOCK               | 75                                  |   | 36                  |   | 111                                | 07-01-91          |
| KODIAK                | 71                                  |   | 61                  |   | 132                                | 01-01-92          |
| KOTZEBUE              | 125                                 |   | 72                  |   | 197                                | 01-01-92          |
| KUPARUK OILFIELD      | 75                                  |   | 52                  |   | 127                                | 12-01-90          |
| METLAKATLA            | 79                                  |   | 44                  |   | 123                                | 07-01-91          |
| MURPHY DOME           |                                     |   |                     |   |                                    |                   |
| 05-15--09-15          | 91                                  |   | 65                  |   | 156                                | 05-15-92          |
| 09-16--05-14          | 63                                  |   | 63                  |   | 126                                | 01-01-92          |
| NELSON LAGOON         | 102                                 |   | 39                  |   | 141                                | 06-01-91          |
| NOATAK                | 125                                 |   | 72                  |   | 197                                | 01-01-92          |
| NOME                  | 68                                  |   | 70                  |   | 138                                | 01-01-92          |
| NOORVIK               | 125                                 |   | 72                  |   | 197                                | 01-01-92          |
| PETERSBURG            | 62                                  |   | 59                  |   | 121                                | 01-01-92          |
| POINT HOPE            | 99                                  |   | 61                  |   | 160                                | 12-01-90          |
| POINT LAY             | 106                                 |   | 73                  |   | 179                                | 12-01-90          |
| PRUDHOE BAY-DEADHORSE | 64                                  |   | 57                  |   | 121                                | 12-01-90          |
| SAND POINT            | 75                                  |   | 36                  |   | 111                                | 07-01-91          |
| SEWARD                |                                     |   |                     |   |                                    |                   |
| 05-01--09-30          | 107                                 |   | 53                  |   | 160                                | 05-01-92          |
| 10-01--04-30          | 61                                  |   | 48                  |   | 109                                | 01-01-92          |
| SHUNGNAK              | 125                                 |   | 72                  |   | 197                                | 01-01-92          |
| SITKA-MT. EDGECOMBE   | 72                                  |   | 69                  |   | 141                                | 01-01-92          |
| SKAGWAY               |                                     |   |                     |   |                                    |                   |
| 05-14--10-14          | 77                                  |   | 61                  |   | 138                                | 05-14-92          |
| 10-15--05-13          | 62                                  |   | 59                  |   | 121                                | 01-01-92          |
| SPRUCE CAPE           | 71                                  |   | 61                  |   | 132                                | 01-01-92          |
| ST. GEORGE            | 100                                 |   | 39                  |   | 139                                | 06-01-91          |
| ST. MARY'S            | 60                                  |   | 40                  |   | 100                                | 12-01-90          |
| ST. PAUL ISLAND       | 81                                  |   | 34                  |   | 115                                | 12-01-90          |



MAXIMUM PER DIEM RATES FOR OFFICIAL TRAVEL IN ALASKA, HAWAII, THE  
COMMONWEALTHS OF PUERTO RICO AND THE NORTHERN MARIANA ISLANDS AND  
POSSESSIONS OF THE UNITED STATES BY FEDERAL GOVERNMENT CIVILIAN  
EMPLOYEES

| LOCALITY                  | MAXIMUM<br>LODGING<br>AMOUNT | M&IE<br>RATE | MAXIMUM<br>PER DIEM<br>RATE | EFFECTIVE<br>DATE |
|---------------------------|------------------------------|--------------|-----------------------------|-------------------|
|                           | (A)                          | (B)          | (C)                         |                   |
| ALASKA: (CONT'D)          |                              |              |                             |                   |
| TANANA                    | \$ 68                        | \$ 70        | \$138                       | 01-01-92          |
| TOK                       | 66                           | 55           | 121                         | 01-01-92          |
| UMIAT                     | 97                           | 63           | 160                         | 12-01-90          |
| UNALAKLEET                | 58                           | 47           | 105                         | 12-01-90          |
| VALDEZ                    |                              |              |                             |                   |
| 05-01--09-01              | 98                           | 53           | 151                         | 05-01-92          |
| 09-02--04-30              | 84                           | 51           | 135                         | 01-01-92          |
| WAINWRIGHT                | 90                           | 75           | 165                         | 12-01-90          |
| WALKER LAKE               | 82                           | 54           | 136                         | 12-01-90          |
| WRANGELL                  |                              |              |                             |                   |
| 05-14--10-14              | 77                           | 61           | 138                         | 05-14-92          |
| 10-15--05-13              | 62                           | 59           | 121                         | 01-01-92          |
| YAKUTAT                   | 70                           | 40           | 110                         | 12-01-90          |
| OTHER 3, 4/               | 63                           | 47           | 110                         | 07-01-91          |
| AMERICAN SAMOA            | 85                           | 47           | 132                         | 12-01-91          |
| GUAM                      | 99                           | 59           | 158                         | 12-01-90          |
| HAWAII:                   |                              |              |                             |                   |
| ISLAND OF HAWAII: HILO    | 60                           | 38           | 98                          | 06-01-91          |
| ISLAND OF HAWAII: OTHER   | 106                          | 43           | 149                         | 06-01-91          |
| ISLAND OF KAUAI           | 112                          | 48           | 160                         | 06-01-91          |
| ISLAND OF KURE 1/         |                              | 13           | 13                          | 12-01-90          |
| ISLAND OF MAUI: KIHEI     |                              |              |                             |                   |
| 04-01--12-19              | 85                           | 50           | 135                         | 12-01-90          |
| 12-20--03-31              | 97                           | 50           | 147                         | 12-20-90          |
| ISLAND OF MAUI: OTHER     | 62                           | 50           | 112                         | 06-01-91          |
| ISLAND OF OAHU            | 95                           | 42           | 137                         | 06-01-91          |
| OTHER                     | 59                           | 47           | 106                         | 12-01-90          |
| JOHNSTON ATOLL 2/         | 18                           | 18           | 36                          | 10-01-91          |
| MIDWAY ISLANDS 1/         |                              | 13           | 13                          | 12-01-90          |
| NORTHERN MARIANA ISLANDS: |                              |              |                             |                   |
| ROTA                      | 45                           | 31           | 76                          | 12-01-90          |
| SAIPAN                    | 68                           | 47           | 115                         | 12-01-90          |
| TINIAN                    | 44                           | 24           | 68                          | 12-01-90          |
| OTHER                     | 20                           | 13           | 33                          | 12-01-90          |
| PUERTO RICO:              |                              |              |                             |                   |
| BAYAMON                   |                              |              |                             |                   |
| 04-16--12-14              | 93                           | 90           | 183                         | 07-01-91          |
| 12-15--04-15              | 116                          | 92           | 208                         | 12-15-91          |
| CAROLINA                  |                              |              |                             |                   |
| 04-16--12-14              | 93                           | 90           | 183                         | 07-01-91          |
| 12-15--04-15              | 116                          | 92           | 208                         | 12-15-91          |



**MAXIMUM PER DIEM RATES FOR OFFICIAL TRAVEL IN ALASKA, HAWAII, THE COMMONWEALTHS OF PUERTO RICO AND THE NORTHERN MARIANA ISLANDS AND POSSESSIONS OF THE UNITED STATES BY FEDERAL GOVERNMENT CIVILIAN EMPLOYEES**

| LOCALITY                                   | MAXIMUM<br>LODGING<br>AMOUNT<br>(A) | + | M&IE<br>RATE<br>(B) | MAXIMUM<br>PER DIEM<br>RATE<br>= (C) | EFFECTIVE<br>DATE |
|--------------------------------------------|-------------------------------------|---|---------------------|--------------------------------------|-------------------|
| PUERTO RICO: (CONT'D)                      |                                     |   |                     |                                      |                   |
| FAJARDO (INCLUDING LUQUILLO)               |                                     |   |                     |                                      |                   |
| 04-16--12-14                               | \$ 93                               |   | \$ 90               | \$183                                | 07-01-91          |
| 12-15--04-15                               | 116                                 |   | 92                  | 208                                  | 12-15-91          |
| FT. BUCHANAN (INCL GSA SERV CTR, GUAYNABO) |                                     |   |                     |                                      |                   |
| 04-16--12-14                               | 93                                  |   | 90                  | 183                                  | 07-01-91          |
| 12-15--04-15                               | 116                                 |   | 92                  | 208                                  | 12-15-91          |
| MAYAGUEZ                                   | 84                                  |   | 58                  | 142                                  | 07-01-91          |
| PONCE                                      | 113                                 |   | 90                  | 203                                  | 07-01-91          |
| ROOSEVELT ROADS                            |                                     |   |                     |                                      |                   |
| 04-16--12-14                               | 66                                  |   | 61                  | 127                                  | 07-01-91          |
| 12-15--04-15                               | 102                                 |   | 64                  | 166                                  | 12-15-91          |
| SABANA SECA                                |                                     |   |                     |                                      |                   |
| 04-16--12-14                               | 93                                  |   | 90                  | 183                                  | 07-01-91          |
| 12-15--04-15                               | 116                                 |   | 92                  | 208                                  | 12-15-91          |
| SAN JUAN (INCL SAN JUAN COAST GUARD UNITS) |                                     |   |                     |                                      |                   |
| 04-16--12-14                               | 93                                  |   | 90                  | 183                                  | 07-01-91          |
| 12-15--04-15                               | 116                                 |   | 92                  | 208                                  | 12-15-91          |
| OTHER                                      | 63                                  |   | 63                  | 126                                  | 07-01-91          |
| VIRGIN ISLANDS OF THE U.S.                 |                                     |   |                     |                                      |                   |
| 05-01--11-30                               | 95                                  |   | 63                  | 158                                  | 05-01-91          |
| 12-01--04-30                               | 128                                 |   | 66                  | 194                                  | 12-01-90          |
| WAKE ISLAND 2/                             | 4                                   |   | 17                  | 21                                   | 12-01-90          |
| ALL OTHER LOCALITIES                       | 20                                  |   | 13                  | 33                                   | 12-01-90          |

BILLING CODE 3810-01-C



## Footnotes

<sup>1</sup> Commercial facilities are not available. The meal and incidental expense rate covers charges for meals in available facilities plus an additional allowance for incidental expenses and will be increased by the amount paid for Government quarters by the traveler.

<sup>2</sup> Commercial facilities are not available. Only Government-owned and contractor operated quarters and mess are available at this locality. This per diem rate is the amount necessary to defray the cost of lodging, meals and incidental expenses.

<sup>3</sup> On any day when US Government or contractor quarters are available and US Government or contractor messing facilities are used, a meal and incidental expense rate of \$16.25 is prescribed to cover meals and incidental expenses at Shemya AFB and the following Air Force Stations: Cape Lisburne, Cape Newenham, Cape Romanzof, Clear, Fort Yukon, Galena, Indian Mountain, King Salmon, Sparrevohn, Tatalina and Tin City. This rate will be increased by the amount paid for US Government or contractor quarters and by \$4 for each meal procured at a commercial facility. The rates of per diem prescribed herein apply from 0001 on the day after arrival through 2400 on the day prior to the day of departure.

<sup>4</sup> On any day when US Government or contractor quarters are available and US Government or contractor messing facilities are used, a meal and incidental expense rate of \$34 is prescribed to cover meals and incidental expenses at Amchitka Island, Alaska. This rate will be increased by the amount paid for US Government or contractor quarters and by \$10 for each meal procured at a commercial facility. The rates of per diem prescribed herein apply from 0001 on the day after arrival through 2400 on the day prior to the day of departure.

<sup>5</sup> On any day when US Government or contractor quarters are available and US Government or contractor messing facilities are used, a meal and incidental expense rate of \$25 is prescribed instead of the rate prescribed in the table. This rate will be increased by the amount paid for U.S. government or contractor quarters.

Dated: February 4, 1992.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 92-3046 Filed 2-7-92; 8:45 am]

BILLING CODE 3810-01-M

## DEPARTMENT OF ENERGY

## Financial Assistance Award Intent To Award Grant to Maisy Conachen

**AGENCY:** U.S. Department of Energy.

**ACTION:** Notice of unsolicited financial assistance award.

**SUMMARY:** the Department of Energy announces that pursuant to 10 CFR 600.6(a)(2), it is making a discretionary financial assistance award based on acceptance of an unsolicited application

meeting the criteria of 10 CFR 600.14(e)(1) to Maisy Conachen under Grant No. DE-FG01-92CE15539. The proposed grant will provide Government funding in the estimated amount of \$99,189 for Maisy Conachen to test market a patented router guide that can increase the size of the rabbit joint in a single wooden pane window so that it can accept double pane windows. The ability for the patented router guide to allow a single window pane to be adapted to take a double pane window creates an economical way to use energy saving double pane windows. It has been estimated that the potential annual savings from the use of double pane windows would be approximately 300,000 barrels of oil annually.

The grant is being awarded to Maisy Conachen on an unsolicited basis, because it is a unique energy saving technology. It has been recommended by the National Institute of Standards and Technology (NIST). Maisy Conachen will be the principal investigator who will be supported by James Conachen who has invented and patented the router guide. Mr. Conachen's supporting role in this project is critical and essential for the successful completion of this grant. In accordance with 10 CFR 600.14(e)(1), it has been determined that this project represents a unique idea that is not eligible for financial assistance under a recent, current, or planned solicitation. The Energy-Related Inventions Program (ERIP) has been structured, since its beginning in 1975, to operate without competitive solicitations, because the legislation directs ERIP to provide support for worthy ideas submitted by the public. The proposed technology has a strong possibility of allowing for future reductions in the energy consumption in the United States.

The anticipated term of the proposed grant shall be 24 months from the effective date of award.

**FOR FURTHER INFORMATION CONTACT:** U.S. Department of Energy, Office of Placement and Administration, Attn: John Windish, PR-322.2, 1000 Independence Avenue, SW., Washington, DC 20585.

Scott Sheffield,

Acting Director, Operations Division "B", Office of Placement and Administration.

[FR Doc. 92-3114 Filed 2-7-92; 8:45 am]

BILLING CODE 6450-01-M

## Financial Assistance Award Intent To Award Grant to Schwarz Consulting, Inc.

**AGENCY:** U.S. Department of Energy.

**ACTION:** Notice of unsolicited financial assistance award.

**SUMMARY:** The Department of Energy announces that pursuant to 10 CFR 600.6(a)(2), it is making a discretionary financial assistance award based on acceptance of an unsolicited application meeting the criteria of 10 CFR 600.14(e)(1) to Schwarz Consulting, Inc. under Grant No. DE-FG01-92CE15400. The proposed grant will provide Government funding in the estimated amount of \$83,902 for Schwarz Consulting, Inc. to design, build, and test a prototype of an invention to continuously cast seamless steel pipe. With additional funding of \$46,188 by the State of Ohio and \$40,000 in Grantee funding, the estimated total of this grant will be \$170,090.

The design of the casting system by Schwarz Consulting, Inc. results in a substantial reduction in the energy needed to produce the seamless steel pipe. It has been estimated that the potential annual savings from the application of this concept would be approximately 200,000 barrels of oil annually.

The grant is being awarded to Schwarz Consulting, Inc. on an unsolicited basis, because it is a unique energy saving technology. It has been recommended by the National Institute of Standards and Technology (NIST). The principal investigator for Schwarz Consulting, Inc. is Gerhard Schwarz who is the founder and president of Schwarz Consulting, Inc. Mr. Schwarz has a BS and MS in Mechanical Engineering and has over thirty eight years of experience in the steel industry. Mr. Schwarz's work is critical and essential for the successful completion of this grant. In accordance with 10 CFR 600.14(e)(1), it has been determined that this project represents a unique idea that is not eligible for financial assistance under a recent, current, or planned solicitation. The Energy-Related Inventions Program (ERIP) has been structured, since its beginning in 1975, to operate without competitive solicitations, because the legislation directs ERIP to provide support for worthy ideas submitted by the public. The proposed technology has a strong possibility of allowing for future reductions in the energy consumption in the United States.

The anticipated term of the proposed grant shall be 24 months from the effective date of award.

**FOR FURTHER INFORMATION CONTACT:** U.S. Department of Energy, Office of Placement and Administration, ATTN: John Windish, PR-322.2, 1000



Independence Avenue, SW.,  
Washington, DC 20585.

Scott Sheffield,

*Acting Director, Operations Division "B",  
Office of Placement and Administration.*

[FR Doc. 92-3115 Filed 2-7-92; 8:45 am]

BILLING CODE 6450-01-M

### Financial Assistance Award Intent To Award Grant to Thermodyne Evaporators

**AGENCY:** U.S. Department of Energy.

**ACTION:** Notice of unsolicited financial assistance award.

**SUMMARY:** The Department of Energy announces that pursuant to 10 CFR 600.6(a)(2), it is making a discretionary financial assistance award based on acceptance of an unsolicited application meeting the criteria of 10 CFR 600.14(e)(1) to Thermodyne Evaporators under Grant No. DE-FG01-92CE15529. The proposed grant will provide funding in the estimated amount of \$93,563 for Thermodyne Evaporators to develop and produce a full scale evaporator for drying molded pulp products.

The design of the Thermodyne Evaporator results in a substantial reduction in energy losses from the drying process. It utilizes high temperature water vapor and requires only approximately 50% of the energy input that a conventional air dryer requires. It has been estimated that the potential annual savings from the application of this concept would be approximately thirty-five million barrels of oil annually.

The grant is being awarded to Thermodyne Evaporators on an unsolicited basis, because it is a unique energy saving technology. In accordance with 10 CFR 600.14(e)(1), it has been determined that this project represents a unique idea that is not eligible for financial assistance under a recent, current, or planned solicitation. The Energy-Related Inventions Program (ERIP) has been structured, since its beginning in 1975, to operate without competitive solicitations, because the legislation directs ERIP to provide support for worthy ideas submitted by the public. The proposed technology has a strong possibility of allowing for future reductions in the energy consumption in the United States.

The anticipated term of the proposed grant shall be 24 months from the effective date of award.

**FOR FURTHER INFORMATION CONTACT:**  
U.S. Department of Energy, Office of Placement and Administration, Attn:

John Windish, PR-322.2, 1000  
Independence Avenue, SW.,  
Washington, DC 20585.

Scott Sheffield,

*Acting Director, Operations Division "B",  
Office of Placement and Administration.*

[FR Doc. 92-3116 Filed 2-7-92; 8:45 am]

BILLING CODE 6450-01-M

### Award of a Grant; Noncompetitive Financial Assistance

**AGENCY:** Nevada Field Office, U.S. Department of Energy (DOE)

**ACTION:** Notice of Noncompetitive financial assistance.

**SUMMARY:** DOE Nevada Field Office announces that pursuant to the DOE Financial Assistance Rules, 10 CFR 600.7(b)(2), it intends to award a grant on a noncompetitive basis to the University of Nevada, Las Vegas (UNLV), to provide supercomputing calculational support to DOE fossil energy program offices.

The Congress of the United States appropriated nuclear waste funds in 1989 for the purchase of a supercomputer system to be operated by UNLV. A Cray Y-MP2/16 and ancillary equipment was procured and installed with appropriated funding and became operationally available in July 1990.

The legislative history of Public Law No. 101-512, Department of Interior and Related Agencies Appropriations Act, provided direction to DOE to issue a noncompetitive contract for the identified services to the UNLV National Supercomputing Center. Public Law No. 102-154, FY 1992 Interior and Related Agencies Appropriations, specified that this funding to UNLV be in the form of a grant. In light of this, it was determined that an application for financial assistance will be requested only from UNLV.

**PROJECT SCOPE:** The proposed grant will provide funding for supercomputer calculation support, program and data storage, and information communication and output as required for a list of approved users. An individual account should be established for each approved user, allowing the accumulation of unit charge associated with the use of the central processing, storage, and other input and output systems, as may be applicable.

The project period for the grant is a one-year period expected to begin February 10, 1992. The total estimated cost of this award is \$1,313,138 over the one-year project period.

**FOR FURTHER INFORMATION CONTACT:**  
U.S. Department of Energy, DOE  
Nevada Field Office, ATTN: Frank M.  
Eckerson, P.O. Box 98518, Las Vegas,  
Nevada 89193-8518.

Issued in Las Vegas, Nevada, on January 27, 1992.

Nick C. Aquilina,

*Manager, DOE Nevada Field Office.*

[FR Doc. 92-3117 Filed 2-7-92; 8:45 am]

BILLING CODE 6450-01-M

### Federal Energy Regulatory Commission

[Docket Nos. ER92-229-000, et al.]

#### Pacific Gas & Electric Co., et al.; Electric Rate, Small Power Production, and Interlocking Directorate filings

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

##### 1. Pacific Gas and Electric Co.

[Docket No. ER92-229-000]

January 29, 1992.

Take notice that on January 22, 1992, Pacific Gas and Electric Company (PG&E) tendered an amendment for filing to FERC Docket No. ER92-229-000. That Docket consisted of: (1) And agreement entitled "Special Facilities Agreement for Protective Equipment On Lines Leading To Donner Summit" (Special Facilities Agreement) between Sierra Pacific Power Company (Sierra) and PG&E and (2) Amendment No. 1 to the aforementioned Special Facilities Agreement. In response to a request from FERC Staff, PG&E has included certain changes to Amendment No. 1. The present amended filing tenders a revised Amendment No. 1 for filing and acceptance.

Copies of this filing were served upon Sierra and the California Public Utilities Commission.

*Comment date:* February 11, 1992, in accordance with Standard Paragraph E at the end of this notice.

##### 2. Central Power and Light Co.

[Docket No. ER92-171-000]

January 29, 1992.

Take notice that on December 23, 1991, Central Power and Light Company (CPL) tendered for filing supplementary information in response to the Commission Staff's informal request for additional information in the above captioned docket.

Copies of the filing were served on the Public Utilities Board of the City of



Brownsville, Texas, and on the Public Utility Commission of Texas.

*Comment date:* February 12, 1992, in accordance with Standard Paragraph E at the end of this notice.

### 3. PSI Energy, Inc.

[Docket No. ER92-290-000]

January 30, 1992.

Take notice that PSI Energy, Inc. (PSI) formerly named Public Service Company of Indiana on January 27, 1992, tendered for filing a supplement to Service Schedule D—Supplemental Power and Energy of the Power Coordination Agreement, dated August 27, 1982, as amended, between PSI and the Indiana Municipal Power Agency (IMPA), in order to provide certain Economic Development incentives under section 5 of said Service Schedule.

Such Economic Development incentives are for an expanded manufacturing facility at United Technologies in Peru, Indiana. Utility Service Board, City of Peru is a member of IMPA. The Economic Development incentives are limited to one and one-half megawatt, the expected load of the expansion project.

PSI has requested waiver of the Commission's applicable requirements of part 35 of its Regulation not complied with, including any notice requirements of § 35.3. The requested effective date for such Economic Development incentives applicable to United Technologies is November 1, 1991.

Copies of the filing were served on the Utility Service Board, City of Peru, the Indiana Municipal Power Agency and the Indiana Utility Regulatory Commission.

*Comment date:* February 14, 1992, in accordance with Standard Paragraph E at the end of this notice.

### 4. PacifiCorp Electric Operations

[Docket Nos. ER92-178-000 and ER92-185-000]

January 30, 1992.

Take notice that PacifiCorp Electric Operations ("PacifiCorp"), on January 21, 1992, tendered for filing an amendment to its November 6, 1991 and November 14, 1991 filings of the Operation and Maintenance Service Agreement with Wasco Electric Cooperative, Inc. ("WASCO O&M Agreement") and the Central Substation Operations and Maintenance Agreement with Utah Associated Municipal Power Systems ("UAMPS O&M Agreement") respectively in these Dockets.

The amended filing is being submitted upon direction of the Commission's staff to provide justification for charges for service provided prior to the agreements

acceptance for filing to be accepted as variable O&M costs and therefore, recoverable pursuant to the Commission's Central Maine Power Company order.

PacifiCorp renews its request for waiver of the Commission's rules and regulations and that an effective date of January 1, 1987 to be assigned to the WASCO O&M Agreement and an effective date of October 1, 1991 to be assigned to the UAMPS O&M Agreement.

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

*Comment date:* February 13, 1992, in accordance with Standard Paragraph E at the end of this notice.

### 5. Florida Power & Light Co.

[Docket No. ER91-385-000]

January 30, 1992.

Take notice that on January 21, 1992, Florida Power & Light Company (FP&L) tendered for filing a Notice of Cancellation to Rate Schedule FERC No. 111 with a requested effective date of October 31, 1991.

FPL states that copies of this filing have been served upon the City of Lake Worth, Florida and the Florida Public Service Commission.

*Comment date:* February 13, 1992, in accordance with Standard Paragraph E at the end of this notice.

### 6. Cleveland Electric Illuminating Co.

[Docket No. ER92-292-000]

January 30, 1992.

Take notice that on January 28, 1992, Cleveland Electric Illuminating Company (in concurrence with Cleveland Public Power) tendered for filing copies of Service Schedule C—Short Term Power and Service Schedule D—Limited Term Power of the CEI—Cleveland Agreement for Installation and Operation of 138 kV Synchronous Interconnection as amended February 1, 1992 to replace without interruption the CEI—Cleveland Agreement for Installation and Operation of 138 kV Synchronous Interconnection dated as of April 17, 1975.

*Comment date:* February 14, 1992, in accordance with Standard Paragraph E at the end of this notice.

### 7. Southern California Edison Co.

[Docket No. ER92-283-000]

January 30, 1992.

Take notice that on January 23, 1991, Southern California Edison Company (Edison) tendered for filing, as an initial rate schedule, the following agreement, executed on December 31, 1991, by the

respective parties: Firm Transmission Service Agreement (Agreement) Between Southern California Edison Company and The Imperial Irrigation District (IID).

The Agreement contains the terms and conditions whereby Edison shall provide IID 100 MW of firm transmission service from Devers to the IID-Edison Interconnection from April 1 through October 31, and 50 MW of firm transmission service from Devers to the IID-Edison Interconnection for the remainder of the year for each year service is provided hereunder. IID will utilize such transmission service in combination with an assignment of transmission service rights, under the terms of the Los Angeles-Edison Exchange Agreement, from Los Angeles, to effect power schedules from Palo Verde, or Sylmar, or both, to the Edison-IID Interconnection.

Copies of this filing were served upon the Public Utilities Commission of the State of California and all interested parties.

*Comment date:* February 14, 1992, in accordance with Standard Paragraph E at the end of this notice.

### 8. Southwestern Public Service Co.

[Docket No. ER92-140-000]

January 30, 1992.

Take notice that Southwestern Public Service Company (Southwestern) on January 24, 1991, tendered for filing amendments to its filing for approval of a proposed rate schedule for service to Cap Rock Electric Cooperative, Inc. (Cap Rock).

The rate schedule provides for the sale of full requirements electric power and energy from Southwestern to Cap Rock beginning June 1, 1993. Southwestern is tendering the filing prior to 120 days before service is to commence because the agreement is predicated on regulatory approval and the construction of facilities.

*Comment date:* February 14, 1992, in accordance with Standard Paragraph E at the end of this notice.

### 9. Minnesota Power & Light Co.

[Docket No. ER91-692-000]

January 30, 1992.

Take notice that on January 23, 1992, Minnesota Power & Light Company ("Minnesota Power") tendered for filing supplemental cost support information requested by Commission Staff in connection with a Unit Participation Power Sales Agreement with Interstate Power Company, pursuant to Service Schedule A of the Mid-Continent Area Power Pool Agreement. Minnesota



Power also filed an Amendment No. 2 to the Agreement, dated January 10, 1992.

Copies of this supplemental filing have been served on Interstate, the Minnesota Public Utilities Commission, and the Minnesota Department of Public Service.

*Comment date:* February 13, 1992, in accordance with Standard Paragraph E at the end of this notice.

#### 10. Public Service Electric and Gas Co.

[Docket No. ER92-280-000]

January 30, 1992.

Take notice that on January 21, 1992, Public Service Electric and Gas Company (PSE&G) tendered for filing an initial Rate Schedule to provide transmission service to EEA II, L.P. (EEA) for the delivery of the net electrical energy output of EEA's qualifying facility located in Clark, New Jersey to the Consolidated Edison Company of New York, Inc.

PSE&G requests, with the customer's consent, a waiver of the Notice Requirements of § 35.3(a) of the Commission's Regulations so that the Rate Schedule can be made effective within sixty (60) days of the date of this filing.

*Comment date:* February 13, 1992, in accordance with Standard Paragraph E at the end of this notice.

#### 11. Consumers Power Co.

[Docket No. ER92-198-000]

January 30, 1992.

Take notice that on January 23, 1992, Consumers Power Company (Consumers) tendered for filing an Amendment to its original filing in this docket of its Open Access Interconnection Service Schedule. The Amendment package included additional information and several modifications of the Service Schedule in response to a December 26, 1991 letter from Commission Staff. The modifications include a clarification to a definition involving parties eligible to receive service and revisions to various prerequisites and terms of service.

*Comment date:* February 14, 1992, in accordance with Standard Paragraph E at the end of this notice.

#### 12. Central Vermont Public Service

[Docket Nos. ER92-203-000, ER92-204-000 and ER92-205-000]

January 30, 1992.

Take notice that Central Vermont Public Service Corporation (Central Vermont) on January 28, 1992, tendered for filing amendments to its filing of the Forecast 1992 Cost Reports in the referenced dockets to reflect (1) a return on common equity of 11.5% in all three

cost reports and (2) an increase in the production and transmission capacity allocation factors used to compute the 1992 capacity charges in the Rate RS-2 Cost Report.

*Comment date:* February 14, 1992, in accordance with Standard Paragraph E at the end of this notice.

#### 13. Pennsylvania Electric Co.

[Docket No. ER91-482-000]

January 30, 1992.

Take notice that on January 21, 1992, Pennsylvania Electric Company (Penelec) tendered for filing a further amendment in the above-referenced docket.

*Comment date:* February 13, 1992, in accordance with Standard Paragraph E at the end of this notice.

#### 14. Niagara Mohawk Power Corporation

[Docket No. ER92-261-000]

January 30, 1992.

Take notice that Niagara Mohawk Power Corporation (Niagara Mohawk), tendered for filing on January 6, 1991, an amendment sent by Niagara Mohawk to Consolidated Edison Company of New York, Inc. (Con Ed) dated November 27, 1991, providing for certain transmission services to Con Ed. This amendment is designated as Niagara Mohawk Power Corporation Rate Schedule FERC No. 90. This new amendment is being transmitted as a supplement to the existing agreement.

Under Rate Schedule No. 90, Niagara Mohawk delivers Fitzpatrick power and energy between the New York Power Authority and Con Ed. Paragraph 2.3 of Rate Schedule No. 90, as amended on August 28, 1980, states that Niagara Mohawk will recalculate the annual fixed-charge rate effective September 1 of each year for the ensuing 12-month period using previous year-end data and cost of capital data as determined by the New York State Public Service Commission in Niagara Mohawk's most recent retail electric rate proceeding. Niagara Mohawk requests an effective date of September 1, 1991.

Copies of the filing were served upon Consolidated Edison and the Public Service Commission of New York.

*Comment date:* February 13, 1992, in accordance with Standard Paragraph E at the end of this notice.

#### Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's Rules of

Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92-3050 Filed 2-7-92; 8:45 am]

BILLING CODE 6717-01-M

#### Application Filed with the Commission

January 22, 1992.

Take notice that the following hydroelectric application has been filed with the Federal Energy Regulatory Commission and is available for public inspection.

#### Notice of Application Tendered for Filing with the Commission

a. *Type of Application:* New Major License.

b. *Project No.:* 2536-009.

c. *Date filed:* June 26, 1991.

d. *Applicant:* Niagara of Wisconsin Paper Corporation.

e. *Name of Project:* Little Quinnesec Falls.

f. *Location:* On the Menominee River in Marinette County, Wisconsin and Dickinson County, Michigan.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791 (a)-825(r).

h. *Applicant Contact:* David W. Schmutzer, 1101 Mill Street, Niagara, WI 54151. (715) 251-3151.

i. *FERC Contact:* Charles T. Raabe (dt) (202) 219-2811.

j. *Comment Date:* On or before April 10, 1992.

k. *Description of Project:* The project as licensed consists of: (1) A 3,000 acre-foot reservoir with normal reservoir elevation at 943.0 feet m.s.l.; (2) a concrete dam having (a) a left abutment section about 26 feet long and 24 feet high, (b) a spillway section about 114.6 feet long controlled by two 23.3 feet wide and 12 feet high taintor gates and by two 24.5 feet wide and 12 feet high wooden needles, (c) a sluice gate section about 10.25 feet long controlled by 8 feet high wooden needles, (d) a forebay wall section about 38.5 feet long and 15.96 feet high, and (e) a retaining wall section about 95 feet long, with an opening/inlet for the penstock, tied into the right riverbank; (3) a stop log structure about



128.25 feet long with 10 bays each 8 feet wide which controls inflow to the forebay; (4) a forebay; (5) a trashrack structure about 90.5 feet long with large platform; (6) a steel penstock 18 feet in diameter, about 245.5 feet long; (7) a powerhouse, which is integral part of the paper mill, with 6 generating units and total installed capacity of 9,352 kW; (8) a sheet piling wall about 501 feet long and 18 feet high, which protects the paper mill building; and (9) appurtenant facilities.

1. Pursuant to § 4.32 (b)(7) of 18 CFR of the Commission's regulations, if any resource agency, Indian Tribe, or person believes that an additional scientific study should be conducted in order to form an adequate factual basis for a complete analysis of the application on its merits, the resource agency, Indian Tribe, or person must file a request for a study with the Commission not later than 60 days after this notice issuance date and serve a copy of the request on the applicant.

Lois D. Cashell,  
Secretary.

[FR Doc. 92-3051 Filed 2-7-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP92-285-000, et al.]

#### Richfield Gas Storage Co. et al., Natural Gas Certificate Filings

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

##### 1. Richfield Gas Storage Co.

[Docket No. CP92-285-000]  
January 30, 1992.

Take notice that on January 7, 1992, Richfield Gas Storage System (Richfield), a Kansas corporation with its principal offices at 4200 East Skelly Drive, Tulsa, Oklahoma 74135, filed in Docket No. CP92-285-000, under section 7(c) of the Natural Gas Act (NGA), for certificates of public convenience and necessity under Subpart A of Part 157 and Subpart G of Part 284 of the Commission's Regulations.<sup>1</sup> Richfield is a partnership of Richfield Natural Gas, Inc., Centennial Storage Corp., and Houston Gas Storage, Inc. Richfield requests authorization to: (i) construct and operate an underground interstate natural gas storage field and related facilities; (ii) construct and operate a related interstate natural gas pipeline, and (iii) provide blanket, self-

implementing, firm interstate storage and transportation service, with pre-granted abandonment. Richfield requests that its proposed initial rates, which are market-based rates and not cost-based rates, be approved as just and reasonable under Section 4 of the NGA. Richfield's proposal is more fully set forth in the application which is on file with the Commission and open to public inspection.

The storage field will be located in Morton County, Kansas. Richfield states that it will be able to receive gas through the interstate pipeline facilities of Colorado Interstate Gas Company (CIG), Northern Natural Gas Company (Northern), and Panhandle Eastern Pipe Line Company (Panhandle). Richfield proposes to construct and operate ten (10) injection/withdrawal wells, a related gathering/delivery system and a 2,000 horsepower compression facility at the site of the storage field. Richfield also proposes to construct a 36-mile, 12-inch pipeline, beginning at the storage field and traversing Morton and Stevens Counties, Kansas in an east-northeasterly direction. This pipeline would be used to transport customer-owned natural gas storage volumes between the storage field and the facilities of the interstate pipelines named above.

Richfield states that the storage field will be created by the purchase of property rights and interests of a depleted natural gas production field. Richfield states that the storage field will have a base or cushion gas capacity of 3 million MMBtu consisting of about 1 million MMBtu of remaining native recoverable reserves and 2 million MMBtu of additional reserves that will be purchased and injected by Richfield. Richfield further states that the storage field will have a working storage capacity of about 3.5 million MMBtu, which has been estimated to be injected at a maximum rate of 22,900 MMBtu per day and withdrawn at a maximum rate of 43,600 MMBtu per day.

Richfield states that it has entered into Gas Storage Precedent Agreements with four local distribution companies (LDC's) for the injection, withdrawal and storage of almost all of the proposed working storage capacity.<sup>2</sup> These LDC's would own the stored volumes and be responsible for delivering the gas for injection to Richfield at the inter-connection points between Richfield's connecting pipeline and the interstate pipeline facilities of

CIG, Northern or Panhandle. Upon withdrawal from the storage field, Richfield would deliver the gas back to the above described interconnection points, where receipt and further interstate transportation would be the responsibility of the LDC customers. Richfield states that its storage customers will be allowed to transfer capacity rights to other Richfield customers, upon reasonable notice. The following table shows the volumes that Richfield states each of the LDC customers has agreed to store in the storage field:

| Customer           | Maximum storage volume quantity (MMBtu) | Maximum daily withdrawal quantity (MMBtu) | Maximum daily injection quantity (MMBtu) |
|--------------------|-----------------------------------------|-------------------------------------------|------------------------------------------|
| Iowa E. L&P .....  | 1,500,000                               | 15,000                                    | 10,000                                   |
| Midwest Gas .....  | 1,325,000                               | 21,200                                    | 8,800                                    |
| Michigan Gas ..... | 312,500                                 | 5,000                                     | 2,100                                    |
| New Ulm, MN .....  | 300,000                                 | 2,400                                     | 2,000                                    |
| Totals .....       | 3,437,500                               | 43,600                                    | 22,900                                   |

Richfield states that, at this time, all of its storage services will be on a firm basis only, with overrun service available to firm customers, on a best efforts basis. Richfield proposes to conduct an open season for any remaining storage capacity and requests that the LDC customers named above be granted priority over and above any customers offered service as a result of the open season. Richfield proposes the following initial rates for the proposed firm storage service(s):

|                                  |        |
|----------------------------------|--------|
| Monthly reservation charge ..... | \$2.71 |
| Annual capacity charge .....     | 39.0   |
| Delivery charge .....            | 2.5    |
| Redelivery charge .....          | 2.5    |
| Winter delivery charge .....     | 26.0   |

Richfield states that these rates are market-based rates, agreed to as the result of arm's-length negotiation between Richfield and its proposed LDC customers. Richfield states that since it has no market power, its proposed rates are constrained by competition from existing providers of storage, by ease of entry of competing suppliers of storage, and by the approved cost-based rates of other providers of interstate storage services under the Commission's jurisdiction. Richfield offers a detailed argument in its application in support of its request that its market-based rates be approved. Richfield states that no cost data or revenue projections have been submitted with its application and Richfield seeks a waiver of that part of

<sup>1</sup> Although filed on January 7, 1992, the application was not deemed complete until January 29, 1992, when Richfield submitted an additional filing fee which was due the Commission because of the two distinct certificate authorizations sought by Richfield.

<sup>2</sup> Midwest Gas, a Division of Iowa Public Service Company, Iowa Electric, Light and Power Company, City of New Ulm, Minnesota, Michigan Gas Company.



the Commission's Regulations that would otherwise require such cost and revenue exhibits.

Richfield requests that the Commission issue either a final order or a preliminary determination on non-environmental issues by April 1, 1992, so that injections may begin in order to provide for withdrawals during the 1992-93 winter season.

The Commission advises all interested parties that it may hold a technical conference in this application to discuss any issues that are raised by the application or by any parties which require further review. Notice of such a technical conference will be issued at a later date.

*Comment date:* February 21, 1992, in accordance with Standard Paragraph F at the end of this notice.

## 2. CNG Transmission Corp.

[Docket No. CP92-312-000]

January 30, 1992.

Take notice that on January 22, 1992, CNG Transmission Corporation (CNG), 445 West Main Street, Clarksburg, West Virginia 26301, filed an application with the Commission in Docket No. CP92-312-000 pursuant to sections 7(b) and 7(c) of the Natural Gas Act (NGA) for permission and approval to abandon two natural gas sales services, begin two new sales services, and amend one sales service, all as more fully set forth in the application which is open to public inspection.

CNG requests permission and approval to abandon natural gas sales services to Columbia Gas of Pennsylvania, Inc. (Columbia of Pennsylvania) under its FERC Rate Schedule X-49 and interruptible sales to Newzane Gas Company (Newzane).<sup>3</sup> CNG proposes to replace the abandoned sales services to Columbia Gas of Pennsylvania and Newzane with new sales service under its FERC Rate Schedule SCQ to Columbia Gas of Pennsylvania and National Gas and Oil Corporation (National), successor to Newzane.

CNG also proposes to increase its natural gas sales to Columbia Gas of Ohio, Inc. (Columbia Gas of Ohio) under Rate Schedule SCQ from 1,500 dekatherms per day to 10,000 dekatherms per day and from 60,000 dekatherms annually to 1,200,000 dekatherms annually.<sup>4</sup> CNG currently

delivers gas to Columbia Gas of Ohio at the Madison connection in Franklin County, Ohio. CNG proposes to add the Commercial Point interconnection in Pickaway County, Ohio, as a delivery point for its proposed increased service to Columbia Gas of Ohio.

No new facilities would be needed to implement CNG's proposed services, nor would any facilities be abandoned in this proposal.

*Comment date:* February 20, 1992, in accordance with Standard Paragraph F at the end of the notice.

## 3. Southern Natural Gas Co.

[Docket No. CP92-311-000]

January 30, 1992.

Take notice that on January 21, 1992, Southern Natural Gas Company (Southern), Post Office Box 2563, Birmingham, Alabama 35202-2563, filed in Docket No. CP92-311-000 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon all of the contract demand—allocated to South Georgia Natural Gas Company (South Georgia); and pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the firm sale of natural gas, and authorization for associated tariff modifications, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Southern states that, pursuant to a request by South Georgia, Southern is requesting authorization to abandon all of South Georgia's remaining contract demand with Southern. In addition, Southern is requesting a certificate of public convenience and necessity authorizing the firm sale of natural gas in an amount totalling 39,644 Mcf per day to the following customers: Atlanta Gas Light Company—Valdosta; Atlanta Gas Light Company—Montezuma; the Cities of Adel, Albany, Andersonville, Ashburn, Blakely, Camilla, Colquitt, Cordele, Cuthbert, Doerun, Donalsonville, Douglas, Edison, Fort Gaines, Lumpkin, Nashville, Ocilla, Pelham, Richland, Shellman, Sylvester, Tifton, Unadilla and Vienna, Georgia; Decatur County, Georgia; Town of Meigs, Georgia; Town of Havana, Florida; and Cities of Jasper and Tallahassee, Florida.

Southern states that the above-mentioned customers are currently served by South Georgia and have recently requested conversions pursuant to § 284.10 of the Commission's Regulations of their firm natural gas sales service provided under South Georgia's Rate Schedules G-1 and G-2

to firm transportation service on South Georgia's system. Southern further states that the firm sales service proposed will be provided pursuant to Southern's Rate Schedules G-2 and OCD-2. In addition, Southern states that it will prepare revised tariff sheets to its Index of Requirements to reflect revised maximum daily obligations or contract demand, as applicable, and customer requirements resulting from approval of the authorizations requested.

*Comment date:* February 20, 1992, in accordance with Standard Paragraph F at the end of this notice.

## 4. National Fuel Gas Supply Corp. v. Tennessee Gas Pipeline Co.

[Docket No. CP92-322-000]

January 31, 1992.

Take notice that on January 29, 1992, National Fuel Gas Supply Corporation (National Fuel), pursuant to Rule 206 of the Commission's Rules of Practice and Procedure, 18 CFR 385.206 and section 1b.8 of the Commission's General Rules, 18 CFR 1b.8, tendered for filing a formal complaint against Tennessee Gas Pipeline Company (Tennessee).

National Fuel requests that the Commission issue a show cause order against Tennessee for allegedly abandoning certificated service to National Fuel without authorization, in violation of section 7(b) of the Natural Gas Act (NGA), 15 U.S.C. section 717f(b). National Fuel asserts that Tennessee is attempting to coerce it to execute unnecessary transportation contracts to transport National Fuel's gas from jointly-owned storage fields, and that such action constitutes an unjust and unreasonable contracting practice in violation of section 5 of the NGA.

National Fuel also requests that the Commission institute a formal investigation of the specific actions taken by Tennessee, in the context of its refusing to continue delivering National Fuel's natural gas withdrawn from the jointly owned and operated Colden and Hebron underground storage fields, which constitute the alleged unauthorized abandonment of service and unjust and unreasonable contract practice.

National Fuel states that on less than 30 days notice, Tennessee has threatened to cut-off such long-standing deliveries as of February 1, 1992, unless National Fuel first signs new additional transportation agreements and pays new additional transportation charges. National Fuel asserts that it has attempted to conciliate the matter with Tennessee, in order to avoid such a cut-off on its temperature-sensitive firm

<sup>3</sup> The Commission authorized CNG's respective sales services to Columbia of Pennsylvania and Newzane by the orders issued in Docket Nos. CP84-280-000 (28 FERC ¶61,121) and CP81-519-000 (18 FERC ¶61,206).

<sup>4</sup> The Commission authorized CNG's sales service to Columbia Gas of Ohio by the order issued in Docket No. CP89-1127-000 (48 FERC ¶61,340).



requirements. National Fuel states that Tennessee has rebuffed such efforts, which has led National Fuel to file its complaint.

National Fuel requests that pending the outcome of the investigation which it seeks the Commission to initiate, Tennessee be enjoined from cutting off deliveries of National Fuel's storage withdrawal gas from the Colden and Hebron storage fields.

*Comment date:* February 10, 1992, in accordance with the first subparagraph of Standard Paragraph F at the end of this notice. Answers to this complaint shall be due on or before February 10, 1992.

#### 5. Tennessee Gas Pipeline Co.

[Docket No. CP92-313-000]

January 31, 1991.

Take notice that on January 23, 1992, Tennessee Gas Pipeline Company (Tennessee), P.O. Box 2511, Houston, Texas 77252, filed in Docket No. CP92-313-000 an application pursuant to section 7(b) of the Natural Gas Act for authorization to abandon a firm transportation service to Transcontinental Gas Pipe Line Corporation (Transco), all as more fully detailed in the application which is on file with the Commission and open to public inspection.

Tennessee proposes to abandon the firm transportation service to Transco under Rate Schedule T-176, effective on January 31, 1992. It is stated that Tennessee, Transco and Columbia Transmission Company (Columbia) entered into a gas transportation agreement dated March 14, 1983, whereby Tennessee transports gas for Transco from several points of receipt on Tennessee's system and Columbia's jointly-owned facilities in the South Pass area to the terminus of such facilities. Tennessee was obligated to transport up to 9,635 Dth of gas equivalent per day on a firm basis, it is asserted. It is stated that Transco no longer needs the service. It is stated that no facilities are proposed to be abandoned.

*Comment date:* February 21, 1992, in accordance with Standard Paragraph F at the end of this notice.

#### 6. Northwest Pipeline Corp.

[Docket No. CP92-317-000]

January 31, 1992.

Take notice that on January 27, 1992, Northwest Pipeline Corporation (Northwest), 295 Chipeta Way, Salt Lake City, Utah, 84158, filed in Docket No. CP92-317-000 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon an

interruptible natural gas transportation service for Panhandle Eastern Pipe Line Company (Panhandle), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Northwest states that the transportation service for Panhandle was provided pursuant to a Gas Gathering and Transportation Agreement dated September 19, 1983, which was certificated in Docket No. CP85-706-000. It is stated that this agreement covers the best efforts gathering and transporting by Northwest of up to 800 MMBtu per day of natural gas for the account of Panhandle. Under the terms of the agreement, Northwest states that it received Panhandle's gas at various wells in Sublette County, Wyoming, and gathered the gas through Northwest's Big Piney Gathering System to Northwest's Opal Processing Plant in Lincoln County, Wyoming. It is further stated that Northwest then transported the gas to a mainline interconnection with Colorado Interstate Gas Company in Sweetwater County, Wyoming. According to Northwest, the agreement provided for a gathering charge and a transportation charge as set forth in Volume No. 2 of Northwest's FERC Gas Tariff.

It is stated that the initial term of the agreement was twenty years, to continue from year to year thereafter until canceled by written notice given by either party not less than six months prior to the date of termination.

Northwest states that under the prior notice procedures in § 157.205 of the Commission's Regulations and the former § 157.209(b)(3) transportation regulations, the transportation services under the agreement authorized in Docket No. CP85-706-000, became effective September 21, 1985. It is stated that the prior notice for this transaction was filed in accordance with Northwest's blanket certificate in Docket No. CP82-433-000, which authorized various activities specified in subpart F of part 157, as amended, including transportation under § 157.209(b)(3). Although the Commission's Order No. 436 subsequently eliminated the transportation provisions in Section 157.209 of the Regulations, Northwest states that it received clarification from the Commission that, under the transitional provisions of Order No. 436, the subject transportation service was deemed to be authorized for the full term originally certificated, 36 FERC ¶ 61,072 (1986).

According to Northwest, no services have been rendered under the agreement since January 19, 1988, and

no imbalances presently exist under the agreement. It is stated that Panhandle and Northwest have mutually agreed to terminate the agreement effective May 1, 1991.

Northwest states that it does not intend to retire any of its existing gathering or transmission facilities in conjunction with this proposed abandonment of service. Northwest submits that its existing facilities will continue to be used to provide gathering and transmission services for other customers.

*Comment date:* February 21, 1992, in accordance with Standard Paragraph F at the end of this notice.

#### Standard Paragraphs

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date filed with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be



unnecessary for the applicant to appear or be represented at the hearing.

**Lois D. Cashell,**  
*Secretary.*

[FR Doc. 92-3052 Filed 2-7-92; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 11095-001-Iowa]

**Greenwood Pumped Storage Corporation; Surrender of Preliminary Permit**

February 3, 1992.

Take notice that Greenwood Pumped Storage Corporation, permittee for the Red Rock Project, located on Lake Red Rock in Marion County, Iowa, has requested that its preliminary permit be terminated. The preliminary permit was issued on July 24, 1991, and would have expired on June 30, 1994.

The permittee filed the request on December 27, 1991, and the preliminary permit for Project No. 11095 shall remain in effect through the thirtieth day after issuance of this notice unless that is a Saturday, Sunday or holiday as described in 18 CFR 385.2007, in which case the permit shall remain in effect through the first business day following that day. New application involving this project site, to the extent provided for under 18 CFR part 4, may be filed on the next business day.

**Lois D. Cashell,**  
*Secretary.*

[FR Doc. 92-3053 Filed 2-7-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. FA91-43-001]

**Central Illinois Light Co.; Filing**

February 3, 1992.

Take notice that on January 23, 1992, Central Illinois Light Company (Central Illinois) tendered for filing its compliance filing in the above-referenced docket.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before February 18, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the

Commission and are available for public inspection.

**Lois D. Cashell,**  
*Secretary.*

[FR Doc. 92-3054 Filed 2-7-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER92-248-000]

**New England Power Service Co.; Filing**

February 4, 1992.

Take notice that on December 30, 1991, New England Power Service Company tendered for filing an amendment to the August 14, 1985, contract between NEP and Newport Electric Corporation and a revised Service Agreement reflecting the amendment.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before February 12, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

**Lois D. Cashell,**  
*Secretary.*

[FR Doc. 92-3055 Filed 2-7-92; 8:45 am]

BILLING CODE 6717-01-M

**FEDERAL COMMUNICATIONS COMMISSION**

[DA 92-90]

**Comment Filing Dates on NECA'S Proposed Modifications to the Average Schedule Formulas**

Released: January 30, 1992.

On December 31, 1991, the National Exchange Carrier Association, Inc. ("NECA") filed modifications to the interstate average schedules that NECA proposes would become effective on July 1, 1992.

NECA states that its proposed modifications would, on average, increase exchange carrier settlements by 11.25%. Carriers with 500 or fewer access lines would receive the largest projected increase (30.1%), while carriers with 50,000 or more access lines

would receive the smallest projected increase (3.9%).

Copies of NECA's proposed modifications to the average schedules, supporting documentation, and errata (dated January 15, 1992) may be obtained from the Commission's public records duplication contractor, The Downtown Copy Center, 1114 21st Street NW., Washington, DC 20037. Telephone: (202) 452-1422. The record in this proceeding is also available for public inspection and duplication at room 544, 1919 M Street NW., Washington, DC.

Comments on NECA's proposed revisions to the average schedules may be filed on or before February 14, 1992. Reply comments may be filed on or before February 24, 1992. Commenting parties should file five (5) copies of their comments and reply comments with the Secretary, Federal Communications Commission, 1919 M St., NW., Washington, DC 20554; one (1) copy of their comments and reply comments with The Downtown Copy Center; and two (2) copies of their comments and reply comments at room 544, 1919 M Street, NW., Washington, DC 20554.

For consideration in this proceeding, all filings should be captioned "In the Matter of National Exchange Carrier Association December 31, 1991 Proposed Revisions to the Average Schedule Formulas."

For further information, contact Kent R. Nilsson at (202) 632-6363.

Federal Communications Commission.

**Donna R. Searcy,**

*Secretary.*

[FR Doc. 92-2942 Filed 2-7-92; 8:45 am]

BILLING CODE 6712-01-M

[Report No. 1875]

**Petitions for Reconsideration and Clarification and Application for Review of Actions in Rule Making Proceedings**

February 5, 1992.

Petitions for reconsideration have been filed in the Commission rule making proceedings listed in this Public Notice and published pursuant to 47 CFR 1.429(e). The full text of these documents are available for viewing and copying in room 239, 1919 M Street, NW., Washington, DC, or may be purchased from the Commission's copy contractor Downtown Copy Center, (202) 452-1422. Oppositions to these petitions must be filed February 25, 1992. See § 1.4(b)(1) of the Commission's rules (47 CFR 1.4(b)(1)). Replies to an opposition must be filed within 10 days



after the time for filing oppositions has expired.

**Subject:** Review of the Technical Assignment Criteria for the AM Broadcast Service. (MM Docket No. 87-267), Number of Petitions Filed 21.

**Subject:** Amendment of section 73.202(b), Table of Allotments, FM Broadcast Stations. (Kaukauna, Wisconsin, and Cleveland, Wisconsin) (MM Docket No. 89-486; RM No. 6913), Number of Petitions Filed 2.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 92-3125 Filed 2-7-92; 8:45 am]

BILLING CODE 6712-01-M

## FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-926-DR]

### Federated States of Micronesia; Amendment to a Major Disaster Declaration

**AGENCY:** Federal Emergency Management Agency.

**ACTION:** Notice.

**SUMMARY:** This notice amends the notice of a major disaster for the Federated States of Micronesia (FEMA-926-DR), dated December 10, 1991, and related determinations.

**DATES:** January 27, 1992.

**FOR FURTHER INFORMATION CONTACT:** Pauline C. Campbell, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472 (202) 646-3606.

**NOTICE:** The notice of a major disaster for the Federated States of Micronesia, dated December 10, 1991, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of December 10, 1991:

The Hall Islands for Public Assistance. (Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance.)

Grant C. Peterson,

Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 92-3089 Filed 2-7-92; 8:45 am]

BILLING CODE 6718-02-M

[FEMA-930-DR]

### Texas; Amendment to a Major Disaster Declaration

**AGENCY:** Federal Emergency Management Agency.

**ACTION:** Notice.

**SUMMARY:** This notice amends the notice of a major disaster for the State of Texas (FEMA-930-DR), dated December 26, 1991, and related determinations.

**DATES:** January 30, 1992.

**FOR FURTHER INFORMATION CONTACT:**

Pauline C. Campbell, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472 (202) 646-3606.

**NOTICE:** The notice of a major disaster for the State of Texas, dated, December 26, 1991, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of December 26, 1991:

The counties of Austin and Somervell for Individual Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance.)

Grant C. Peterson,

Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 92-3090 Filed 2-7-92; 8:45 am]

BILLING CODE 6718-02-M

### Radiological Emergency Preparedness Program Documents and Guidance Memoranda

**AGENCY:** Federal Emergency Management Agency.

**ACTION:** Notice of availability of the final editions of Radiological Emergency Preparedness (REP) Program Documents and status of FEMA REP Guidance Memoranda (GM).

**SUMMARY:** The Federal Emergency Management Agency (FEMA) announces that final editions of the REP Exercise Manual (FEMA-REP-14) and the REP Exercise Evaluation Methodology (FEMA-REP-15) are available for distribution to the public. The Statement of Considerations Document (FEMA-REP-18) will be available in February 1992. These documents affect REP Guidance Memoranda, the status of which is set out in this notice.

**FOR FURTHER INFORMATION CONTACT:** William F. McNutt, Office of Technological Hazards, State and Local Programs and Support, Federal Emergency Management Agency, 500 C

St. SW., Washington, DC 20472, 202-646-2857.

**SUPPLEMENTARY INFORMATION:** FEMA-REP-14 (REP Exercise Manual) provides the policy and program foundation for the exercise components of FEMA's REP Program. It covers two areas: (1) Policies and procedures related to planning for conducting, evaluating and reporting on REP Program exercises; and (2) policies underlying a set of exercise objectives that interpret and apply the guidance contained in NUREG-0654/FEMA-REP-1, Revision 1, and Supplement 1, "Criteria for Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Power Plants" for exercise-related functions. The guidance contained in this document is intended for use by involved State and local governments, licenses, Federal agencies and other offsite support organizations.

### FEMA-REP-15 Exercise Evaluation Methodology (EEM)

Provides an instrument, using a set of 33 exercise objectives, for documenting the performance of offsite organizations in REP exercises. This document also addresses medical emergency drills. The documentation of exercise performance secured through the use of this document is used by FEMA and other Federal agencies to evaluate the adequacy of offsite planning and preparedness as demonstrated in exercises. As published in final, this document supersedes the interim-use EEM issued in May 1988.

### FEMA-REP-18 (Statement of Considerations)

Provides information to REP Program constituents on the nature and disposition of over 2,000 comments received on the draft REP Exercise Manual (January 1991) and the EEM (February 1991) by notice in the *Federal Register*, 56 FR 12734, March 27, 1991. FEMA-REP-18 also provides an overview of the major changes in policies and procedures related to FEMA's exercise program and a summary of the resolution of the issues raised at Federal, Regional and constituent meetings held around the country.

### Alternative Approaches

A provision is incorporated in the Manual and EEM for participating offsite response organizations to propose alternative approaches to the guidance incorporated in REP Program documents, including FEMA-REP-1, FEMA-REP-14 and FEMA-REP-15. Proposals for alternative approaches



should be submitted by offsite organizations to appropriate FEMA Regional Directors for review and recommendation and FEMA Headquarters disposition. When FEMA approves such alternative approaches, FEMA will evaluate the involved organization's plan and demonstration of its emergency preparedness capabilities in exercises based on the approved alternative approaches.

#### **Status of FEMA REP Guidance Memoranda (GM)**

Upon the issuance of FEMA-REP-14 and FEMA-REP-15, the current status of FEMA GMs is set forth below. The following GMs are retained as operative with no changes.

1. GM IT-1: A Guide to Documents Related to the REP Program.
2. GM 4: Radio Transmission Frequencies and Coverage.
3. GM 5: Agreements Among Governmental Agencies and Private Parties.
4. GM 8: Regional Advisory Committee Coordination With Utilities.
5. GM 16: Standard Regional Reviewing and Reporting Procedures for State and Local Radiological Emergency Response Plan.
6. GM 20: Foreign Language Translation of Education Brochures and Safety Messages.
7. GM 21: Acceptance Criteria for Evacuation Plans.
8. GM 22: Recordkeeping Requirements for Public Meetings.
9. GM 24: Radiological Emergency Preparedness for Handicapped Persons.
10. GM PI-1: FEMA Action to Pilot Test Guidance on Public Information Materials and Provide Technical Assistance On Its Use.
11. GM FR-1: Federal Response Center.
12. GM AN-1: FEMA Action to Qualify Alert and Notification Systems Against NUREG-0654/FEMA-REP-1 and FEMA-REP-10.

Some guidance in the following GMs has been clarified or changed with the issuance of guidance contained in FEMA-REP-14 and FEMA-REP-15. FEMA intends to revise the GMs listed below.

1. GM EV-2: Protective Actions for School Children—Guidance in FEMA-REP-14 supersedes Pages 6-13 concerning the following: (1) Clarification of guidance related to the demonstration of protective action capabilities for schools in exercises and (2) modifications to the set of questions as reflected in the Points of Review and Demonstration Criteria in Objective 16 of the EEM.

2. GM IN-1: The Ingestion Exposure Pathway—Guidance in FEMA-REP-14 and FEMA-REP-15 supersedes Pages 14-17.

3. GM PR-1: Policy on NUREG-0654/FEMA-REP-1 and 44 CFR 350 Periodic Requirements—Guidance in FEMA-REP-14 supersedes two parts of the guidance contained in GM PR-1. These two changes are: (1) The provision set forth on page 3 (Section 3.) for partial participation in ingestion exercises for States with multiple sites located within their borders has been terminated. Per guidance provided in the Manual, such States would only need to partially participate in ingestion exercises when full participation exercises are conducted in bordering States.

4. GM MS-1: Medical Services (MS)—Guidance contained in Sections D.21 and D.22 of the Manual supersedes GM MS-1 with respect to the following: (1) Minimum staffing for medical facilities, (2) deferral of radiological monitoring by transportation providers to medical facility staff, and (3) the role of licensee personnel in supporting State and local government medical services functions.

The following GMs are superseded in their entirety upon publication of the Manual.

1. GM EX-1: Remedial Exercises.
2. GM EX-2: Staff Support in Evaluating REP Exercises.
3. GM EX-3: Managing Pre-Exercise Activities and Post-Exercise Meetings.

#### **Status of Technical REP-Series Documents**

Three interim-use documents have been published by FEMA: (1) Guidance on Offsite Emergency Radiation Measurement Systems, Phase 1—Airborne Release (FEMA-REP-2, Revision 2, June 1990), (2) Guidance on Offsite Emergency Radiation Measurement Systems, Phase 2—The Milk Pathway (FEMA-REP-12, September 1987), and (3) Guidance on Offsite Emergency Radiation Measurement Systems, Phase 3—Water and Non-Dairy Food Pathway (FEMA-REP-13, May 1990). These documents provide technical guidance on offsite emergency instrumentation. While the guidance contained in FEMA-REP-14 and FEMA-REP-15 will necessitate changes in FEMA-REP-2, Revision 2, no changes have been made in the Manual and EEM that significantly modify the guidance contained in FEMA-REP-12 and FEMA-REP-13. FEMA intends to revise FEMA-REP-2, Revision 2.

#### **Status of Policy Memoranda**

There are a number of FEMA policy memoranda that address exercise-related and other issues. FEMA has

incorporated all of the exercise-related guidance contained in these memoranda into the Manual. Thus, all such guidance contained in these memoranda is superseded by that in the Manual. However, guidance on planning contained in these memoranda is still operative. FEMA intends to consolidate such planning guidance.

#### **Plans and Preparedness Revisions**

Any plan revisions necessitated by the guidance in FEMA-REP-14 and FEMA-REP-15 should be made by December 31, 1992, and reported in each State's Annual Letter of Certification. Guidance will be provided later for implementing plan amendments related to the recently published Environmental Protection Agency protective action guides. As indicated in FEMA-REP-14, further guidance will be forthcoming on the portal and portable monitoring performance standards and protective action strategy for severe core melt accident sequences. When these issues are resolved, appropriate revisions to FEMA-REP-14 and FEMA-REP-15 will be incorporated and made available to REP Program constituents. The format of the Manual and EEM is structured to permit making changes in these documents as necessitated by future events and experience. While comments are not formally requested on the final edition of these documents, comments and suggestions for improving these documents are always welcome.

#### **Effective Date**

The referenced final documents (FEMA-REP-14 and FEMA-REP-15) are effective upon publication. FEMA-REP-15 (EEM) should be used for exercises where planning activities (i.e., establishment of exercise objectives) are initiated subsequent to December 31, 1991.

#### **Ordering Documents**

Copies of the referenced documents may be obtained from: Federal Emergency Management Agency, P.O. Box 70274, Washington, DC 20024. Please refer to the publication number (FEMA-REP-14, FEMA-REP-15, or FEMA-REP-18) for the REP documents requested.

Dated: February 3, 1992.

For the Federal Emergency Management Agency.

Grant C. Peterson,

Associate Director, State and Local Programs and Support.

[FR Doc. 92-3091 Filed 2-7-92; 8:45 am]

BILLING CODE 6718-20-M



**FEDERAL MARITIME COMMISSION****Security for the Protection of the Public Indemnification of Passengers for Nonperformance of Transportation; Issuance of Certificate (Performance)**

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of section 3, Public Law 89-777 (46 U.S.C. 817(e)) and the Federal Maritime Commission's implementing regulations at 46 CFR part 540, as amended:

Aurora Cruises, Inc., 132 East 70th Street, New York, NY 10021.  
Vessel: AURORA I.

Dated: February 4, 1992.

Joseph C. Polking,  
Secretary.

[FR Doc. 92-3060 Filed 2-7-92; 8:45 am]  
BILLING CODE 6730-01-M

**FEDERAL RESERVE SYSTEM****Boatmen's Bancshares, Inc.; Acquisition of Company Engaged in Permissible Nonbanking Activities**

The organization listed in this notice has applied under § 225.23(a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23(a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be

accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than February 19, 1992.

**A. Federal Reserve Bank of St. Louis** (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Boatmen's Bancshares, Inc.*, St. Louis, Missouri; to acquire Superior Federal Bank, Federal Savings Bank, Fort Smith, Arkansas, and thereby engage in operating a savings association pursuant to § 225.25(b)(9) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, February 4, 1992.

Jennifer J. Johnson,

*Associate Secretary of the Board.*

[FR Doc. 92-3080 Filed 2-7-92; 8:45 am]

BILLING CODE 6210-01-F

**Lakeland First Financial Group, Inc., et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies**

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than March 6, 1992.

**A. Federal Reserve Bank of New York** (William L. Rutledge, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Lakeland First Financial Group, Inc.*, Succasunna, New Jersey; to become a bank holding company by acquiring 100 percent of the voting shares of Lakeland Savings Bank, Succasunna, New Jersey, currently Lakeland Savings Bank S.L.A.

**B. Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. *Camilla Bancshares, Inc.*, Camilla, Georgia; to become a bank holding company by acquiring 100 percent of the voting shares of Bank of Camilla, Camilla, Georgia.

**C. Federal Reserve Bank of Minneapolis** (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Thompson Insurance, Inc.*, Bismarck, North Dakota; to acquire 91.77 percent of the voting shares of First Security Bank of Havre, Havre, Montana.

Board of Governors of the Federal Reserve System, February 4, 1992.

Jennifer J. Johnson,

*Associate Secretary of the Board.*

[FR Doc. 92-3081 Filed 2-7-92; 8:45 am]

BILLING CODE 6210-01-F

**Matewan BancShares, Inc.; 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 March 6, 1992.

**A. Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Senior Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *Matewan BancShares, Inc.*, Matewan, West Virginia; to engage *de novo* through its subsidiary, Hampden Venture Limited Partnership, Gilbert, West Virginia, in making and servicing commercial loans and other extensions of credit throughout the State of West Virginia, pursuant to § 225.25(b)(1) of the Board's Regulation Y. Hampden Venture Limited Partnership is a joint venture of Hampden Coal Company, Inc., Gilbert, West Virginia, and Matewan BancShares, Inc.

Board of Governors of the Federal Reserve System, February 4, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92-3082 Filed 2-7-92; 8:45 am]

BILLING CODE 6210-01-F

## FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

### Open Season; Thrift Savings Plan Elections

**AGENCY:** Federal Retirement Thrift Investment Board.

**ACTION:** Notice.

**SUMMARY:** The Federal Retirement Thrift Investment Board (Board) in its regulation at 5 CFR 1600.2 provides that notice will be given of the beginning and ending dates of all open seasons (as defined at 5 CFR 1600.1) which are subsequent to the open season ending on July 31, 1987. The Board's next open season will commence on May 15, 1992, and will end on July 31, 1992. The election period (as defined at 5 CFR 1600.1) covered by this open season extends from July 1 to July 31, 1992.

## FOR FURTHER INFORMATION CONTACT:

James B. Petrick, (202) 523-6367.

Dated: February 3, 1992.

Francis X. Cavanaugh,  
Executive Director.

[FR Doc. 92-3028 Filed 2-7-92; 8:45 am]

BILLING CODE 6760-01-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control

#### Hospital Infection Control Practices Advisory Committee; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), the Centers for Disease Control (CDC) announces the following committee meeting.

*Name:* Hospital Infection Control Practices Advisory Committee.

*Times and Dates:* 8:30 a.m.-5 p.m., March 2, 1992. 8:30 a.m.-3:30 p.m., March 3, 1992.

*Place:* CDC, Auditorium A, 1600 Clifton Road, NE, Atlanta, Georgia 30333.

*Status:* Open to the public, limited only by the space available.

*Purpose:* The Committee is charged with providing advice and guidance to the Director, CDC, and the Director, National Center for Infectious Diseases (NCID), regarding the practice of hospital infection control and strategies for surveillance, prevention, and control of nosocomial infections in U.S. hospitals.

*Matters To Be Discussed:* This is the initial meeting of the Hospital Infection Control Practices Advisory Committee. The agenda will include remarks and charge to the Committee by the Director, Hospital Infections Program; an overview of the Hospital Infections Program activities and recent accomplishments; ongoing nosocomial infection problems of concern to the Hospital Infections Program; historical perspectives of CDC Guidelines for Prevention of Nosocomial Infections; and revision of the CDC Guideline for Prevention of Nosocomial Pneumonia. Agenda items are subject to change as priorities dictate.

*Contact Person for Additional Information:* Julia S. Garner, R.N., M.N., Nurse Consultant, Hospital Infections Program, NCID, CDC, 1600 Clifton Road, NE, Mailstop A-07, Atlanta, Georgia 30333, telephone 404/639-1552 or FTS 236-1552.

Dated: February 4, 1992.

Elvin Hilyer,

Associate Director for Policy Coordination,  
Centers for Disease Control.

[FR Doc. 92-3067 Filed 2-7-92; 8:45 am]

BILLING CODE 4160-18-M

#### Lead-Based Paint Removal; NIOSH Evaluation; Meeting

**ACTION:** The National Institute for Occupational Safety and Health

(NIOSH) of the Centers for Disease Control (CDC) announces the following meeting.

*Name:* Evaluation of Engineering Controls Used For Removing Lead-Based Paints From Steel Structures.

*Time and Date:* 8:30 a.m.-4 p.m., March 26, 1992.

*Place:* Alice Hamilton Laboratory, Conference Room C, NIOSH, CDC, 5555 Ridge Avenue, Cincinnati, Ohio 45213.

*Status:* Open to the public, limited only by the space available.

*Purpose:* To conduct an open meeting for the review of a NIOSH project entitled "Evaluation of Engineering Controls Used For Removing Lead-Based Paints From Steel Structures." This project will evaluate lead exposures relative to the lead-based paint removal technology used. The goal of this project is to identify the technologies which reduce the lead exposures of construction workers.

*Contact Person for Additional Information:* R. Leroy Mickelsen, NIOSH, CDC, 4676 Columbia Parkway, Mailstop R-5, Cincinnati, Ohio 45226, telephone 513/841-4221 or FTS 684-4221.

Dated: February 4, 1992.

Elvin Hilyer,

Associate Director for Policy Coordination,  
Centers for Disease Control.

[FR Doc. 92-3068 Filed 2-7-92; 8:45 am]

BILLING CODE 4160-19-M

## Food and Drug Administration

[Docket No. 84N-0102]

### Cumulative List of Orphan Drug and Biological Designations

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing the availability of a cumulative list of designated orphan drugs and biologics as of December 31, 1991. FDA has announced the availability of previous lists, which are brought up-to-date monthly, identifying the drugs and biologics granted orphan-drug designation pursuant to section 526 of the Federal Food, Drug, and Cosmetic Act.

**ADDRESSES:** Copies of the list of current orphan-drug designations and of any future lists are or will be available from the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 1-23, 12420 Parklawn Dr., Rockville, MD 20857, and the National Information Center for Orphan Drugs and Rare Diseases (NICODARD), P.O. Box 1133, Washington, DC, 20013-1133.



**FOR FURTHER INFORMATION CONTACT:**

Peter Vaccari, Office of Orphan Products Development (HF-35), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4718,  
or

National Information Center for Orphan Drugs and Rare Diseases (NICODARD), P.O. Box 1133, Washington, DC 20013-1133, 1-800-456-3505.

**SUPPLEMENTARY INFORMATION:** FDA's Office of Orphan Products Development reviews and takes final action on applications submitted by sponsors seeking orphan-drug designation under section 526 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360bb). In accordance with this section of the act, which requires public notification of designations, FDA maintains a list of designated orphan drugs and biologicals. This list is made current on a monthly basis and is available upon request from NICODARD. At the end of each calendar year, the agency publishes an up-to-date cumulative list of designated orphan drugs and biologicals including the names of designated compounds, the specific disease or condition for which the compounds are designated, and the sponsors' names and addresses. The cumulative list of compounds receiving orphan-drug designation through 1988 was published in the *Federal Register* of April 21, 1989 (54 FR 16294). This list is available upon request from the Dockets Management Branch (address above). Those requesting a copy should specify the docket number found in brackets in the heading of this document.

The list that is the subject of this notice consists of designated orphan drugs and biologicals through December 31, 1991 and, therefore, brings the February 27, 1991 (56 FR 8205) publication up-to-date.

The orphan-drug designation of a drug or biological applies only to the sponsor who requested the designation. Each sponsor interested in developing an orphan drug or biological must apply for orphan-drug designation in order to obtain exclusive marketing rights. Any request for designation must be received by FDA before the submission of a marketing application for the proposed indication for which designation is requested. (See 53 FR 47577, November 23, 1988.)

The names used in the cumulative list for the drug and biological products that have not been approved or licensed for marketing may not be the established or proper names approved by FDA for

these products if they are eventually approved or licensed for marketing. Because these products are investigational, some may not have been reviewed for purposes of assigning the most appropriate established proper name.

Dated: February 4, 1992.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 92-3075 Filed 2-7-92; 8:45 am]

BILLING CODE 4160-01-M

### **Health Resources and Services Administration Advisory Council; Meeting**

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following National Advisory bodies scheduled to meet during the month of March 1992.

*Name:* Statistical Review Subcommittee of the Advisory Commission on Childhood Vaccines.

*Date and Time:* March 11, 1992, 9 a.m.-11 a.m.

*Place:* Conference Room G, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857.

The meeting is open to the public.

*Purpose:* This Subcommittee will review statistics from all sources (the Compensation System, Vaccine Adverse Events Reporting System (VAERS), the U.S. Claims Court, etc.) that can give any reason for any alterations (additions, subtractions, or revisions) in the Vaccine Injury Table. The Subcommittee will consider any applications for inclusion of additional vaccines and associated events to the table and make recommendations on these to the Commission. All recommendations by the Subcommittee will be considered by the full Commission and, if accepted, will be forwarded to the Secretary. This Subcommittee will also be the first line of study for all outside studies and literature reports with subjects affecting the Vaccine Injury Table.

*Agenda:* The Subcommittee will discuss analysis of types of claims receiving payouts and VAERS update.

*Name:* Accounting Review Subcommittee of the Advisory Commission on Childhood Vaccines.

*Date and Time:* March 11, 1992, 9 a.m.-11:00 a.m.

*Place:* Conference Room H, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857.

The meeting is open to the public.

*Purpose:* The Subcommittee reviews quarterly with the administrative staff, the financing of the Vaccine Injury Compensation Trust Fund, the output of funds resulting from each vaccine and each adverse event, and the relationship of each vaccine and each adverse event to the rate of depletion of the Trust Fund. If these studies justify any increase or any decrease of surtax for each vaccine, these recommendations can be made to the full commission and if accepted, can be forwarded to the Secretary.

*Agenda:* The Subcommittee will discuss: (1) Overview of Trust Fund finances, and (2) Status of spending for pre-1988 awards.

*Name:* Advisory Commission on Childhood Vaccines

*Date and Time:* March 11, 1992, 1 p.m.-5 p.m.; March 12, 1992, 9 a.m.-12 p.m.

*Place:* Conference Rooms G & H, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857.

The meeting is open to the public.

*Purpose:* The Commission: (1) Advises the Secretary on the implementation of the Program, (2) on its own initiative or as the result of the filing of a petition, recommends changes in the Vaccine Injury Table, (3) advises the Secretary in implementing the Secretary's responsibilities under section 2127 regarding the need for childhood vaccination products that result in fewer or no significant adverse reactions, (4) surveys Federal, State, and local programs and activities relating to the gathering of information on injuries associated with the administration of childhood vaccines, including the adverse reaction reporting requirements of section 2125(b), and advises the Secretary on means to obtain, compile, publish, and use credible data related to the frequency and severity of adverse reactions associated with childhood vaccines, and (5) recommends to the Director of the National Vaccine Program research related to vaccine injuries which should be conducted to carry out the National Vaccine Injury Compensation Program.

*Agenda:* Agenda items for the full commission will include, but not be limited to: the routine Program reports, reports from the National Vaccine Program and the National Vaccine Advisory Committee (NVAC), reports from the ACCV Subcommittees, a presentation on new vaccines, and updates on the acellular pertussis vaccine clinical trial and on the Section 313 study of Other Vaccine Risks.

Public comment will be permitted at the respective subcommittee meetings on March 11 before noon and at the end of the day, and also before noon of the second day, March 12. Oral presentations will be limited to 5 minutes per public speaker. Persons interested in providing an oral presentation should submit a written request, along with a copy of their presentation, to Mr. Matthew Barry, Division of Vaccine Injury Compensation, Bureau of Health Professions, Health Resources and Services Administration, room 702, 6001 Montrose Road, Rockville, Maryland 20852, Telephone (301) 443-6593.

Requests should contain the name, address, telephone number, and any business or professional affiliation of the person desiring to make an oral presentation. Groups having similar interests are requested to combine their comments and present them through a single representative. The allocation of time may be adjusted to accommodate



the level of expressed interest. The Vaccine Injury Compensation Program will notify each presenter by mail or telephone of their assigned presentation time. Persons who do not file an advance request for presentation, but desire to make an oral statement, may sign up in Conference Rooms G & H before 10 a.m., March 11 and 12. These persons will be allocated time as time permits.

Anyone requiring information regarding the subject Commission should contact Mr. Matthew Barry, Principal Staff Liaison, Division of Vaccine Injury Compensation, Bureau of Health Professions, room 7-02, 6001 Montrose Road, Rockville, Maryland 20852, Telephone (301) 443-6593.

Agenda Items are subject to change as priorities dictate.

Dated: February 4, 1992.

Jackie E. Baum,

*Advisory Committee Management Officer,  
HRSA.*

[FR Doc. 92-3069 Filed 2-7-92; 8:45 am]

BILLING CODE 4160-15-M

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

### Office of the Secretary

[Docket No. N-92-3361; FR-3193-C-02]

### HOPE for Homeownership of Multifamily Units Program; Notice of Fund Availability; Correction

**AGENCY:** Office of the Secretary, HUD.

**ACTION:** Notice of fund availability for FY 1992; correction.

**SUMMARY:** On January 14, 1992 (57 FR 1585), the Department published in the *Federal Register* a Notice of Fund Availability that announced the availability of \$95 million in funding for mini planning grants, full planning grants, and implementation grants for the HOPE for Homeownership of Multifamily Units Program (HOPE 2). The purpose of this document is to correct the number of points allowed under the heading F. Selection criteria as it applies to the "Extent of low-income homeownership".

**FOR FURTHER INFORMATION CONTACT:** Margaret Milner, Office of Resident Initiatives, Department of Housing and Urban Development, room 6130, 451 Seventh Street SW., Washington, DC 20410; telephone (202) 708-4542. To provide service for persons who are hearing- or speech-impaired, this number may be reached via TDD by dialing the Federal Information Relay Service on 1-800-877-TDDY, 1-800-877-

8339, or 202-708-9300. (Telephone numbers, other than "800" TDD numbers, are not toll-free.)

Accordingly, in FR Doc. 92-587, published in the *Federal Register* on Tuesday, January 14, 1992 (57 FR 1585), make the following correction:

On page 1587, third column, under the heading, F. Selection criteria, item 8 is corrected to read, "8. Extent of low-income homeownership—deduction of up to 15 points."

Dated: February 3, 1992.

Grady J. Norris,

*Assistant General for Regulations.*

[FR Doc. 92-3109 Filed 2-7-92; 8:45 am]

BILLING CODE 4210-32-M

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[ID-030-02-4212-13]

### Amendment of Little Lost/Birch Creek Management Framework Plan (MFP), Realty Action (NORA), Exchange of Public Lands in Butte County, ID

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of action—amendment of Little Lost/Birch Creek Management Framework Plan (MFP), notice of reactivity action (NORA), exchange of public lands in Butte County, ID.

**NOTICE:** Notice is hereby given that the Bureau of Land Management (BLM) has amended the Little Lost/Birch Creek MFP to allow for the transfer of certain public lands in Butte County in exchange for scattered parcels of private land in Butte and Custer Counties, Idaho. The exchange will include surface and mineral estates.

**SUMMARY:** The following described lands have been examined and through the public supported land use planning process have been determined to be suitable for transfer by land exchange pursuant to section 206 of the Federal Land Policy and Management Act of 1976 (U.S.C. 1716).

Public lands to be transferred are described as:

Boise Meridian, Idaho

T. 5 N., R. 29 E.,  
Sec. 5, SE $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
Sec. 14, S $\frac{1}{4}$ SE $\frac{1}{4}$ .

T. 7 N., R. 27 E.,  
Sec. 1, Lots 1-4, S $\frac{1}{2}$ N $\frac{1}{2}$ .

T. 7 N., R. 28 E.,  
Sec. 5, W $\frac{1}{2}$ SW $\frac{1}{4}$ ; Sec. 6, Lots 1-5,  
SE $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ .

T. 8 N., R. 28 E.,  
Sec. 31, Lots 3 and 4, E $\frac{1}{2}$ SW $\frac{1}{4}$ .

Comprising 1037.17 acres.

Non-federal lands to be acquired are described as:

Boise Meridian, Idaho

T. 9 N., R. 26 E.,  
Sec. 19, SE $\frac{1}{4}$ .  
Sec. 20, SW $\frac{1}{4}$ .  
Sec. 30, NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ .

T. 9 N., R. 27 E.,  
Sec. 20, NE $\frac{1}{4}$ NE $\frac{1}{4}$ .

T. 11 N., R. 26 E.,  
Sec. 32, NE $\frac{1}{4}$ ;  
Sec. 33, W $\frac{1}{2}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$ .

Comprising 1000.00 acres.

The exchange proposal would allow for transfer out of public ownership lands which include dry grazing, 1.00 stream miles and 1.82 riparian acres. In exchange for those lands, BLM would acquire private land which includes grazing, 1.75 stream miles and 3.33 riparian acres for a net gain of .75 stream miles and 1.51 riparian acres. BLM would acquire important fisheries with parcels on Summit Creek and Wet Creek, as well as wildlife habitat, access for recreational activities and increased fishing opportunities on Wet Creek and Summit Creek.

The lands were appraised and found to be of approximate equal fair market value.

Lands to be transferred from the United States will be subject to the following reservations, terms and conditions: Ditches and canals (Act of August 30, 1890-43 U.S.C. 945) and powerline right-of-ways I-012500 and I-02373 to Utah Power & Light. Continued use of the land by the right-of-way holder is proper, subject to the terms and conditions of the grant. Administrative responsibility previously held by the United States will be assumed by the patentee.

The publication of this notice in the *Federal Register* will segregate the public lands described above to the extent that they will not be subject to appropriation under the public land laws, including the mining laws. As provided by the regulations of 43 CFR 2201.1(b), any subsequently tendered application, allowance of which is discretionary, shall not be accepted, shall not be considered as filed, and shall be returned to the applicant.

### SUPPLEMENTARY INFORMATION:

Detailed information concerning the conditions of the land exchange can be obtained by contacting Barbara Klingenberg, Realty Specialist, at (208) 524-7555.

### Planning Protest

Any party that participated in the plan amendment and is adversely affected by the amendment may protest this action as it affects issues submitted



for the record during the planning process. The protest shall be in writing and filed with the Director (760), Bureau of Land Management, 1800 "C" Street NW., Washington, DC 20240, within 30 days of this notice.

#### Land Exchange Comments

For a period of 45 days from the date of publication of this notice in the **Federal Register**, interested parties may submit comments regarding the land exchange to the District Manager, Bureau of Land Management, 940 Lincoln Road, Idaho Falls, Idaho 83401. Objection will be reviewed by the State Director who may sustain, vacate, or modify the realty action. In the absence of any planning protests or objections regarding the land exchange, this realty action will become the final determination of the Department of the Interior and the planning amendment will be in effect.

Dated: January 29, 1992.

Lloyd H. Ferguson,

District Manager.

[FR Doc. 92-2894 Filed 2-7-92; 8:45 am]

BILLING CODE 4310-GG-M

#### Minerals Management Service

##### Geothermal Resources Valuation Regulations

February 4, 1992.

**AGENCY:** Minerals Management Service (MMS), Interior.

**ACTION:** Notice of training seminars.

**SUMMARY:** The Minerals Management Service (MMS) hereby gives notice that it will conduct training seminars at the locations and dates given below on the revised geothermal resources valuation regulations that were published in the **Federal Register** on November 8, 1991 (56 FR 57256). The seminars will focus on the methods of determining value of geothermal resources for royalty purposes as identified in the regulations that became effective January 1, 1992.

**DATES:** See **SUPPLEMENTARY INFORMATION**.

**ADDRESSES:** See **SUPPLEMENTARY INFORMATION**.

**FOR FURTHER INFORMATION CONTACT:** Mr. Charles Brook, Oil and Gas Valuation Branch, Royalty Valuation and Standards Division, (303) 231-3534 or (FTS) 326-3534.

**SUPPLEMENTARY INFORMATION:** The new geothermal resources valuation regulations govern the methods by which value is determined when computing royalties on geothermal resources produced from Federal leases.

Valuation standards are grouped according to the resource's usage: electrical generation or direct utilization. Valuation procedures within each usage group are divided on the basis of the resource's disposition: sales under an arm's-length contract, sales under a non-arm's-length contract, or utilized by the lessee (no sales). Each usage-disposition combination involves different valuation procedures. The training seminars will focus on application of the valuation standards, with particular emphasis on valuing "no sales" resources. The calculation of values under the netback procedure for geothermal resources used to generate electricity and under the alternative fuels approach for geothermal resources used in direct utilization processes will be addressed in detail. Valuation standards for geothermal byproducts, none of which are currently commercially recovered, will be reviewed as time permits or at the request of attendees.

#### Dates and Locations

The seminars will be held from 8:30 a.m. to 5 p.m. on the dates and at the locations given below:

| Dates              | Locations                                                                           |
|--------------------|-------------------------------------------------------------------------------------|
| Mar. 10, 1992..... | Denver Federal Center, 6th and Kipling, Building 25, room 1254, Lakewood, Colorado. |
| Mar. 19, 1992..... | Bally's Conference Center, 2500 East 2nd Street, Reno, Nevada, (702) 789-2000.      |

#### Registration and Reservations

Persons interested in attending one of these seminars should contact Ms. Sara Leech at (303) 231-3529 or (FTS) 326-3529 at least 1 week prior to the seminar date. Each seminar is planned to accommodate 75 attendees, as registration will be made on a first-come-first-serve basis. Attendees should make their own travel arrangements and hotel reservations.

If insufficient interest is shown in attending either of the training seminars, that seminar may be canceled and alternate arrangements will be made for those who expressed interest.

Dated: February 4, 1992.

Donald T. Sant,

Acting Associate Director for Royalty Management.

[FR Doc. 92-3099 Filed 2-7-92; 8:45 am]

BILLING CODE 4210-MR-M

#### INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-330]

##### Certain Computer System State Save/Restore Software and Associated Backup Power Supplies for Use in Power Outages; Commission Determination Not To Review an Initial Determination Granting a Joint Motion To Terminate the Investigation

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination (ID) issued by the presiding administrative law judge (ALJ) in the above-captioned investigation granting a joint motion to terminate the investigation with prejudice on the basis of a settlement agreement.

**ADDRESSES:** Copies of the ID and all other nonconfidential documents filed in connection with this investigation are available for public inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone 202-205-2000.

**FOR FURTHER INFORMATION CONTACT:** Daniel Hopen, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone 202-205-3108.

Hearing-impaired individuals are advised that information about this matter can be obtained by contacting the Commission's TDD terminal, 202-205-1810.

**SUPPLEMENTARY INFORMATION:** On December 23, 1991, complainant Universal Vectors Corporation and respondents Astec (BSR) PLC and Emerson Electric Co. filed a joint motion (Motion No. 330-14) to terminate this investigation with prejudice on the basis of a settlement agreement. The motion was supported by the Commission investigative attorney.

On January 3, 1992, the presiding ALJ issued an ID (Order No. 13) granting the motion to terminate the investigation with prejudice on the basis of the settlement agreement. No petitions for review or agency or public comments were filed.

This action is taken under the authority of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and section 210.53 of the Commission's Interim Rules



of Practice and Procedure (19 CFR 210.53).

Issued: January 31, 1992.

By order of the Commission.

**Kenneth R. Mason,**  
*Secretary.*

[FR Doc. 92-3086 Filed 2-7-92; 8:45 am]

BILLING CODE 7020-02-M

#### [Investigation No. 731-TA-545 Preliminary]

### Medium Voltage Underground Distribution Cable From Canada

**AGENCY:** United States International Trade Commission.

**ACTION:** Institution and scheduling of a preliminary antidumping investigation.

**SUMMARY:** The Commission hereby gives notice of the institution of preliminary antidumping investigation No. 731-TA-545 (Preliminary) under section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)) to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Canada of medium voltage underground distribution cable,<sup>1</sup> provided for in subheading 8544.60.60 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value. The Commission must complete preliminary antidumping investigations in 45 days, or in this case by March 16, 1992.

For further information concerning the conduct of this investigation and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through

E (19 CFR part 201), and part 207, subparts A and B (19 CFR part 207).

**EFFECTIVE DATE:** January 31, 1992.

**FOR FURTHER INFORMATION CONTACT:** Mary Trimble (202-205-3193), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202-205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-205-2000.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

This investigation is being instituted in response to a petition filed on January 31, 1992, by U.S. Cable Trade Action Group, an ad hoc trade association.

##### **Participation in the Investigation and Public Service List**

Persons (other than petitioners) wishing to participate in the investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided in §§ 201.11 and 207.10 of the Commission's rules, not later than seven (7) days after publication of this notice in the *Federal Register*. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to this investigation upon the expiration of the period for filing entries of appearance.

##### **Limited Disclosure of Business Proprietary Information (BPI) Under an Administrative Protective Order (APO) and BPI Service List**

Pursuant to § 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in this preliminary investigation available to authorized applicants under the APO issued in the investigation, provided that the application is made not later than seven (7) days after the publication of this notice in the *Federal Register*. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

##### **Conference**

The Commission's Director of Operations has scheduled a conference in connection with this investigation for 9:30 a.m. on February 21, 1992, at the U.S. International Trade Commission Building, 500 E Street SW., Washington, DC. Parties wishing to participate in the

conference should contact Mary Trimble (202-205-3193) not later than February 19, 1992, to arrange for their appearance. Parties in support of the imposition of antidumping duties in this investigation and parties in opposition to the imposition of such duties will each be collectively allocated one hour within which to make an oral presentation at the conference. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the conference.

##### **Written Submissions**

As provided in §§ 201.8 and 207.15 of the Commission's rules, any person may submit to the Commission on or before February 25, 1992, a written brief containing information and arguments pertinent to the subject matter of the investigation. Parties may file written testimony in connection with their presentation at the conference no later than three (3) days before the conference. If briefs or written testimony contain BPI, they must conform with the requirements of §§ 201.6, 207.3, and 207.7 of the Commission's rules.

In accordance with §§ 201.16(c) and 207.3 of the rules, each document filed by a party to the investigation must be served on all other parties to the investigation (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

**Authority:** This investigation is being conducted under authority of the Tariff Act of 1930, title VII. This notice is published pursuant to § 207.12 of the Commission's rules.

Issued: February 4, 1992.

By order of the Commission.

**Kenneth R. Mason,**  
*Secretary.*

[FR Doc. 92-3047 Filed 2-7-92; 8:45 am]

BILLING CODE 7020-02-M

### INTERSTATE COMMERCE COMMISSION

#### **Availability of Environmental Assessments**

Pursuant to 42 U.S.C. 4332, the Commission has prepared and made available environmental assessments for the proceedings listed below. Dates environmental assessments are available are listed below for each individual proceeding.



To obtain copies of these environmental assessments contact Ms. Johnnie Davis or Ms. Victoria Dettmar, Interstate Commerce Commission, Section of Energy and Environment, room 3219, Washington, DC 20423, (202) 927-6212 or (202) 927-6211.

Comments on the following assessment are due 30 days after the date of availability.

Docket AB-293 (Sub-No. 2X), Detroit and Mackinac Railway Company Abandonment in Otesego and Cheboygan Counties, Michigan. EA available 1/21/92.

Comments on the following assessment are due 15 days after the date of availability.

AB-55 (Sub-No. 404X), CSX Transportation, Inc.—Notice of Exemption—Abandonment in Hamilton County, Illinois. EA available 1/31/92.

AB-356X, Cliffside Railroad Company—Notice of Exemption—Abandonment in Rutherford County, North Carolina. EA available 1/31/92. Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 92-3065 Filed 2-7-92; 8:45 am]

BILLING CODE 7035-01-M

## DEPARTMENT OF JUSTICE

### Information Collections Under Review

The Office of Management and Budget (OMB) has been sent the following collection(s) of information proposals for review under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35) and the Paperwork Reduction Reauthorization Act since the last list was published. Entries are grouped into submission categories, with each entry containing the following information:

- (1) The title of the form/collection;
- (2) The agency form number, if any, and the applicable component of the Department sponsoring the collection;
- (3) How often the form must be filled out or the information is collected;
- (4) Who will be asked or required to respond, as well as a brief abstract;
- (5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond;
- (6) An estimate of the total public burden (in hours) associated with the collection; and,
- (7) An indication as to whether section 3504(h) of Public Law 96-511 applies.

Comments and/or suggestions regarding the item(s) contained in this notice,

especially regarding the estimated public burden and associated response time, should be directed to the OMB reviewer, Ms. Lin Liu on (202) 395-7340 and to the Department of Justice's Clearance Officer, Mr. Lewis Arnold, on (202) 514-4305. If you anticipate commenting on a form/collection, but find that time to prepare such comments will prevent you from prompt submission, you should notify the OMB reviewer and the DOJ Clearance Officer of your intent as soon as possible. Written comments regarding the burden estimate or any other aspect of the collection may be submitted to Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, and to Mr. Lewis Arnold, DOJ Clearance Officer, SPS/JMD/5031 CAB, Department of Justice, Washington, DC 20530.

### New Collections

- (1) Hate Crime Incident Report, Quarterly Hate Crime Report.
- (2) None. Federal Bureau of Investigation (FBI).
- (3) Quarterly.
- (4) State or local governments. The Hate Crime Statistics Act of 1990 mandates the five-year collection of data on crimes motivated by religious, ethnic, racial, or sexual orientation prejudice. The Attorney General has delegated his responsibilities under the Act to the FBI, the actual function to be carried out by the FBI's Uniform Crime Reports Section.
- (5) 64,000 annual responses at .17 hours per response.
- (6) 10,880 annual burden hours.
- (7) Not applicable under 3504(h).
- (1) Obstacles to the Recovery and Return of Parentally Abducted Children: On-Site Evaluation.
- (2) None. Office of Juvenile Justice & Delinquency Prevention.
- (3) One-time.
- (4) Individuals or households, state or local governments. The information collected will facilitate an examination of the interaction among legal and criminal social service systems as they relate to the legal, procedural, and practical obstacles encountered during the recovery and return of parentally abducted children.
- (5) 160 annual responses at .75 hours per response.
- (6) 120 annual burden hours.
- (7) Not applicable under 3504(h).
- (1) Claims Under the Radiation Exposure Compensation Act.
- (2) None. Civil Division.
- (3) On occasion.
- (4) Individuals or households. The information is needed to determine

eligibility for statutory compensation. The Radiation Exposure Compensation Act of 1990 provides that persons who resided near the Nevada test site, participated on-site in nuclear tests, or worked in uranium mines may be eligible.

- (5) 2000 annual responses at 2.5 hours per response.
- (6) 5000 annual burden hours.
- (7) Not applicable under 3504(h).

Public comment on these items is encouraged.

Dated: February 6, 1992.

Lewis Arnold,

Department Clearance Officer, Department of Justice.

[FR Doc. 92-3074 Filed 2-7-92; 8:45 am]

BILLING CODE 4410-02-M

### Lodging of Settlement Agreement Pursuant to Clean Air Act

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that on January 23, 1992, a Consent Decree in *United States v. Cedar Chemical Corporation*, Civil Action W92-0008 (B)(C), was lodged with the United States District Court for the District of Mississippi. The complaint filed by the United States alleged releases of hazardous wastes at a facility in Vicksburg, Mississippi owned and operated by the defendant which operated under interim status pursuant to section 3005(e) of the Resource Conservation and Recovery Act, 42 U.S.C. 6925(e). The Consent Decree requires the defendant to perform corrective action at the site and close its container storage area.

The Department of Justice will receive for a period of thirty (30) days from the publication date of this notice comments relating to the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States v. Cedar Chemical Corporation*, D.J. Ref. No. 90-7-1-463. The Consent Decree may be examined at the Office of the United States Attorney, 188 East Capital Street, suite 500, Jackson, Mississippi 39201; at the Region IV Office of the Environmental Protection Agency, 345 Courtland Street NE., Atlanta, Georgia 30365; and at the U.S. Department of Justice, Environmental Enforcement Section Document Center, 601 Pennsylvania Avenue NW., Box 1097, Washington, DC 20004. Copies of the Consent Decree may be requested in person or by mail from the U.S. Department of Justice, at



the above address. A copying charge of \$27.25 (25 cents per page reproduction cost) must be paid, by check or money order payable to the Consent Decree Library at the time of the request.

John C. Cruden,

Chief, Environmental Enforcement Section,  
Environment and Natural Resources Division.

[FR Doc. 92-3041 Filed 2-7-92; 8:45 am]

BILLING CODE 4401-01-M

**Lodging of Consent Decree in United States v. Kerr-McGee Chemical Corp., Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act of 1980**

In accordance with section 122(d)(2) of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. 9622(d)(2), and the policy of the Department of Justice, 28 CFR 50.7, notice is hereby given that a proposed Consent Decree in *United States of America v. Kerr-McGee Chemical Corp.*, Civil Action No. 91-C-1396, was lodged with the United States District Court for the Eastern District of Wisconsin, on December 30, 1991. This action was brought pursuant to CERCLA sections 106 and 107(a), 42 U.S.C. 9606 and 9607(a), to achieve a cleanup of the Moss-American Site in Milwaukee, Wisconsin, and to recover costs expended by the United States at the site. The site is listed on the National Priorities List set forth at 40 CFR part 300, appendix B.

The Site comprises 88 acres in northwestern Milwaukee at the southeast corner of the intersection of Granville Rd. and Brown Deer Rd. The Little Menomonee River enters the Site through the northern boundary and leaves through the eastern boundary. A wood preserving plant was established on the site in 1921. Kerr-McGee Chemical Corp. owned and operated the plant from approximately 1963 to 1976, and is a present owner of the Site. A number of water quality and soil/sediment contamination studies have been conducted at the site. Based on the results of these studies, the U.S. Environmental Protection Agency ("U.S. EPA") has determined that materials used at the plant site containing creosote and its polynuclear aromatic hydrocarbon (PAH) derivatives are present in the soils, underground soils, sediments, groundwater, and surface water at the site.

Under the proposed Consent Decree, defendant Kerr-McGee Chemical Corp. will finance and perform a remedy previously selected by U.S. EPA for the site. The main components of the

remedy that will be implemented include the following actions: (1) The Little Menomonee River will be rechanneled to a new channel roughly parallel to the existing channel; (2) approximately 5,200 cubic yards of highly contaminated sediment from the old river channel and 80,000 cubic yards of on-site soil will be excavated and treated by soil-washing and an on-site slurry bio-reactor to health based risk levels established in EPA's Record of Decision (appendix 2 to the proposed Decree); (3) the treatment residue and low level remaining contamination will be covered on-site; (4) the old river channel will be covered with soil from the new channel; and (5) extracted groundwater will be treated using an oil/water separator and activated carbon. The selected remedy provides for continued monitoring of the groundwater for at least 5-10 years after the remedial action is complete.

Under the proposed Decree, Kerr-McGee also would reimburse \$1 million of the costs incurred by the United States at the Site.

The Department of Justice will receive comments on the proposed Consent Decree for a period of 30 days from the publication of this notice. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, U.S. Department of Justice, Washington, DC 20530. All comments should refer to *United States v. Kerr-McGee Chemical Corporation*, D.J. Ref. No. 90-11-2-590.

The proposed Consent Decree may be examined at the Office of the United States Attorney (Civil Division) for the Eastern District of Wisconsin, 330 U.S. Courthouse, 517 East Wisconsin Ave., Milwaukee, WI 53202-4580, (room 16G28); the Region V Office of the U.S. Environmental Protection Agency, 111 West Jackson Street, Third Floor, Chicago, Illinois; and at the U.S. Department of Justice, Environmental Enforcement Section Document Center, 601 Pennsylvania Ave., NW., Box 1097, Washington, DC 20004 (202-347-7829). A copy of the proposed Consent Decree may be obtained in person or by mail from the Environmental Enforcement Section Document Center. In requesting a copy, please specify the documents required, together with a check payable to the "Consent Decree Library" for the appropriate amount, as follows:

Consent Decree only (\$25 per page reproduction costs): \$19.50.

Consent Decree with appendices: \$70.00.

John C. Cruden,

Chief, Environmental Enforcement Section,  
Environment and Natural Resources Division.

[FR Doc. 92-3042 Filed 2-7-92; 8:45 am]

BILLING CODE 4410-01-M

**Drug Enforcement Administration**

**Importation of Controlled Substances; Notice of Registration**

By Notice Dated November 14, 1991, and published in the Federal Register on November 29, 1991, (56 FR 61053), Knight Seed Company, Inc., 151 W. 126th Street, Burnsville, Minnesota 55337, made application to the Drug Enforcement Administration to be registered as an importer of Marihuana (7360), a basic class of controlled substance listed in Schedule I.

No comments or objections have been received. Therefore, pursuant to section 1008(a) of the Controlled Substances Import and Export Act and in accordance with title 21, Code of Federal Regulations 1311.42, the above firm is granted as an importer of the basic class of controlled substance listed above.

Dated: February 3, 1992.

Gene R. Haislip,

Deputy Assistant Administrator, Office of  
Diversion Control, Drug Enforcement  
Administration.

[FR Doc. 92-3044 Filed 2-7-92; 8:45 am]

BILLING CODE 4410-09-M

**NATIONAL COMMISSION ON  
ACQUIRED IMMUNE DEFICIENCY  
SYNDROME  
Meeting**

**AGENCY:** National Commission on  
Acquired Immune Deficiency Syndrome.

**ACTION:** Notice of meeting.

**SUMMARY:** In accordance with the Federal Advisory Committee Act, Public Law 92-463 as amended, the National Commission on Acquired Immune Deficiency Syndrome announces a forthcoming meeting of the Commission.

**DATE AND TIME:** Monday, March 2, and Tuesday, March 3, 1992—8:30 a.m. to 5:30 p.m.

**PLACE:** The Copley Plaza Hotel, 138 St. James Avenue, Boston, MA 02116.

**TYPE OF MEETING:** Open.

**FOR FURTHER INFORMATION CONTACT:** Roy Widdus, Ph.D., Executive Director, The National Commission on Acquired Immune Deficiency Syndrome, 1730 K Street, NW., suite 815, Washington, DC 20006, (202) 254-5125. Records shall be



kept of all Commission proceedings and shall be available for public inspection at this address.

**AGENDA:** The agenda for the Commission meeting includes a discussion of housing issues and the HIV epidemic, as well as site visits within the Boston area. Inquiries regarding the agenda should be addressed to the Commission. Written comments on this issue are welcome from interested individuals or organizations.

Interpreting services are available for deaf people.

Dated: February 5, 1992.

**Roy Widdus,**

*Executive Director.*

[FR Doc. 92-3112 Filed 2-7-92; 8:45 am]

**BILLING CODE 6820-CN-M**

### Meeting

**AGENCY:** National Commission on Acquired Immune Deficiency Syndrome.

**ACTION:** Notice of meeting.

**SUMMARY:** In accordance with the Federal Advisory Committee Act, Public Law 92-463 as amended, the National Commission on Acquired Immune Deficiency Syndrome announces a forthcoming meeting of the Commission.

**DATE AND TIME:** Wednesday, February 19th and Thursday, February 20th—8:30 am. to 5:30 p.m.

**PLACE:** Embassy Suites Hotel, 1250 22nd Street, Washington, DC.

**TYPE OF MEETING:** Open.

#### FOR FURTHER INFORMATION CONTACT:

Roy Widdus, Ph.D., Executive Director, The National Commission on Acquired Immune Deficiency Syndrome, 1730 K Street, NW., Suite 815, Washington, DC 20006, (202) 254-5125. Records shall be kept of all Commission proceedings and shall be available for public inspection at this address.

**AGENDA:** The agenda for the Commission meeting will include discussions of the Commission's workplan for the remainder of fiscal year 1992. Inquiries regarding the agenda should be addressed to the Commission. Written comments on this issue are welcome from interested individuals or organizations.

Interpreting services are available for deaf people. Please call our TDD number (202) 254-3816 to request services no later than February 14, 1992.

Dated: February 5, 1992.

**Roy Widdus,**

*Executive Director.*

[FR Doc. 92-3111 Filed 2-7-92; 8:45 am]

**BILLING CODE 6820-CN-M**

### NATIONAL COMMUNICATIONS SYSTEM

#### Telecommunications Service Priority System Oversight Committee; Meeting

A meeting of the Telecommunications Service Priority (TSP) System Oversight Committee will convene Monday, February 24, 1992, from 9 a.m. to 4 p.m., and Tuesday, February 25, 1992, from 9 a.m. to 12:30 p.m. The meeting will be held at the Airport Marriott, 1800 Old Bayshore Highway, Burlingame, CA 94010. The agenda is as follows:

##### Day 1:

- A. Opening/Administrative Remarks
- B. Local Exchange Carrier Response to Emergencies
- C. Texas State Briefing-Response to Recent Flooding
- D. National Association of Regulatory Utility Commissioners (NARUC)
- E. State Liability for Non-Participation in TSP System

##### Day 2:

- A. California Utilities Policy Committee
- B. User and Telecommunications Industry Perspective of First Year of TSP System Operation
- C. Old Business/New Business

Anyone interested in attending or desires to make a presentation, please contact LtCol Paul Currie, (703) 692-9274, or Mr. William Abrams, (703) 692-1652 by February 14, 1992.

**Beverly Sampson,**

*Federal Register Liaison Officer.*

**Dennis I. Parsons,**

*Captain, USN Assistant Manager, NCS Joint Secretariat.*

[FR Doc. 92-3059 Filed 2-7-92; 8:45 am]

**BILLING CODE 3810-DG-M**

### NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

#### Expansion Arts Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Expansion Arts Advisory Panel (Dance and Music Section) to the National Council on the Arts will be held on February 24, 1992 from 9:15 a.m.-6 p.m., February 25-27 from 9 a.m.-6 p.m., and February 28 from 9 a.m.-5:30 p.m. in room 730 at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

Portions of this meeting will be open to the public on February 24 from 9:15 a.m.-10:30 a.m. and February 28 from 3 p.m.-5:30 p.m. The topics will be opening remarks, general program overview and policy discussion.

The remaining portions of this meeting on February 24 from 10:30 a.m.-6 p.m., February 25-27 from 9 a.m.-6 p.m. and February 28 from 9 a.m.-3 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman of November 20, 1991, these sessions will be closed to the public pursuant to subsection (c)(4), (6) and (9)(B) of section 552b of title 5, United States Code.

Any person may observe meetings, or portions thereof, of advisory panels which are open to the public, and may be permitted to participate in the panel's discussions at the discretion of the panel chairman and with the approval of the full-time Federal employee in attendance.

If you need special accommodations due to a disability, please contact the Office of Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 202/682-5532, TTY 202/682-5496, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682-5433.

Dated: February 4, 1992.

**Yvonne M. Sabine,**

*Director, Council and Panel Operations, National Endowment for the Arts.*

[FR Doc. 92-3108 Filed 2-7-92; 8:45 am]

**BILLING CODE 7537-01-M**

### NUCLEAR REGULATORY COMMISSION

#### Advisory Committee on Reactor Safeguards Subcommittee on Auxiliary and Secondary Systems; Revision

The agenda for the ACRS Subcommittee meeting on Auxiliary and Secondary Systems scheduled to be held on Friday, February 14, 1992, 8:30 a.m., room P-110, 7920 Norfolk Avenue, Bethesda, MD has been revised as follows. Notice of this meeting was published previously in the *Federal Register* on Friday, January 31, 1992 (57 FR 3802):

The Subcommittee will discuss the status of the NRC staff efforts related to the resolution of Generic Issue 57,



"Effects of Fire Protection System Actuation on Safety Related Equipment," and other fire-related matters. All other items pertaining to this meeting remain the same as previously published.

Further information regarding topics to be discussed, the scheduling of sessions open to the public, whether the 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 to the ACRS Staff Engineer, Mr. Thomas S. Rotella, P.E., (telephone 301/492-8972) between 7:30 a.m. and 4:15 p.m. Persons planning to attend this meeting are urged to contact the above named individual one or two days before the scheduled meeting to be advised of any changes in schedule, etc., that may have occurred.

Dated: February 4, 1992.

Sam Duraiswamy,

Chief, Nuclear Reactors Branch.

[FR Doc. 92-3103 Filed 2-7-92; 8:45 am]

BILLING CODE 7590-01-M

#### Regional State Liaison Officers' Meeting

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Regional State Liaison Officers' Meeting.

On February 19 and 20, 1992, the Nuclear Regulatory Commission (NRC) will sponsor a regional meeting with the Governor-appointed State Liaison Officers from Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio and Wisconsin. The subjects will include Emergency Preparedness, Low-Level Waste Disposal and Storage, Radioactivity in the Environment, Spent Fuel Storage, Decommissioning, Contaminated Sites, License Renewal and State Agreements.

The meeting will be conducted at the Region III office, 799 Roosevelt Road, Building 4, Glen Ellyn, Illinois 60137. The meeting is open to the public for observation and attendance and will take place between 8:30 a.m. and 5 p.m. on Wednesday, February 19 and between 8 a.m. and 12 noon on Thursday, February 20, 1992.

Questions regarding this meeting should be referred to Roland Lickus at (708) 790-5666.

Dated at Rockville, Maryland this 3rd day of February 1992.

For the Nuclear Regulatory Commission.

Frederick C. Combs,

Acting Director, Office of State Programs.

[FR Doc. 92-3101 Filed 2-7-92; 8:45 am]

BILLING CODE 7590-01-M

#### Conversion to the Metric System

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Proposed policy statement.

**SUMMARY:** The Nuclear Regulatory Commission (NRC) is issuing its proposed policy on metrication for public comment. This action is in response to the Omnibus Trade and Competitiveness Act of 1988, Executive Order 12770 of July 25, 1991 as well as the concerns of certain licensees and groups. The proposed policy which would affect the NRC's licensees and applicants, is designed to allow them to respond to market forces in determining the extent and timing for their use of the metric system of measurement. The proposed policy also affects the NRC in that the NRC will adhere to the Federal Acquisition Regulation and the General Service Administration (GSA) metrication program for its own purchases. The proposed policy would affirm that use of the metric system of measurement by Commission licensees is in accordance with protection of the public health and safety.

**DATES:** The comment period expires on April 27, 1992. Comments received after this time will be considered if it is practical to do so, but assurance of consideration cannot be given except for comments received on or before this date.

**ADDRESSES:** Mail written comments to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch. Deliver comments to One White Flint North, 11555 Rockville Pike, Rockville, Maryland, between 7:30 a.m. and 4:15 p.m. on Federal workdays. Comments may also be delivered to the NRC Public Document Room, 2120 L Street NW. (Lower Level), Washington, DC, between 7:45 a.m. and 4:15 p.m. Copies of comments received may be examined at the NRC Public Document Room.

**FOR FURTHER INFORMATION CONTACT:** Dr. Frank A. Costanzi, Chairman, NRC Metrication Oversight Committee, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone: (301) 492-3760.

#### SUPPLEMENTARY INFORMATION:

##### Background

On August 10, 1988, Congress passed the Omnibus Trade and Competitiveness Act (the Act), (19 U.S.C. 2901 *et seq.*), which amended the Metric Conversion Act of 1975, (15 U.S.C. 205a *et seq.*). Section 5164 of the Act (15 U.S.C. 205a) designates the metric system as the preferred system of weights and measures for U.S. trade and commerce. Congress noted that use of the metric system will improve the competitive position of U.S. products in international markets. World trade is increasingly conducted in metric units. The European Economic Community's intention to end the use of dual units and to operate exclusively in metric units after January 1, 1992, will further solidify the metric system as the measurement of commerce.

In an effort to effect an orderly change to metric units, the Act requires that all Federal agencies convert to the metric system of measurement in their procurements, grants, and other business-related activities by the end of fiscal year (FY) 1992, "except to the extent that such use is impractical or is likely to cause significant inefficiencies or loss of markets to U.S. firms, such as when foreign competitors are producing competing products in non-metric units," section 5614(b)(2).

The mandate by Congress, together with economic pressure on U.S. companies to compete in global markets, has increased the motivation for metric conversion within the United States. Many corporations involved in international business and trade are presently converting to the metric system. Some industry codes and standards developed in the United States use the metric system in the form of dual unit reporting or conversion tables. New codes and standards are increasingly being written in metric units to maintain their international presence and acceptance.

The NRC believes that conversion to the metric system is important to the national interest. The Commission strongly encourages its licensees and license applicants to employ the metric system of measurement wherever and whenever its use is not potentially detrimental to the public health and safety or uneconomic. This policy statement puts forth the NRC's planned activities regarding its use of the metric system in accordance with the Act. The term "metric system" refers to the International System of Units as established by the General Conference of Weights and Measures in 1960 as



interpreted or modified for the United States by the Secretary of Commerce.

There may be market-driven voluntary support for use of the metric system among some Commission licensees, given that by January 1, 1992, countries in the European Economic Community will convert from dual units to metric units only. After this conversion, it appears that users of radioactive materials will encourage suppliers to adopt rounded metric units because this will be a more convenient measure. Further, some new nuclear plant designs are being developed in metric units to facilitate worldwide marketing. The Asea Brown Boveri (ABB) PIUS design, the Canadian CANDU-3 reactor, and portions of General Electric's Advanced Boiling Water Reactor are examples.

The NRC currently conducts most licensing activities in English units. However, regulations and other regulatory documents have been published in dual units from time to time to allow use of the metric system by licensees if they so desire. For example, some of the requirements in 10 CFR part 71 concerning the packaging and transportation of radioactive material are in dual units.

In March 1989, the NRC formed a metrication committee to consider how the provisions of the Act could best be implemented. The committee identified the NRC activities that would be appropriately considered as "business-related activities" under the Act. The committee also made a number of findings and recommendations that have served to provide the foundation of this policy statement.

On November 14 and 15, 1989, the NRC hosted a public workshop in Baltimore, Maryland, to collect information from the nuclear industry, suppliers, research institutions, academia, State governments, and other interested parties regarding recommendations concerning possible strategies for, and effects of NRC conversion to the metric system. The salient points made at the workshop are summarized in a Commission paper, "Report on the Progress of Metrication Activities in the NRC," SECY-90-106, March 21, 1990.

The staff has developed and will publish a NUREG-series report entitled "Review of Metric Conversion Practices and Experience." Its objective is to provide background information to aid metrication planning activities within the NRC. Included in the report are discussions of the status of metric conversion in the U.S. utility industry, the metrication experience in Canada's nuclear power industry, and the

metrication experiences of U.S. industries and those of other Federal agencies.

#### Discussion

The purpose of this policy statement is to inform NRC licensees and the public as to how the Commission intends to meet its obligations under the Act. In developing the policy, NRC is seeking to promote the use of the metric system of measurement by the licensed nuclear industry while ensuring that protection of the health and safety of the public is maintained, diverse viewpoints are considered, and the public is involved. In developing the policy, the Commission considered a range of alternatives by which it might comply with the Act.

The current practice of the NRC is to operate in English units. However, this practice will not continue for several reasons. First, to require the continued use of the English system, exclusively, the NRC would need to demonstrate that conversion of all of its procurements, grants, and other business-related activities to the metric system would be impractical or would be likely to cause significant inefficiencies or loss of markets to U.S. firms. The experience of Canada in general, and its nuclear utilities in particular, in converting to metric strongly argues against such a demonstration. Second, there is evidence that some NRC materials licensees involved in export trade may wish to operate in metric. If the NRC persisted in operating only in English units, these licensees could suffer a loss of market share because of this NRC practice. Third, some of the planned advanced reactors are being designed in metric, and, if constructed, will operate in metric.

One alternative for compliance with the Act would be an abrupt conversion of NRC activities to metric units. However, this action appears to be neither necessary nor prudent for several reasons. First, licensed nuclear power plants are operated by regulated monopolies or public entities that are not involved in the export business. They, like the bulk of NRC materials licensees, do not participate in world markets. Therefore, the prospect of competitive advantage of employing the metric system of measurement is not directly relevant to these licensees. Second, the NRC has not received any petition for rulemaking from any licensee or applicant requesting it to amend its regulations to conduct licensing and regulatory matters in the metric system. Third, an abrupt and universal conversion to metric could

possibly deleteriously affect the public health and safety because the introduction of an unfamiliar measurement system could lead to confusion and mistakes. This is particularly true in the case of an emergency where quick decisive action will be needed in a high-stress situation. Existing emergency plans are written in English units, and the individuals who would need to act in an emergency, be they licensee personnel or agents of local government, are generally conversant only in English units. Fourth, requiring licensees whose market uses the English system to deal with the NRC only in metric units would pose an economic burden on those licensees with no safety or other benefit.

A practical approach to using the metric system is one that is both consistent with the intent and direction of the Act and yet does not introduce the safety concerns noted above or result in an economic burden to licensees or applicants. This type of approach would result in the use of the metric system by those licensees and license applicants for whom the use of the metric system presents no economic disadvantage and no safety detriment to the public. One option would be to require, by rulemaking, licensees and applicants to use the metric system by some date except where this use would raise potential public health and safety concerns or would otherwise be impractical. Another option would be to encourage, as a matter of NRC policy, the use of the metric system by applicants and licensees but allow the action of the market forces to determine which applicants and licensees employ the metric system, with due consideration for safety. Under both options, changes to NRC documents and procedures would need to be made to facilitate applicants' and licensees' use of the metric system. The arguments for and against these options are set forth below.

#### Option 1

Require licensees and license applicants to use the metric system in dealings with the NRC through a rulemaking action.

The rulemaking option would involve the public in the decision, result in a clear and certain date after which new applications would have to be in the metric system of measurement, and provide strong evidence that the NRC is fully committed to the intent of the legislation. However, requiring the use of the metric system by rule would force applicants and licensees for whom use of the metric system would introduce



safety concerns or cause economic penalties without commensurate benefit to seek and justify an exemption to the Commission's regulations. If all power plant licensees were required to convert to the metric system by rulemaking, the NRC would expect them to request exemptions on the basis of incurred costs with no safety benefit. Similarly, future power plant applicants whose applications reference certified designs based on the English system would be expected to prefer submitting their applications in English units and to plan, build, operate, and maintain their prospective plants in the English system. If these applicants were required to use the metric system by rule, the NRC would expect them to request an exemption on the basis that there is no safety benefit (i.e., reduction in risk) against which to offset the cost of converting the certified designs to metric. In addition, materials licensees whose market and principal business dealings operate in the English system of units would not be likely to see any incentive to use metric and could be expected to seek exemptions.

While the NRC could attempt to identify categories of these applicants and licensees and specifically exempt them in the rule, some applicants and licensees would still need to seek an exemption. Those applicants and licensees would be forced to incur the cost of seeking an exemption to a requirement that has no associated safety benefit. Finally, NRC resources would have to be diverted from dealing with safety issues to instituting the requisite metric conversion rulemaking and executing conforming changes to convert pertinent regulations, guides, and standards to metric to allow affected applicants and licensees to demonstrate compliance in the metric system.

#### *Option 2*

Encourage NRC licensees and license applicants to use the metric system through a policy statement.

Through a policy statement, the Commission would encourage use of the metric system and commit the agency to work with licensees and applicants and with national, international, professional, and industry standards-setting bodies (e.g., ANSI, ASTM, ASME) to ensure metric-compatible regulations and regulatory guidance. Proceeding by policy statement would meet the obligations of the agency under the law to convert its "business-related activities" to the metric system of measurement "to the extent practical" without imposing an unnecessary burden on licensees or applicants who,

for safety or economic reasons, cannot use the metric system and who, otherwise, would have to request exceptions from a Commission regulation. However, proceeding through a non-binding statement of policy rather than through a binding regulation might be interpreted to be inconsistent with the leadership role in converting the U.S. economy to metric envisioned by the Congress in passing the Act. Moreover, changing NRC documents and procedures to facilitate a voluntary use of metric by applicants and licensees would require expenditure of NRC resources. However, this "voluntary metrication" can be accommodated as needed to support individual license reviews and rulemaking actions without the major program disruption that would occur if all relevant licensing documents and procedures were to be converted by some fixed date, which would seem necessary if the Commission were to require by rulemaking the use of the metric system.

#### **Decision Rationale**

Expenditure of either licensee or Commission resources with no offsetting safety or administrative benefit is contrary to sound regulation. In this regard, the NRC notes the unique responsibilities of the agency in that its business activities are to ensure public health and safety in the commercial use of nuclear materials through its program of licensing and regulation. The Commission can assume that a licensee or applicant would use the metric system voluntarily when it is economically attractive to do so. However, any effort on the NRC's part to use metric units must consider the impact on the regulated industry (existing and future), the NRC, Agreement States, and other affected agencies. For example, under the Atomic Energy Act of 1954, as amended, Agreement States are required to adopt rules for radiation protection comparable to the NRC's within 3 years after the NRC amends a regulation. Some States may not possess the resources to convert their dealings with their licensees to metric. Moreover, in some States, changes in regulations require action by the State legislature.

The NRC does not perceive any economic need for or benefit to existing nuclear power plant licensees to convert to metric. Nor does the NRC see any benefit to fuel cycle facilities that serve the present domestic nuclear power industry from the conversion. Moreover, while there is nothing inherently safe or unsafe in any measurement system, changing power plant operations from a familiar system to an unfamiliar system

could be detrimental to safety. Use of unfamiliar units could result in operator error or incorrect or ineffective maintenance that could lead to an emergency. Use of unfamiliar units during an emergency could cause mistakes as well as miscommunication with and confusion of those State and local government individuals who need to respond to emergencies, making their response less effective than it might be otherwise. These individuals and their organizations are not subject to NRC regulations and are beyond the reach of NRC's metrication policy and efforts. The NRC should not and will not allow licensees whose conversion might be detrimental to public health and safety to do so, voluntarily or otherwise. In particular, event reporting and emergency response communications between licensees, the NRC, and State and local authorities for the present must be in the English system so as not to bring potential confusion to an emergency situation.

Other existing licensees (e.g., source and byproduct material licensees) may indeed have some economic incentive for converting if they perceive a market advantage in doing so. Moreover, as stated previously, there may be some advantage to applicants for advanced reactor licenses and new fuel cycle and materials licensees to employ the metric system.

Whether the Commission proceeds by rulemaking or through a policy statement, the endpoint is likely to be the same. Each option will result in a mix of licensees and applicants using both the metric and the English systems.

Therefore, it is the Commission's view that the prudent course is to encourage and facilitate the use of the metric system by the industry that it regulates but not to attempt to force its use where it would be unsafe or impractical. Thus the Commission is complying with the Act by issuing a policy statement that—

(1) Encourages the use of the metric system by its licensees and applicants;

(2) Indicates that the Commission will initiate NRC staff training in the metric system and modify documents and procedures as needed to facilitate and support the use of the metric system by applicants and licensees;

(3) Commits the NRC to begin that process by publishing all new rulemaking actions and other related documents, e.g., regulatory guides, in dual units at the earliest date practical, but no later than September 30, 1992.

(4) Pledges the NRC to work with and encourage the licensed nuclear industry to employ the metric system through NRC staff participation in the activities



of appropriate standards-setting organizations and other industry groups;

(5) Requires use of the English system for event reporting and emergency response communications between licensees, the NRC, and State and local authorities; and

(6) Commits the staff to revisit this policy in 3 years to determine if any changes are necessary.

With respect to the publishing of all regulatory activities and documents in dual units, parameters will be published first in the International System of Units with the English unit equivalents following parenthetically.<sup>1</sup> When possible, all new specifications will be derived using the metric system. If a conflict or inconsistency with existing safety requirements would result, the new specification will be derived in the English system.

This action would comply with the requirement of the Act for the Commission to convert its business practices to the metric system to the extent practical and would conform to the spirit of the Act by encouraging the use of the metric system of measurement.

In addition, this action responds to Executive Order 12770, "Metric Usage in Federal Government Programs," which was signed by the President on July 25, 1991. Its purpose is "to implement the congressional designation of the metric system of measurement as the preferred system of weights and measures for United States trade and commerce." Further, the Executive Order directs all executive branch departments and agencies "to take all appropriate measures within their authority to carry out the provisions of this order." These responsibilities basically include—

(1) Drafting a metric conversion plan by November 30, 1991;

(2) Establishing the metric system of measurement in procurements, grants, and other business-related activities by September 30, 1992;

(3) Increasing understanding of the metric system through educational information and guidance and in Government publications;

(4) Seeking appropriate aid, assistance, and cooperation of other affected parties in implementing this order; and

(5) Designating a senior-level official as the Metric Executive to assist in the implementation of the order.

<sup>1</sup> Equivalent means precise value in the alternative system of units to the same number of significant figures as the original. For example, the metric equivalent of 0.10 mCi is 3.7 MBq, but the equivalent of  $1 \times 10^{-1}$  mCi is 4 MBq.

The Executive Order also calls for metrication progress reports to be made to the President and the Congress. The proposed policy statement serves the purpose of responding to the first two responsibilities by defining the agency's metric conversion plan, and establishing the NRC's use of the metric system, to the extent practical. The third and fourth responsibilities are also addressed in the statement through the commitments to initiate staff training in the metric system, the publication of NRC documents in dual units, and the pledge "to work with and encourage the licensed nuclear industry to employ the metric system \* \* \*." The publication of this policy for public comment is another vehicle for complying with the fourth item.

#### Paperwork Reduction Act Statement

This policy statement contains no information collection requirements and therefore is not subject to the requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.).

#### Statement of Policy

The NRC supports and encourages the use of the metric system of measurement by the licensed nuclear industry. In order to facilitate the use of the metric system by licensees and applicants, beginning September 30, 1992, the NRC will publish all regulatory actions and related documents in dual units. These include new regulations, major amendments to existing regulations, regulatory guides, and NUREG-series documents. The NRC will modify existing documents and procedures as needed to facilitate use of the metric system by licensees and applicants. In addition, the NRC will initiate a program of staff training in the metric system. Further, through its participation on national, international, professional, and industry standards organizations and committees and through its work with other industry organizations and groups, the NRC will encourage and further the use of the metric system in formulating and adopting standards and policies for the licensed nuclear industry. However, should the use of any particular system prove to be detrimental to the public health and safety, the Commission will proscribe, by regulation, order, or other appropriate means, the use of that system. In particular, all event reporting and emergency response communications between licensees, the NRC, and State and local authorities will be in the English system of measurement. After 3 years, the Commission will assess the state of metric use by the licensed nuclear

industry in the United States to determine whether this policy should be modified. Lastly, the NRC will follow the Federal Acquisition Regulations in executing procurements.

#### Public Comment

NRC is interested in receiving public comment on any aspect of this proposed policy statement. In particular, the NRC is interested in comments on the extent to which guidance is presently available on the selection of "metric equivalent" common mechanical and electrical components, especially those that may have safety-related functions (e.g., selection of the appropriate metric thread size and pitch for a safety-related closure, or selection of the appropriate metric wire size for a safety-related electrical circuit). In addition, the NRC is interested in any possible impacts of metrication on NRC regulations as they relate to national and international standards such as those developed by the ASME, ANSI, and IEEE.

All comments should include a basis and rationale for suggested changes.

Dated at Rockville, Maryland, this 30th day of January 1992.

For the Nuclear Regulatory Commission.

John C. Hoyle,

Acting Secretary of the Commission.

[FR Doc. 92-3102 Filed 2-7-92; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-317 and 50-318]

#### Baltimore Gas and Electric Company, (Calvert Cliffs Nuclear Power Plant, Unit Nos. 1 and 2); Exemption

##### I.

The Baltimore Gas and Electric Company (BG&E/licensee) is the holder of Facility Operating License Nos. DPR-53 and DPR-69, which authorizes operation of the Calvert Cliffs Nuclear Power Plant, Unit Nos. 1 and 2 (the facilities), respectively. The licenses provide, among other things, that the facilities are subject to all rules, regulations and Orders of the Nuclear Regulatory Commission (the Commission) now or hereafter in effect.

The facilities are pressurized water reactors located at the licensee's site in Calvert County, Maryland.

##### II.

The Code of Federal Regulations at 10 CFR part 50, appendix J, Paragraphs III.D.2 and III.D.3, require that licensees perform Type B and C tests during each reactor shutdown for refueling but in no case at intervals greater than 2 years. Type B and C tests are local leak rate



tests (LLRT) of containment penetrations and isolation valves.

### III.

By letter dated November 27, 1991, the licensee requested an exemption from 10 CFR part 50, appendix J, Paragraphs III.D.2 and III.D.3. Specifically, the licensee requested an exemption to extend the Type B and C LLRT interval for containment penetrations and isolation valves beyond the 2-year limit specified in the regulations to a maximum of 30 months.

The Commission may grant exemptions from the requirements of the regulations which, pursuant to 10 CFR 50.12(a), are: (1) Authorized by law, will not present an undue risk to the public health and safety, and are consistent with the common defense and security; and (2) present special circumstances. Section 50.12(a)(2)(iii) of 10 CFR part 50 indicates that special circumstances exist when compliance would result in undue hardship or other costs that are significantly in excess of those contemplated when the regulations were adopted, or significantly in excess of those incurred by others similarly situated.

### IV.

The proposed exemption will not change plant equipment, operation or procedures, and does not adversely affect either the probability or the consequences of any accident at this facility. The requirement to perform Type B and C LLRT on containment penetrations and isolation valves during reactor shutdown, but in no case at intervals greater than 2 years, presumed that the time interval was adequate to accommodate the 12-month fuel cycles which were common in operating plants when appendix J was published in 1973. However, Calvert Cliffs, Units 1 and 2, are utilizing core designs which allow the units to operate on a 24-month fuel cycle. The NRC staff has recognized that the current 2-year surveillance interval for Type B and C LLRT would likely require plant shutdowns to perform appendix J leak testing before the completion of a 24-month fuel cycle. Consequently, in Generic Letter (GL) 91-04 the NRC staff provided guidance to licensees on the information needed to support an exemption from the requirements of 10 CFR part 50, appendix J, to accommodate a 24-month fuel cycle. Enclosure 3 to Generic Letter 91-04 indicated that two issues should be addressed to justify such a request: (1) A possible reduction in the combined leakage limit for Type B and C LLRT and (2) the basis for concluding that the containment leakage rate would be

maintained within the acceptable limits with an LLRT interval increase up to 30 months. The licensee has addressed these two issues for Calvert Cliffs, Units 1 and 2, in its exemption request dated November 27, 1991.

The first issue is a reduction in the combined containment penetration leakage rate limit for Type B and C tests which increases the margin to the maximum allowable leakage rate  $L_a$ . The Code of Federal Regulations at 10 CFR part 50, appendix J, defines  $L_a$  as the maximum allowable leakage rate as specified in a facility's technical specifications (TS). The acceptance criterion for appendix J Type B and C LLRT is a combined leakage rate that shall be less than  $0.60 L_a$ . This constitutes a margin of  $0.40 L_a$  (40 percent of  $L_a$ ). Enclosure 3 to GL 91-04 indicates that in order to justify an exemption to appendix J requirements and extend the Type B and C LLRT interval up to 30 months, licensees should either (1) use LLRT data to demonstrate that the margin of  $0.40 L_a$  will not be reduced as a result of the test interval increase or (2) propose an acceptance criterion limit of less than  $0.6 L_a$  as a TS change. The licensee is proposing an acceptance criterion limit of  $0.5 L_a$  for Calvert Cliffs, Units 1 and 2, which represents a 25 percent increase in margin (40 percent to 50 percent). The staff has reviewed the proposed reduction in combined leakage rate limit to  $0.50 L_a$  and finds it is consistent with the recommendations in GL 91-04 and is therefore acceptable.

The second issue is the basis for concluding that the containment leakage will be maintained within acceptable limits based on an extrapolation of past Type B and C LLRT data taking into account an LLRT interval limit of 30 months. The licensee has provided data for the 20 LLRTs performed since 1979. Six of these LLRT results are found to be in excess of the combined leakage rate limit at the end of the operating cycle. These results have been considered in light of the causes of the excessive leakage rates and the corrective actions taken by the licensee. A review by the NRC staff of containment isolation test data for pressurized water reactors during the 1965 through 1983 period indicates that the leakage rate data as reported by the licensee at the end of the Calvert Cliffs facility operating cycles falls within a typical range. In all cases but one, corrective action was successfully taken to reduce leakage on affected penetrations to a small fraction of the  $0.60 L_a$  limit. The licensee reviewed the LLRT data to determine if the causes of the leakage were random

or recurring. Only the recurring leakage events were used to project the leakage rate at the end of a 30-month LLRT Interval considering the leakage rate increase on a monthly basis for all past surveillance intervals. The projected leakage rate at the end of a 30-month LLRT interval was found to be below the maximum allowable leakage rate limit. Similar results were obtained from a projection of the recurring leakage over time, using the five most recent time-dependent leakage rates. The NRC staff has reviewed the LLRT results provided by the licensee as well as the methodology used in extrapolating previous Type B and C LLRT data to a 30-month test interval and finds that there is reasonable assurance that the containment leakage rate would be maintained within acceptable limits with a LLRT interval increase to 30 months.

Strict compliance with the schedule required by the current regulations would require mid-cycle outages which result in undue hardship or other costs that are significantly in excess of those contemplated when the regulations were adopted. Thus, there are special circumstances present which satisfy the requirements of 10 CFR 50.12(a)(2)(iii).

### V.

Accordingly, the Commission has determined, pursuant to 10 CFR 50.12(a), that (1) an exemption as described in section III is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security and (2) in this case, special circumstances are present as described in section IV. Therefore, the Commission hereby grants the following exemption:

Accordingly, the Commission hereby grants an exemption, as described in section III above from 10 CFR part 50, appendix J, Paragraphs III.D.2 and III.D.3. This exemption would extend the Type B and C test interval on containment penetrations and isolation valves beyond the 2-year limit specified in the regulations to a limit of 30 months.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this exemption extension would have no significant effect on the quality of the human environment (57 FR 2791).

This Exemption is effective upon issuance.

Dated at Rockville, Maryland, this 3rd day of February 1992.



For the Nuclear Regulatory Commission.  
**Steven A. Varga,**  
*Director, Division of Reactor Projects—I/II,*  
*Office of Nuclear Reactor Regulation.*  
 [FR Doc. 92-3100 Filed 2-7-92; 8:45 am]  
 BILLING CODE 7590-01-M

## POSTAL RATE COMMISSION

[Order No. 918 and Docket No. A92-8]

**Before Commissioners: George W. Haley, Chairman; Henry R. Folsom, Vice-Chairman; John W. Crutcher, W.H. "Trey" LeBlanc III; H. Edward Quick, Jr.; Notice and Order Accepting Appeal and Establishing Procedural Schedule Under 39 U.S.C. 404(b)(5)**

Issued February 4, 1992.

In the Matter of:

Maskell, Nebraska 68751

(Donna R. Maskell, Petitioner)

[Docket Number: A92-8]

*Name of Affected Post Office:*

Maskell, Nebraska 68751.

*Name(s) of Petitioner(s):* Donna R.

Maskell.

*Type of Determination:* Closing.

*Date of Filing of Appeal Papers:*

January 29, 1992.

Categories of Issues Apparently Raised:

1. Effect on postal services (39 U.S.C. 404(b)(2)(C));
2. Effect on the community (39 U.S.C. 404(b)(2)(A));
3. Economic savings (39 U.S.C. 404(b)(2)(D)).

Other legal issues may be disclosed by the record when it is filed; or, conversely, the determination made by the Postal Service may be found to dispose of one or more of these issues.

In the interest of expedition, in light of the 120-day decision schedule (39 U.S.C. 404(b)(5)), the Commission reserves the right to request of the Postal Service memoranda of law on any appropriate issue. If requested, such memoranda will be due 20 days from the issuance of the request; a copy shall be served on the petitioner. In a brief or motion to dismiss or affirm, the Postal Service may incorporate by reference any such memoranda previously filed.

*The Commission orders:*

(A) The record in this appeal shall be filed on or before February 13, 1992.

(B) The Secretary shall publish this Notice and Order and Procedural Schedule in the **Federal Register**.

By the Commission.  
**Charles L. Clapp,**  
*Secretary.*  
**Appendix**

|                         |                                                                                                                                                                                           |
|-------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| January 29, 1992 .....  | Filing of Petition.                                                                                                                                                                       |
| February 4, 1992 .....  | Notice and Order of Filing of Appeal.                                                                                                                                                     |
| February 24, 1992 ..... | Last day for filing of petitions to intervene (see 39 CFR 3001.111(b)).                                                                                                                   |
| March 4, 1992 .....     | Petitioner's Participant Statement or Initial Brief (see 39 CFR 3001.115 (a) and (b)).                                                                                                    |
| March 24, 1992 .....    | Postal Service Answering Brief (see 39 CFR 3001.115(c)).                                                                                                                                  |
| April 8, 1992 .....     | Petitioner's Reply Brief should petitioner choose to file one (see 39 CFR 3001.115(d)).                                                                                                   |
| April 15, 1992 .....    | Deadline for motions by any party requesting oral argument. The Commission will schedule oral argument only when it is a necessary addition to the written filings (see 39 CFR 3001.116). |
| May 28, 1992 .....      | Expiration of 120-day decisional schedule (see 39 U.S.C. 404(b)(5)).                                                                                                                      |

[FR Doc. 92-3037 Filed 2-7-92; 8:45 am]

BILLING CODE 7710-FW-M

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-30331; International Series Release No. 364; File No. SR-Amex-91-32]

**Self-Regulatory Organizations; Notice of Filing and Order Granting Accelerated Approval of Proposed Rule Change by the American Stock Exchange, Inc. Relating to the Trading of LT-20 Index Options on the Optiebeurs N.V.**

February 3, 1992.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on December 3, 1991, the American Stock Exchange ("Amex" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to

solicit comments on the proposed rule change from interested persons.<sup>1</sup>

### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Amex proposes to expand its trading arrangement with the Optiebeurs N.V. ("European Options Exchange" or "EOE") to provide for the trading of LT-20 Index options on the EOE under the same terms and conditions which currently apply to Major Market Index ("XMI") options trading on the EOE.<sup>2</sup>

In connection with this proposal, the Amex has executed a modification agreement to its Memorandum of Understanding ("MOU") with the EOE to provide for the exchange of surveillance information so that the Amex's surveillance capability with respect to the trading of LT-20 Index options on both exchanges will be adequate.

As with options, LT-20 Index options traded on the EOE will be issued by, and cleared and settled through, the Options Clearing Corporations ("OCC").<sup>3</sup>

The text of the proposed rule change is available at the Office of the Secretary, Amex, and at the Commission.

### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B) and (C) below, of the most significant aspects of such statements.

<sup>1</sup> The Amex amended the proposal on January 10, 1992, to clarify the basis for the proposed rule change. See letter to Thomas Gira, Branch Chief, Options Regulation, SEC, from Ellen Kander, Special Counsel, Options Division, Amex, dated January 10, 1992.

<sup>2</sup> See Securities Exchange Act Release Nos. 24831 (August 21, 1987), 52 FR 32368 (August 27, 1987), and 24832 (August 21, 1987), 52 FR 32377 (August 27, 1987) (order approving SR-Amex-87-10) ("XMI/EOE Approval Order").

<sup>3</sup> The OCC has filed a proposed rule change (File No. SR-OCC-92-03) enabling it to issue, clear, and settle LT-20 options traded on the EOE. That proposal is being approved contemporaneously with the Amex proposal. See Securities Exchange Act Release No. 30333 (February 3, 1992).



*(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

On August 21, 1987, the Commission granted approval for the Amex to enter into a licensing agreement with the EOE to authorize the EOE to trade XMI options and to use the names "Major Market Index" and "XMI" in connection with options traded on the EOE based on the XMI. The EOE is located in Amsterdam, the Netherlands. It trades options on individual Dutch stocks, Dutch government bonds, foreign currencies, and gold and silver. XMI options began trading on the EOE on August 24, 1987. Those options are issued by, and cleared and settled through, the OCC.<sup>4</sup>

In November, 1990, the Commission approved an Amex proposal to trade options on the LT-20 Index, which is identical to the XMI, except for the Index value. The LT-20 Index is calculated at 1/10th the value of the XMI.<sup>5</sup>

Under the current proposal, the Amex would license the EOE to trade LT-20 Index options in addition to continuing to trade XMI options. As with XMI options, LT-20 Index options traded on the EOE will be issued by, and cleared and settled through, the OCC. All other rules and policies of the EOE applicable to the trading of XMI options will apply to the trading of LT-20 Index options. As with XMI options, the EOE will trade LT-20 Index options beginning at Noon Amsterdam time (corresponding to 6 am New York time) until closing at 4:30 pm Amsterdam time (corresponding to 10:30 am New York time). This will result in a trading overlap of one hour between the EOE and the Amex (*i.e.*, 9:30 to 10:30 am New York time).

As with XMI options, LT-20 Index options on the EOE will have the exact terms and conditions as LT-20 Index options traded on the Amex and, thus, will be identical and fungible with Amex-traded LT-20 Index options. Accordingly, positions in LT-20 Index options established in transactions effected on the EOE may be liquidated by transactions effected on the Amex, and positions in LT-20 Index options established by transactions effected on the Amex may be liquidated in transactions effected on the EOE.

The EOE will introduce for trading all series of LT-20 Index options as the Amex determines to introduce and, to

the extent possible, all new series will be introduced on both exchanges on the same day. In addition, as with XMI options, the EOE will adopt rules and requirements which will be similar to corresponding rules and requirements of the Amex for LT-20 Index options with regard to position limits, exercise limits, exercise procedures (time-frames, etc.) and delivery of disclosure documents (limited as in the case of XMI to the EOE's own disclosure documents).

To implement the trading of LT-20 Index options on the EOE, the Amex, the EOE and the OCC have executed the following documents:

1. *Amex-EOE License Agreement*: The Amex has modified its May 14, 1987 license agreement with the EOE to expand such license to include LT-20 Index options.

2. *International Market Agreement ("IMA")*: On April 15, 1991, the EOE, the Amex and the OCC executed a First Amendment to the IMA which expressly amends the IMA to make its terms equally applicable to the trading of LT-20 Index options on the EOE.

3. *Associate Clearinghouse Agreement ("ACA")*: On March 19, 1991, a modification to the ACA between the OCC and the EOE's clearing organization, ACHA Associate Clearing House Amsterdam BV, was signed. This modification amends the basic ACA of August 20, 1987 and ensures that all terms in the ACA shall apply to the EOE's trading of LT-20 Index options.

4. *MOU*: The Amex and the EOE have executed a Modification Agreement dated October 31, 1991, to the MOU of May 14, 1987, which expressly amends the MOU (previously limited to XMI options) to make its terms equally applicable to trading on the EOE of LT-20 Index options.

5. *Assurance Letter*: The EOE has furnished the Amex with an assurance letter dated October 20, 1991 relating to its ability to furnish customer and other information to the Amex concerning LT-20 Index options trading.<sup>6</sup> In part, the assurance letter: (i) acknowledges the EOE's execution of the Modification Agreement to the MOU; (ii) acknowledges that all EOE public order members must, before accepting orders in LT-20 Index options, furnish customers with an explanatory memorandum that includes, in part, advice that the EOE may disclose customer and trading information to foreign exchanges; (iii) sets forth the

requirement that clients of EOE firms must execute written agreements which, in effect, authorize such firms to provide appropriate information to the EOE and to other exchanges with which the EOE has "cooperative relationships" (such as the Amex); and (iv) reviews a recent EOE rule change applicable to EOE members that, as a condition to effecting transactions in options (such as LT-20 Index options), authorizes the EOE to furnish information to other exchanges (such as the Amex) pursuant to appropriate trading inquiries.

The Exchange believes that the modification of the AMEX-EOE License Agreement permitting the trading of LT-20 Index options on the EOE is consistent with the purposes and requirements of sections 6(b) (1), (5) and (6) of the Act in that it will provide investors with additional trading opportunities and open its index option market to more participants which, in turn, will increase the depth and liquidity of the market.

The Exchange further believes that the mutual undertaking by the EOE and the Amex to exchange surveillance information is consistent with the purposes and requirements of sections 6(b) (1), (5) and (6) of the Act in that each exchange will be better able to carry out its responsibilities to regulate its marketplace and assure compliance by its members with applicable rules and requirements. Where a security is traded in more than one market, the Exchange believes that appropriate surveillance requires the ability to review the total trading in all markets and, in the event that specific questions arise from such routine surveillance, the ability of each such market to obtain more detailed information not only from its own members but also from the other marketplaces where the security is traded and from the members of such other marketplace.

Accordingly, the Exchange believes that the mutual access by the Amex and the EOE to surveillance information pursuant to the MOU, as amended, and the ability of each exchange to call upon the other to conduct specific inquiries will "foster cooperation and coordination with persons engaged in regulating, clearing, settling \* \* \* and facilitating transactions in securities" and help "to perfect the mechanism of a free and open market \* \* \* and, in general, to protect investors."

*(B) Self-Regulatory Organization's Statement on Burden on Competition*

The Amex believes that the proposed rule change will not impose an inappropriate burden on competition.

<sup>4</sup> See XMI/EOE Approval Order *supra* note 2.

<sup>5</sup> See Securities Exchange Act Release No. 28613 (November 14, 1990), 55 FR 48302 (November 21, 1990) (order approving SR-Amex-90-14).

<sup>6</sup> See letter from Ulf L. Doornbos, Managing Director, EOE, and Rudolf F. de Soet, Deputy Managing Director, EOE, to Howard A. Baker, Senior Vice President, Amex, dated October 31, 1991 ("Assurance Letter").



*(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

Written comments on the proposed rule change were neither solicited nor received.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

The Exchange has requested that the proposed rule change be given accelerated effectiveness pursuant to section 19(b)(2) of the Act.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, the requirements of section 6.<sup>7</sup> As stated in its order approving the trading of XMI options on the EOE, the Commission views agreements between American and foreign securities exchanges as positive developments in the increasing internationalization of the world's securities markets. The Commission believes that these agreements serve to facilitate the flow of capital and financial services across national borders.

Before approving these trading links, however, the Commission must be satisfied that adequate safeguards and procedures have been established and implemented to protect investors and detect fraudulent or manipulative acts or practices. In this regard, the Commission believes that an effective surveillance program is critical, especially the coordination of surveillance activities between the U.S. and foreign exchanges. Because the LT-20 Index-Options traded on the EOE will be subject to the same regulatory regime and governed by the same agreements between the EOE, Amex, and OCC that the Commission approved for the trading of options on the EOE, the Commission believes that adequate safeguards are in place to protect investors and prevent abusive trading involving LT-20 Index options on the EOE.

In addition, the Commission finds that the Assurance Letter and the modifications made to the MOU to permit the application of its terms to the trading of LT-20 Index options provide for the adequate exchange of surveillance information. The MOU sets forth the mutual undertakings by the Amex and the EOE to conduct surveillance and to furnish each other

with surveillance information. The Assurance letter reiterates the mechanisms in place at the EOE to ensure the exchange of adequate surveillance information in the event of trading abuses involving LT-20 Index options.<sup>8</sup>

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof in the *Federal Register*. The Commission finds that the Amex's proposal to permit the trading of LT-20 Index options on the EOE is identical to the Amex's proposal to permit the trading of XMI options on the EOE, which the Commission approved on August 21, 1987.<sup>9</sup> Therefore, the Commission believes the Amex proposal raises no new issues. The Commission notes that no comments were received on the XMI/EOE proposal and that the Commission is unaware of any problems concerning the trading of XMI options on the EOE. Accordingly, the Commission believes that granting accelerated approval of the proposed rule change is appropriate and consistent with section 6 of the Act.

**IV. Solicitation of Comments**

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC. Copies of such filing will also be available for inspection and copying at

<sup>8</sup> See Assurance Letter, *supra* note 6. The Commission, however, reiterates its statement made in the XMI/EOE Approval Order that "[i]f either market refuses to divulge such information pursuant to a bona fide request, the Commission should be promptly informed of the nature of the request and the reasons for its refusal. If the refusal called into question the ability of the Amex to maintain the integrity of its options market, the ability of the NYSE to police stock-related options trading or the ability of the Commission to oversee those markets, the Commission would consider taking steps to terminate the arrangement." See XMI/EOE Approval Order, *supra* note 2, at note 16.

<sup>9</sup> See *supra* note 2.

the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by March 2, 1992.

*It is Therefore Ordered*, Pursuant to section 19(b)(2) of the Act,<sup>10</sup> that the proposed rule change (SR-Amex-91-32) is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>11</sup>

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92-3097 Filed 2-7-92; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-30336; International Series Release No. 366; File No. SR-Amex-92-03]

**Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the American Stock Exchange, Inc. Relating to the Listing of Warrants Based on the Japan Index**

February 4, 1992.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on January 21, 1992, the American Stock Exchange, Inc. ("Amex" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

**I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change**

The Amex proposes to approve for listing and trading under section 106 of the Amex Company Guide warrants based on the Japan Index ("Japan Index" or "Index"), an index of 210 common stocks actively traded on the Tokyo Stock Exchange ("TKE") that are representative of a broad cross section of Japanese industries.

The text of the proposed rule is available at the Office of the Secretary, Amex, and at the Commission.

**II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change**

In its filing with the Commission, the self-regulatory organization included

<sup>10</sup> 15 U.S.C. 78s(b)(2) (1988).

<sup>11</sup> 17 CFR 200.30-3(a)(12) (1991).

<sup>7</sup> 15 U.S.C. 78f(b)(5) (1988).



statements concerning the purpose of, and statutory basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

*A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

Under section 106 (Currency and Index warrants) of the Amex Company Guide, the Exchange may approve for listing index warrants based on established foreign and domestic indexes.

The Amex is proposing to list index warrants based on the Japan Index, a price-weight index of 210 leading common stocks actively traded on the TKE that are representative of a broad cross section of Japanese industries.

The Index is denominated in U.S. dollars and calculated once a day based on the closing prices of the component stocks on the TKE and disseminated before the opening of trading in the United States. In calculating the Index, 100 yen is assigned to equal one U.S. dollar. Thus, if the aggregate price of the Index's component stocks is 30,500 yen, the Index value will be 305. This assures that the Index value will correspond directly to changes in the aggregate yen prices of the component stocks and will not be affected by fluctuating yen/dollar exchange rates. Previously, the Commission has approved an Amex proposal to the trade options on the Index.<sup>1</sup>

Japan Index warrant issues will conform to the listing guidelines under section 106 of the Amex Company Guide which provide that (1) the issuer shall have assets in excess of \$100,000,000 and otherwise substantially exceed the Exchange's size and earnings requirements; (2) the term of the warrants shall be for a period ranging from one to five years from date of issuance; and (3) the minimum public distribution of such issues shall be 1,000,000 warrants together with a minimum of 400 public holders, and have a minimum aggregate market value of \$4,000,000.

Japan Index warrants will be direct obligations of their issuer subject to cash-settlement during their term, and

either exercisable throughout their life (*i.e.*, American style) or exercisable only on their expiration date (*i.e.*, European style). Upon exercise, or at the warrant expiration date (if not exercisable prior to such date), the holder of a warrant structured as a "put" would receive payment in U.S. dollars to the extent that the Japan Index settlement price has declined below a pre-stated strike price. Conversely, holders of a warrant structured as a "call" would, upon exercise or at expiration, receive payment in U.S. dollars to the extent that the Japan Index settlement price has increased above the pre-stated strike price. If "out-of-the-money" at the time of expiration, the warrants would expire worthless.

The Amex has adopted suitability standards applicable to recommendations to customers of index warrants and transactions in customer accounts. Amex Rule 411, Commentary .02 applies the options suitability standard to recommendations regarding index warrants. Amex Rule 421, Commentary .02 requires a Senior Registered Options Principal or a Registered Options Principal to approve and initial a discretionary order in index warrants on the day the order is entered. In addition, the Exchange, prior to the commencement of trading, will distribute a circular to its membership calling attention to specific risks associated with warrants on the Japan Index.

The Amex notes that the Commission previously has indicated that, in connection with the trading of index warrants based on a foreign index, there should be an adequate surveillance sharing agreement(s) with respect to the component stocks of the underlying index.<sup>2</sup> In this regard, the Amex notes that it has in place a surveillance sharing agreement with the TKE relating to the trading of Japan Index options.

The Exchange believes that the proposed rule change is consistent with section 6(b) of the Act, in general, and furthers the objectives of section 6(b)(5), in particular, in that it is designed to prevent fraudulent and manipulative acts and practices and to promote just and equitable principles of trade, and is not designed to permit unfair discrimination between customers, issuers, brokers or dealers.

<sup>2</sup> See Securities Exchange Act Release Nos. 26152 (October 3, 1988), 53 FR 39332 (Commission order approving Amex's regulatory framework for index warrants and 27565 (December 22, 1989), 55 FR 376 (Commission order approving the Amex's proposal to list Nikkei warrants).

*B. Self-Regulatory Organization's Statement on Burden on Competition*

The Amex believes that the proposed rule change will not impose a burden on competition.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

The Exchange has neither solicited nor received comments with respect to the proposed rule change.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

Within 35 days of the date of publication of this notice in the Federal Register or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

- (a) By order approve such proposed rule change, or
- (b) Institute proceedings to determine whether the proposed rule change should be disapproved.

**IV. Solicitation of Comments**

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by March 2, 1992.

<sup>1</sup> See Securities Exchange Act Release No. 28475 (September 27, 1990), 55 FR 46492.



For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>3</sup>

Margaret H. McFarland,  
Deputy Secretary.

[FR Doc. 92-3092 Filed 2-7-92; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-30334; File No. SR-CBOE-91-48]

**Self-Regulatory Organizations; Filing and Immediate Effectiveness of Proposed Rule Change by the Chicago Board Options Exchange, Inc. Relating to Joint Account Trading in Non-DPM Equity Options Classes**

February 4, 1992.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on December 20, 1991, the Chicago Board Options Exchange, Inc. ("CBOE" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II and III below, which Items have been prepared by the CBOE. The CBOE amended the proposal on January 14, 1992.<sup>1</sup> The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

**I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change**

The CBOE proposes to summarize and consolidate into one Regulatory Circular to its members, several existing Exchange policies and procedures regarding the trading activities of joint account participants in equity options crowds without a Designated Primary Market Maker ("DPM"). The text of the proposed rule change is available at the Office of the Secretary, CBOE and at the Commission.

**II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change**

In its filing with the Commission, the CBOE included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these

statements may be examined at the places specified in Item IV below. The CBOE has prepared summaries, set forth in 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 the Statutory Basis for, the Proposed Rule Change**

**(1) Purpose**

Currently, Exchange policies and procedures regarding permissible trading activities by joint account participants in non-DPM equity option crowds are contained in four separate Exchange documents. Specifically, these policies and procedures are contained in: (1) An Exchange Memo to members, dated November 3, 1982; (2) an Exchange Memo to members, dated May 31, 1984; (3) an Exchange Bulletin to members, dated June 24, 1987; and (4) an Exchange Surveillance Memo to members, dated August 14, 1990.

The CBOE believes that the proposed Regulatory Circular combines the above-mentioned, previously disseminated information regarding the policies and procedures governing the trading activities of joint account participants in non-DPM equity option crowds into one concise statement. As such, the Exchange believes that the Circular does not establish new policies or procedures, but is instead a consolidation of those policies and procedures already in existence. In addition to codifying the existing policies and procedures in one document, the Circular clarifies one item. Specifically, the Circular clarifies that it is permissible for an Exchange member, while in a non-DPM equity options trading crowd, to alternate between trading for his individual account and for the joint account to which the member belongs.

**(2) Basis**

The Exchange believes that the proposed rule change is consistent with section 6(b) of the Act, in general, and furthers the objectives of section 6(b)(5), in particular, in that it promotes just and equitable principles of trade.

**(B) Self-Regulatory Organization's Statement on Burden on Competition**

The CBOE does not believe that the proposed rule change will impose any inappropriate burden on competition.

**(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others**

No written comments were solicited or received with respect to the proposed rule change.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

Because the proposed rule change constitutes a stated policy, procedure or interpretation with regard to the administration of an existing CBOE rule, it has become effective pursuant to section 19(b)(3)(A) of the Act and subparagraph (e) of Rule 19b-4 thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

**IV. Solicitation of Comments**

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC, 20549. Copies of such filing will also be available for inspection and copying at the principal office of the CBOE. All submissions should refer to the file number in the caption above and should be submitted by March 2, 1992.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>2</sup>

Margaret H. McFarland,  
Deputy Secretary.

[FR Doc. 92-3093 Filed 2-7-92; 8:45 am]

BILLING CODE 8010-01-M

<sup>3</sup> 17 CFR 200.30-3(a)(12) (1986).

<sup>1</sup> On January 14, 1992, the CBOE sent, to the Commission additional data on the Exchange's existing procedures governing the trading activities of joint account participants in non-DPM equity options crowds. See letter from Barbara J. Casey, Vice President, Department of Market Regulation, CBOE, to Mark McNair, Staff Attorney, Division of Market Regulation, dated January 14, 1992.

<sup>2</sup> 17 CFR 200.30-3(a)(12) (1986).



[Release No. 34-30330; File No. SR-CBOE-92-01]

**Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Chicago Board Options Exchange, Inc. Relating to New Expiration Months for Standard & Poor's 500 Stock Index Options**

February 3, 1992.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on January 9, 1992, the Chicago Board Options Exchange, Inc. ("CBOE" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II and III below, which Items have been prepared by the CBOE. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

**I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change**

The CBOE proposes to modify the pattern of expiration months for Standard & Poor's 500 Stock Index options ("SPX") listed by the Exchange. Currently, the Exchange lists two consecutive expiration months for SPX options, plus three quarterly series of the March cycle. Under the proposal, the CBOE plans to list three consecutive near term month series, together with far-out months from the March expiration cycle. The text of the proposed rule change is available at the Office of the Secretary, CBOE and at the Commission.

**II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change**

In its filing with the Commission, the CBOE included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The CBOE has prepared summaries, set forth in 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 the Statutory Basis for, the Proposed Rule Change**

**(1) Purpose**

The CBOE proposes to modify the pattern of expiration months for SPX options. Currently, the Exchange lists two consecutive near-term expiration months for SPX options, plus three quarterly series of the March cycle. Under the proposal, the CBOE plans to list three consecutive near term month series, together with three far-out month series from the March expiration cycle. Thus, under the proposal, the expiration months available for trading in February would be February, March, April, June, September, and December, with the series expiring in April being the series added by the proposal. The CBOE notes that the proposed expiration month schedule is within the discretion allowed the Exchange under Exchange Rule 24.9(b), which authorizes the CBOE to list up to six expiration months in index options expiring at three-month intervals or in consecutive months, with none farther out than twelve months.<sup>1</sup>

**(2) Basis**

The Exchange believes that the proposed rule change is consistent with section 6(b) of the Act, in general, and furthers the objectives of section 6(b)(5), in particular, in that it is designed to facilitate transactions in SPX options and to better serve investors and the public interest.

**(B) Self-Regulatory Organization's Statement on Burden on Competition**

The CBOE does not believe that the proposed rule change will impose any inappropriate burden on competition.

**(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others**

No written comments were solicited or received with respect to the proposed rule change.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

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 constitutes a

stated policy, practice or interpretation with respect to the administration of an existing CBOE rule.<sup>2</sup> At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

**IV. Solicitation of Comments**

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., 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, N.W., Washington, DC, 20549. Copies of such filing will also be available for inspection and copying at the principal office of the CBOE. All submissions should refer to the file number in the caption above and should be submitted by March 2, 1992.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>3</sup>

Margaret H. McFarland,  
Deputy Secretary.

[FR Doc. 92-3094 Filed 2-7-92; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-30333; International Series Release No. 365; File No. SR-OCC-92-03]

**Self-Regulatory Organizations; the Options Clearing Corporation; Filing and Order Granting Accelerated Approval of Proposed Rule Change Relating to the Trading of LT-20 Index Options on the American Stock Exchange, Inc. and the European Options Exchange**

February 3, 1992.

Pursuant to section 19(b) of the Securities Exchange Act of 1934,<sup>1</sup> notice

<sup>2</sup> *Id.*

<sup>3</sup> 17 CFR 200.30-3(a)(12) (1991).

<sup>1</sup> 15 U.S.C. 78s(b) (1988).

<sup>1</sup> Securities Exchange Act Release No. 23257 (March 20, 1986), 51 FR 19434 (order approving File No. SR-CBOE-86-04), authorizes the CBOE to determine the precise arrangement of a limited number of expiration months, with the Commission retaining the ability to review the Exchange's decisions under section 19(b)(3)(A) of the Act.



is hereby given that on January 13, 1992, The Options Clearing Corporation ("OCC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change (File No. SR-OCC-92-03) as described below in Items I, II, and III, which Items have been prepared by OCC, a self-regulatory organization ("SRO"). The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

### **I. SRO's Statement of the Terms of Substance of the Proposed Rule Change**

The proposed rule change would modify the terms of two existing contracts, the "International Market Agreement: XMI Index options" and the "Associate Clearinghouse Agreement," to provide for the clearance and settlement of the LT-20 Index on the European Options Exchange ("EOE")<sup>2</sup> under the same conditions as now apply to the XMI options.<sup>3</sup>

### **II. SRO's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change**

In its filing with the Commission, the SRO included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The SRO has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

#### **A. SRO's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change**

On August 20, 1987, OCC entered into: (1) the International Market Agreement with the Amex and the EOE,<sup>4</sup> and (2) Associate Clearinghouse Agreement with ACHA Associate Clearing House Amsterdam B.V. ("ACHA").<sup>5</sup> Both of

these agreements provide for OCC to issue, guarantee, and clear transactions on the EOE of index options that are identical to, and fungible with, options on the XMI that are traded on the Amex. The terms of this arrangement were approved by the Commission in August 1987.<sup>6</sup>

In November, 1990, the Amex developed the LT-20 Index which, except for its index value, is identical to the XMI Index. The LT-20 Index is calculated at 1/10th the value of the XMI Index.<sup>7</sup> The AMEX has licensed the EOE to trade LT-20 options in addition to the existing XMI options. Under the proposal, LT-20 options traded on the EOE will be issued by, cleared, and settled through OCC.<sup>8</sup> Like the XMI options, LT-20 options on the EOE will have the same terms and conditions as the LT-20 options that are traded on the Amex. Thus, the LT-20 options will be identical to and fungible with the Amex traded LT-20 options. All rules and policies of the EOE applicable to the trading of XMI options will apply to the trading of LT-20 options. On March 19, 1991, a letter agreement confirming the understanding of the terms of the Associate Clearinghouse Agreement was entered into by OCC and EOE's clearing organization, ACHA. This letter agreement provides that all the terms of the Associate Clearinghouse Agreement of August 20, 1987, which apply to XMI Index options, apply to LT-20 options traded on the EOE.

The OCC believes that the proposed rule change is consistent with the purposes and requirements of section 17A of the Act<sup>9</sup> because it seeks to

ACHA is a limited liability company organized under the laws of the Netherlands. ACHA is a wholly-owned subsidiary of the European Options Clearing Corporation, which is a wholly-owned subsidiary of and the principal clearing corporation for EOE.

<sup>6</sup> Securities Exchange Act Release Nos. 24831 (August 21, 1987), 52 FR 32368 [File No. SR-Amex-87-10] and 24832 (August 22, 1987), 52 FR 32377 [File No. SR-OCC-87-09].

<sup>7</sup> "LT" refers to long-term. The reduced-value XMI, i.e. the LT-20, have expirations up to 36 months. Securities Exchange Act Release No. 28613 (November 14, 1990), 55 FR 48307 [File No. SR-Amex-90-14] (order approving rule change approving long-term options on a reduced value XMI). Subsequently, Amex changed the value of the LT-20 from 1/20th of the XMI to 1/10th of the XMI. Securities Exchange Act Release No. 29798 (October 8, 1991) 56 FR 51956 [File No. SR-Amex-91-18].

<sup>8</sup> The Amex has filed a separate rule filing (Amex-91-32) concerning the licensing of the LT-20 Option to EOE. This proposal only covers the clearance and settlement aspects of the agreements and does not cover the licensing of the option, the issuance of the option by OCC or the trading of the option.

<sup>9</sup> 15 U.S.C. 78q-1 (1988).

permit trading of LT-20 options on the EOE under the identical terms and conditions that currently apply to XMI options, all of which are designed to promote the prompt and accurate clearance and settlement of options transactions.

#### **B. SRO's Statement on Burden on Competition**

OCC believes that the proposed rule change would impose no burden on competition.

#### **C. SRO's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others**

OCC did not solicit comments with respect to the proposed rule change and none were received.

### **III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

OCC has requested that the Commission find good cause for approving the proposed rule change prior to thirty days after the date of publication of the notice of this filing. Such accelerated approval would permit the OCC to coordinate its operations with the Amex, which has filed a companion rule proposal.<sup>10</sup>

The Commission believes the proposal's modifications to OCC's existing agreements concerning the XMI Index options governing the clearance and settlement of LT-20 Index options are consistent with the Act, and particularly with section 17A of the Act.<sup>11</sup> Section 17A(b)(3)(F) of the Act<sup>12</sup> requires, among other things, that the rules of a clearing agency be designed to promote the prompt and accurate clearance and settlement of securities transactions and to assure the safeguarding of funds in the custody or control of the clearing agency or for which it is responsible.

The terms of the proposal are essentially identical with OCC's existing arrangement for processing XMI Index options, which the Commission approved by order dated August 21, 1987,<sup>13</sup> and operationally the proposal includes the same parties (i.e. OCC, Amex, EOE, and ACHA). Moreover, since 1987, the arrangement has been strengthened by specific agreements whereby ACHA has adopted higher financial and reporting standards.<sup>14</sup>

<sup>10</sup> File No. SR-Amex-91-32.

<sup>11</sup> 15 U.S.C. § 78q-1 (1988).

<sup>12</sup> 15 U.S.C. § 78q-1(b)(3)(F) (1988).

<sup>13</sup> *Supra*, note 6.

<sup>14</sup> By amendment to its clearing agreements with OCC, ACHA: (1) increased its permanent capital

Continued

<sup>2</sup> The EOE, located in Amsterdam, The Netherlands, also is known as the Optiebeurs N.V.

<sup>3</sup> The XMI is a market index that is based on the values of 20 well-known, highly-capitalized corporations traded on the New York Stock Exchange, Inc.

<sup>4</sup> This agreement sets forth the relationships among OCC, Amex, and EOE with regard to XMI options and contains provisions referring to its issuance, disclosure, expiration, exercise, units of trading, margin, comparison, clearance and settlement. See Securities Exchange Act Release No. 24832 (August 21, 1987), 52 FR 32377 [File No. SR-OCC-87-09] (order approving rule change authorizing OCC to clear XMI options traded on EOE).

<sup>5</sup> This agreement provides, in essence, that ACHA will process XMI option trades for EOE members. *Id.*



Accordingly, for the reasons set forth in the Commission's order of August 21, 1987 as well as the reasons set forth above, the commission believes that the proposal is consistent with the provision of section 17A of the Act, in regards to the safeguarding of securities and funds in the custody or control of OCC or for which it is responsible.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the publication of notice of filing. As noted above, the Amex has filed a companion filing with respect to this proposal.<sup>15</sup> Accelerated approval will permit trading, clearing, and settlement of the options on the LT-20 Index on a coordinated basis among Amex, OCC, EOE, and ACHA.

#### 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 OCC. All submissions should refer to File No. SR-OCC-92-03 and should be submitted by March 2, 1992.

*It is Therefore ordered*, Pursuant to section 19(b)(2) of the Act,<sup>16</sup> that the proposed rule change (File No. SR-OCC-92-03) be, and hereby is, approved.

requirements, (2) agreed to notify OCC of certain reductions in its capital, and (3) increased its overdraft facility. Securities Exchange Act Release No. 29396 (July 1, 1991), 56 FR 30956 [File No. SR-OCC-91-02].

<sup>15</sup> *Supra*, note 10.

<sup>16</sup> 15 U.S.C. 78s(b)(2) (1991).

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>17</sup>

Margaret H. McFarland,

*Deputy Secretary.*

[FR Doc. 92-3098 Filed 2-7-92; 8:45 am]

BILLING CODE 8010-01-M

[Release No. IC-18493; 811-3951]

#### Pilgrim Corporation Cash Fund; Deregistration

##### Correction

In FR Document No. 92-2195, beginning on page 3666 for Thursday, January 30, 1992, the release number for File No. 811-3951 was incorrectly stated as IC-18489. The correct number is IC-18493.

Dated: February 5, 1992.

Margaret H. McFarland,

*Deputy Secretary.*

[FR Doc. 92-3095 Filed 2-7-92; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. IC-18517; 811-4159]

#### Viking Equity Index Fund, Inc.; Application

February 3, 1992.

**AGENCY:** Security and Exchange Commission ("SEC" or "Commission").

**ACTION:** Notice of Application for Deregistration under the Investment Company Act of 1940 (the "Act").

**APPLICANT:** Viking Equity Index 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 December 10, 1991.

**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 February 28, 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.

<sup>17</sup> 17 U.S.C. 200.30-3(a)(12) (1991).

**ADDRESSES:** Secretary, SEC, 450 5th Street, NW., Washington, DC 20549. Applicant, 200 Gibraltar Road, Horsham, PA 19044.

**FOR FURTHER INFORMATION CONTACT:** Elaine M. Boggs, Staff Attorney, at (202) 272-3026, or Nancy M. Rappa, Branch Chief, at (202) 272-3030 (Division of Investment Management, Office of Investment Company Regulation).

**SUPPLEMENTARY INFORMATION:** The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

#### Applicant's Representations

1. Applicant is an open-end diversified investment company that was organized under the laws of Maryland. Applicant registered under the Act and filed a registration statement pursuant to section 8(b) of the Act on November 16, 1984. A registration statement under the Securities Act of 1933 was filed on November 16, 1984. The registration statement was declared effective and the initial public offering commenced on January 2, 1985.

2. At a meeting held on December 18, 1990, the applicant's board of directors adopted a plan of reorganization (the "Plan"). On or about April 5, 1991, applicant mailed proxy materials to its shareholders, who approved that Plan at a special shareholder's meeting held on May 15, 1991.

3. On June 1, 1991, pursuant to the Plan, applicant transferred all of its assets and liabilities of its General Portfolio to CoreFunds, Inc. ("CoreFunds") and on September 27, 1991, CoreFunds acquired substantially all of the assets and liabilities of applicant's Fiduciary Portfolio. Both portfolios were exchanged for shares of class F common stock of CoreFunds<sup>1</sup> on a *pro rata* basis. The transfer of applicant's assets in exchange for shares of CoreFunds was based on the relative net asset value of CoreFunds and applicant. Immediately thereafter, applicant distributed the shares of class F common stock of CoreFund *pro rata* to its shareholders.

4. The expenses incurred in connection with the sale of applicant's assets were approximately \$22,000 (legal—\$20,000; accounting—\$2,000), all of which were assumed by CoreFunds.

<sup>1</sup> According to CoreFund's Equity Index Fund prospectus dated October 21, 1991, class F common stock represents an interest in CoreFund's Equity Index portfolio.



5. There are no securityholders to whom distributions in complete liquidation of their interests have not been made. Applicant has no debts or other liabilities that remain outstanding. Applicant is not a party to any litigation or administrative proceeding.

6. Applicant has filed Articles of Dissolution with the Maryland Secretary of State.

7. 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.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,  
Deputy Secretary.

[FR Doc. 92-3096 Filed 2-7-92; 8:45 am]

BILLING CODE 3010-01-M

## DEPARTMENT OF STATE

[Public Notice 1569]

### Shipping Coordinating Committee, Maritime Safety Committee and Associated Bodies; Notice of Meeting

The Shipping Coordinating Committee (SHC) will conduct an open meeting at 9 a.m. on Monday, March 30, 1992, in room 2415, at U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593. The purpose of the meeting is to finalize preparations for the Maritime Safety Committee, Sixtieth Session of the International Maritime Organization (IMO) which is scheduled for April 6-10, 1992, at the IMO Headquarters in London. The purpose of the meeting is to discuss the papers received and the draft U.S. positions for the Maritime Safety Committee.

Among other things, the items of particular interest are:

- Amendments to Safety of Life at Sea (SOLAS) '74 concerning fire protection and damage stability
- Reports of the technical subcommittees
- Role of the human element in maritime casualties

Members of the public may attend these meetings up to the seating capacity of the room. Interested persons may seek information by writing: Mr. Daniel F. Sheehan, U.S. Coast Guard (G-MI), 2100 Second Street SW., Washington, DC 20593 or by calling: (202) 267-2970.

Dated: January 28, 1992.

Geoffrey Ogden,

Chairman, Shipping Coordinating Committee.

[FR Doc. 92-3043 Filed 2-7-92; 8:45 am]

BILLING CODE 4710-70-M

## DEPARTMENT OF TRANSPORTATION

### Aviation Proceedings; Agreements Filed During the Week Ended January 31, 1992

The following Agreements were filed with the Department of Transportation under the provisions of 49 U.S.C. 412 and 414. Answers may be filed within 21 days of date of filing.

Docket Number: 47968.

Date filed: January 28, 1992.

Parties: Members of the International Air Transport Association.

Subject: Telex dated January 28, 1992.

Reso 024f—Local Currency Fare Changes—Zimbabwe.

Proposed Effective Date: February 7, 1992.

Docket Number: 47970.

Date filed: January 30, 1992.

Parties: Members of the International Air Transport Association.

Subject: Telex dated January 17, 1992.

TC3 Mail Vote 531—(Within Southeast Asia fares) r-1—043, r-2—053, r-3—063.

Proposed Effective Date: February 10, 1992.

Docket Number: 47971.

Date filed: January 30, 1992.

Parties: Members of the International Air Transport Association.

Subject: TC23 Reso/P 0491 dated January 24, 1992. Europe-Japan/Korea Expedited Reso 085Z.

Proposed Effective Date: March 1, 1992.

Phyllis T. Kaylor,

Chief, Documentary Services Division.

[FR Doc. 92-3106 Filed 2-7-92; 8:45 am]

BILLING CODE 4910-62-M

### Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q During the Week Ended January 31, 1992

The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under subpart Q of the Department of Transportation's Procedural Regulations (See 14 CFR 302.1701 *et. seq.*). The due date for Answers, Conforming Applications, or Motions to Modify Scope are set forth below for each application. Following the Answer period DOT may process the application by expedited procedures.

Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket Number: 47972.

Date filed: January 31, 1992.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: February 28, 1992.

Description: Application of Aeronorte Internacional, S.A., pursuant to section 402 of the Act and subpart Q of the Regulations applies for a foreign air carrier permit authorizing it to engage in foreign charter air transportation of property and mail between Paraguay and the United States and pursuant to part 212 of the Department's Regulations. Aeronorte proposes to operate charter flights between Asuncion, Paraguay and Miami, Florida.

Docket Number: 47607.

Date filed: January 27, 1992.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: February 24, 1992.

Description: Supplement No. 2 to Application of Viscount Air Service, Inc. for a certificate of public convenience and necessity pursuant to section 401(d) of the Act for interstate and overseas air transportation.

Phyllis T. Kaylor,

Chief, Documentary Services Division.

[FR Doc. 92-3107 Filed 2-7-92; 8:45 am]

BILLING CODE 4910-62-M

## Coast Guard

[CGD 92-006]

### Towing Safety Advisory Committee, Meeting

AGENCY: Coast Guard, DOT.

ACTION: Notice of meetings.

SUMMARY: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. app. I), notice is hereby given of a meeting of the Towing Safety Advisory Committee (TSAC) and Subcommittees. A preliminary meeting of the TSAC Subcommittees will be held on Thursday, March 12, 1992, in Room 2415 of U.S. Coast Guard Headquarters. This meeting is scheduled to run from 1:30 p.m. to 4 p.m. Attendance is open to the public. The full Committee meeting will be held on Friday, March 13, 1992, in room 2415 of U.S. Coast Guard Headquarters. The meeting is scheduled to run from 9 a.m. to 1 p.m. This meeting is also open to the public. The agenda follows:



## 1. Subcommittee Reports

- a. Personnel Manning and Licensing
- b. Tug-Barge Construction, Certification and Operations
- c. Personnel Safety and Workplace Standards
- d. Oil Pollution Act of 1990 Implementation

## 2. Other Topics of Discussion

With advance notice, and at the discretion of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present oral statements should notify the TSAC Executive Director no later than the day before the meeting. Written statements or materials may be submitted for presentation to the Committee at any time; however, to ensure distribution to each Committee member, 20 copies of the written material should be submitted to the Executive Director by March 12, 1992.

**FOR FURTHER INFORMATION CONTACTS:**

CDR Robert Letourneau, Executive Director, Towing Safety Advisory Committee, room 1300, U.S. Coast Guard Headquarters (G-MTH-2), 2100 Second Street, SW., Washington, DC 20593-0001, (202) 267-2206.

Dated: February 4, 1992.

A. E. Henn,

*Rear, Admiral, U.S. Coast Guard, Chief, Office of Marine Safety, Security and Environmental Protection.*

[FR Doc. 92-3088 Filed 2-7-92; 8:45 am]

BILLING CODE 4910-14-M

## National Highway Traffic Safety Administration

### Petition for Exemption From the Vehicle Theft Prevention Standard; Mitsubishi

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), DOT.

**ACTION:** Grant of petition for exemption.

**SUMMARY:** This notice grants the petition by Mitsubishi for an exemption in whole from the parts marking requirements of the vehicle theft prevention standard for the Mitsubishi Diamante car line beginning from Model Year (MY) 1993. The agency grants this exemption under Section 605 of the Motor Vehicle Information and Cost Savings Act. The agency is granting the petition because it has determined that the antitheft device that the petitioner intends to install on this line as standard equipment is likely to be as effective in reducing and deterring motor vehicle theft as would compliance with the parts marking requirements.

**DATES:** The exemption granted by this notice will become effective beginning with the 1993 model year.

**SUPPLEMENTARY INFORMATION:** On September 12, 1991, this agency received a submission from Mitsubishi Motors Corporation (Mitsubishi) seeking an exemption from the parts marking requirements of the vehicle theft prevention standard (49 CFR part 541) pursuant to the requirements of 49 CFR part 543, Petition for Exemption from the Vehicle Theft Prevention Standard. Mitsubishi seeks an exemption for the Diamante car line beginning with MY 1993. The agency reviewed the September 12, 1991 submission and concluded that information required under sections 543.5(b)(3) and 543.5(b)(4) was not provided. These sections require that the petitioner disclose the state or country under the laws of which it is organized and the car line's production date in the model year for which an exemption is requested. In addition, 49 CFR 543.6(a)(5) and 543.6(b) were not sufficiently addressed. Section 543.6(a)(5) requires manufacturers to provide reasons for its belief that the agency should determine that the antitheft device is likely to be as effective as compliance with the parts-marking requirements in part 541 in reducing and deterring motor vehicle theft. These reasons must include any statistical data that are available to the petitioner, and form a basis for petitioner's belief that a line of passenger motor vehicles equipped with the antitheft device is likely to have a theft rate equal to or less than that of passenger motor vehicles of the same, or similar, line which have parts marked in compliance with part 541. Section 543.6(b) requires the petitioner to provide an explanation of its belief that the data submitted are sufficiently representative and reliable to warrant the agency's reliance upon them.

The agency further noted 49 CFR 543.7(a) that states that the agency will inform the manufacturer of areas of insufficiency and that the petition will not be processed under part 543 until the required information is submitted.

In a letter dated September 24, 1991, the agency asked Mitsubishi to provide the additional information discussed above. On October 11, 1991, the agency received the required supplementary information. After reviewing the submissions, the agency determined that together, Mitsubishi's submissions of September 12, 1991 and October 11, 1991 constitute a complete petition, as required by 49 CFR 543.7, in that it meets the general requirements contained in § 543.5 and the requirements of § 543.6.

Accordingly, October 11, 1991 is the date on which the statutory 120 day period for processing Mitsubishi's petition began.

In its petition, Mitsubishi included a detailed description of the identity, design, and location of the components of the antitheft device, including diagrams of the components and their location in the vehicle. Mitsubishi states that the Diamante car line for MY 1993 will have, as standard equipment, the same antitheft device that is currently standard on the Mitsubishi Galant. Mitsubishi also stated that its antitheft system incorporates an alarm function and engine starter-interrupt function similar to other systems that have received antitheft exemptions.

Mitsubishi's system is automatically activated when the operator removes the key from the ignition, opens and leaves through the door, and then locks the door either with or without the key. The activation of the system arms the horn, lights, and an ignition-starter interrupt. Once the theft system has been activated, the security light illuminates for approximately 20 seconds. After the light goes out, the system is then immediately armed. The theft alarm system is controlled by the electronic control unit (ECU) as one function of the electronic time and alarm control system. This ECU includes an independent microcomputer for the exclusive use of the theft-alarm system. The microcomputer arms, disarms, activates and deactivates the alarm system. The system is composed of the following elements: Multipurpose relay (horn relay and headlight relay); starter inhibitor relay; security light; ignition switch/key reminder switch; key cylinder unlock switch (left-front and right-front door); door lock actuator switch (left-rear and right-rear door); deck lid switch; deck lid cylinder unlock switch; door switch (left-front and right-front door); electronic control unit; theft-alarm horn; starter; hood switch; and headlights.

If an unauthorized person attempts to open a door, the deck lid or the hood without using a key, the horn will sound intermittently for a period of approximately three minutes and simultaneously the headlights will flash on and off for approximately three minutes. Additionally, the vehicle cannot be started, because the starter circuitry is interrupted via an inhibitor relay which cuts off the electric current between the starter switch and starter motor. If a further attempt at forcible entry is made after the first three-minute alarm has finished, the three-minute alarm will be activated again.



Mitsubishi states that the system will be disarmed if the key is used to unlock the left or right-front door, by inserting the key into the front door's key cylinder and turning the key. Also, if the system is armed while the driver is still in the vehicle, the system can be disarmed by inserting the ignition key and turning it to the "ACC" or "ON" position. The alarm is deactivated and the system is disarmed when the trunk is unlocked with the key.

Mitsubishi states that unauthorized persons are prevented from circumventing the system because the anti-theft system components are hidden in various places within the vehicle, and thus not readily accessible from outside the vehicle. The power source for the anti-theft system is also not readily accessible since it is protected by a hood sensor that activates the alarm upon tampering.

Mitsubishi addresses the reliability and durability of the Diamante's anti-theft system by subjecting it to the following tests: (1) Overvoltage test, used to confirm the system's reliability in the event of power surges; (2) Transient voltage endurance test, used to confirm durability after exposure to various types of transient voltage; (3) Power supply inverse polarity connection test, used to confirm reliability against reversed connection of battery; (4) Electrostatic test, used to confirm reliability against static electricity; (5) Electromagnetic test, used to confirm reliability against electromagnetic fields; (6) Thermal shock test, used to confirm durability against quick temperature changes; (7) Radiated electromagnetic test, used to confirm reliability after exposure to electromagnetic interference; (8) Low/high temperature operation, testing under high and low temperatures for a long period of time; (9) Humidity test, used to confirm durability against changes in temperature and humidity; (10) Vibration test, used to confirm durability against vibration when the vehicle is being operated; (11) Drop test, used to confirm performance against drop shock resulting from improper transport handling and (12) Operation durability test, used to confirm reliability and durability for long term operation.

As earlier noted, Mitsubishi states that the Diamante anti-theft system is the same system that is presently installed on the Mitsubishi Galant. Mitsubishi asserts that the anti-theft system has effectively decreased the Galant's theft rate. To support this, Mitsubishi quoted NHTSA's theft data for MYs 1986-1989. NHTSA's data is based on information

from the National Crime Information Center (NCIC) of the Federal Bureau of Investigation. The NHTSA data indicated that the Galant's theft rate decreased from 7.3751 thefts (per thousand produced) in 1986, to 7.085 thefts in 1987 (the first year the anti-theft system was included in the Galant), went up to 7.865 thefts in 1988, and fell to 5.488 in 1989. Mitsubishi states that a design change in the 1988 model year Galant may have made the car line more attractive to thieves, thereby increasing the 1988 theft rate.

In addition, Mitsubishi compared its anti-theft system to similar systems installed in the Mitsubishi Starion, Chrysler Conquest, Toyota Cressida and Supra, Lexus LS400 and ES250, Mazda 929 and RX7, Honda Acura NSX and Legend, and Nissan Maxima, 300ZX, and Infiniti lines. NHTSA agrees that the anti-theft devices installed on these named car lines are comparable to the device on the Diamante car line.

Therefore, the agency believes the theft experience of these car lines after installation of the anti-theft devices is probative of the possible experience of the Diamante car line, after installation of its anti-theft device.

Mitsubishi states that based on the theft data compiled by NHTSA, these car lines' theft experience has decreased with the installation of an anti-theft system. As examples, NHTSA's data show that the theft rate of the Toyota Cressida decreased from 4.7 thefts (per thousand produced) to 4.26 after installation of an anti-theft device in 1986, the theft rate of the Nissan Maxima show a reduction in theft rate from 4.18 in 1984 to 1.99 in 1985, the year the anti-theft system was installed, and the Toyota Supra's theft rates decreased from 10.39 in 1985 to 2.79 in 1986, the year the anti-theft system was installed.

For these reasons, Mitsubishi believes that the anti-theft system proposed for installation on the Diamante car line for MY 1993 is likely to be as effective in reducing theft as compliance with the parts-marking requirements of Part 541.

The agency determines that the anti-theft system proposed for installation in the Diamante car line for MY 1993 is likely to be as effective in reducing and deterring thefts as compliance with the parts-marking requirements of the Theft Prevention Standard (49 CFR part 541). The agency reached this determination based on the information provided in Mitsubishi's complete petition. That information shows that the device will provide the types of performance listed in 49 CFR 543.6(a)(3): passive activation, attracting attention to unauthorized entries;

preventing defeat or circumventing of the device by unauthorized persons; preventing operation of the vehicle by unauthorized entrants; and ensuring the reliability and durability of the device. That information also included a description of reliability and functional test procedures prescribed by Mitsubishi's engineering department for the anti-theft system and its components. Finally, that information included a showing that the function and design of its anti-theft device are similar to those of other devices that the agency has considered likely to be as effective as complying with Part 541 would be.

49 CFR 543.6(a)(4) requires the petitioner to provide reasons for its belief that the anti-theft device, that is the subject of the petition for exemption, will be effective in reducing and deterring motor vehicle theft. After reviewing Mitsubishi's complete petition, the agency concludes that Mitsubishi has provided adequate reasons for its belief that the anti-theft device will reduce and deter theft.

For the foregoing reasons, the agency hereby exempts in full the Mitsubishi Diamante car line for MY 1993 from the requirements of 49 CFR part 541.

The agency notes that the limited and apparently conflicting data on the effectiveness of the pre-standard parts marking programs continue to make it difficult to compare the effectiveness of an anti-theft device with the effectiveness of compliance with the theft prevention standard. The statute clearly invites such a comparison, which the agency has made on the basis of the limited data available.

NHTSA notes that if Mitsubishi wishes in the future to modify the device on which this exemption is based, the company may have to submit a petition to modify the exemption. Section 543.7(d) states that a part 543 exemption applies only to vehicles that belong to a line exempted under this part and equipped with the anti-theft device on which the line's exemption was based. Further, § 543.9(c)(2) provides for the submission of petitions "(t)o modify an exemption to permit the use of an anti-theft device similar to but differing from the one specified in that exemption."

However, the agency wishes to minimize the administrative burden which § 543.9(c)(2) could place on exempted vehicle manufacturers and itself. The agency did not intend in issuing part 543 to require the submission of a modification petition for every change in the components or the design of an anti-theft device. The significance of many such changes



would be *de minimis*. Therefore, NHTSA suggests that if Mitsubishi contemplates making any changes the effects of which might be characterized as *de minimis*, then the company should consult the agency before preparing and submitting a proposal to modify.

(15 U.S.C. 2025, delegation of authority at 49 CFR 1.50)

Issued on: February 5, 1992.

Jerry Ralph Curry,  
Administrator.

[FR Doc. 92-3078 Filed 2-7-92; 8:45 am]

BILLING CODE 4910-59-M

[Docket No. 91-67; Notice 1]

# **Receipt of Petition for Determination That Nonconforming 1989 Mercedes Benz 300SL Passenger Cars Are Eligible for Importation**

**AGENCY:** National Highway Traffic Safety Administration, DOT.

**ACTION:** Notice of receipt of petition for determination that nonconforming 1989 Mercedes Benz 300SL passenger cars are eligible for importation.

**SUMMARY:** This notice announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a determination that a 1989 Mercedes Benz 300SL that was not originally manufactured to comply with all applicable Federal motor vehicle safety standards is eligible for importation into the United States because (1) it is substantially similar to a vehicle that was originally manufactured for importation into and sale in the United States and that was certified by its manufacturer as complying with the safety standards, and (2) it is capable of being readily modified to conform to the standards.

**DATES:** The closing date for comments on the petition is March 11, 1992.

**ADDRESSES:** Comments should refer to the docket number and notice number, and be submitted to: Docket Section, room 5109, National Highway Traffic Safety Administration, 400 Seventh St., SW., Washington, DC 20590. (Docket hours are from 9:30 a.m. to 4 p.m.)

**FOR FURTHER INFORMATION CONTACT:** Ted Bayler, Office of Vehicle Safety Compliance, NHTSA (202-366-5306).

## **SUPPLEMENTARY INFORMATION:**

### **Background**

Under section 108(c)(3)(A)(i) of the National Traffic and Motor Vehicle Safety Act (the Act), 15 U.S.C. 1397(c)(3)(A)(i), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle

safety standards shall be refused admission into the United States on and after January 31, 1990, unless NHTSA has determined that:

"(I) the motor vehicle is \* \* \* substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under section 114 [of the Act], and of the same model year \* \* \* as the model of the motor vehicle to be compared, and is capable of being readily modified to conform to all applicable Federal motor vehicle safety standards \* \* \*

Petitions for eligibility determinations may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the Federal Register of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA determines, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this determination in the Federal Register.

Champagne Imports Inc. of Lansdale, Pennsylvania (Registered Importer No. R-90-009) has petitioned NHTSA to determine whether 1989 Mercedes Benz 300SL (Model ID 107.041) passenger cars are eligible for importation into the United States. The vehicle which Champagne believes is substantially similar is the 1989 Mercedes Benz 560SL (Model ID 107.048). Champagne has submitted information indicating that Daimler Benz A.G., the company that manufactured the 1989 Mercedes Benz 560SL, certified that vehicle as conforming to all applicable Federal motor vehicle safety standards and offered it for sale in the United States.

The petitioner contends that the 300SL is substantially similar to the 560SL, and "differs mainly in engine size and minor options which go with it." In accounting for the differences between the two vehicles, the petitioner observed that manufacturers such as Daimler Benz A.G. "generally design only a few basic body shell designs which they then equip with a multitude of engine-size and cosmetic or comfort options." The petitioner further surmised that the 300SL's absence from the United States market could be attributed to "saleability considerations, or legislative restrictions such as the strict emission control requirements in the United States."

Champagne submitted information with its petition intended to demonstrate that the 1989 model 300SL, as originally manufactured, conforms to many Federal motor vehicle safety standards

in the same manner as the 1989 model 560SL that was offered for sale in the United States, or is capable of being readily modified to conform to those standards.

Specifically, the petitioner claims that the 1989 model 300SL is identical to the certified 1989 model 560SL with respect to compliance with Standard Nos. 102 *Transmission Shift Lever Sequence* \* \* \* \* 103 *Defrosting and Defogging Systems*, 104 *Windshield Wiping and Washing Systems*, 105 *Hydraulic Brake Systems*, 106 *Brake Hoses*, 107 *Reflecting Surfaces*, 109 *New Pneumatic Tires*, 113 *Hood Latch Systems*, 116 *Brake Fluid*, 124 *Accelerator Control Systems*, 201 *Occupant Protection in Interior Impact*, 202 *Head Restraints*, 203 *Impact Protection for the Driver From the Steering Control System*, 204 *Steering Control Rearward Displacement*, 205 *Glazing Materials*, 206 *Door Locks and Door Retention Components*, 207 *Seating Systems*, 209 *Seat Belt Assemblies*, 210 *Seat Belt Assembly Anchorages*, 211 *Wheel Nuts*, *Wheel Discs and Hubcaps*, 212 *Windshield Retention*, 216 *Roof Crush Resistance*, 219 *Windshield Zone Intrusion*, and 302 *Flammability of Interior Materials*.

Petitioner also contends that the vehicle is capable of being readily modified to meet the following standards, in the manner indicated:

Standard No. 101 *Controls and Displays*: (a) Substitution of a lens marked "Brake" for a lens with an ECE symbol on the brake failure indicator lamp; (b) installation of a seat belt warning lamp that displays the seat belt symbol; (c) recalibration of the speedometer/odometer from kilometers to miles per hour.

Standard No. 108 *Lamps, Reflective Devices and Associated Equipment*: (a) Installation of U.S.-model headlamp assemblies which incorporate sealed beam headlamps and front sidemarkers; (b) installation of U.S.-model taillamp assemblies which incorporate rear sidemarkers; (c) installation of a high mounted stop lamp.

Standard No. 110 *Tire Selection and Rims*: Installation of a tire information placard.

Standard No. 111 *Rearview Mirrors*: Replacement of the passenger's outside rearview mirror, which is convex but does not bear the required warning statement.

Standard No. 114 *Theft Protection*: Installation of a buzzer microswitch in the steering lock assembly, and a warning buzzer.

Standard No. 115 *Vehicle Identification Number*: Installation of a



VIN plate that can be read from outside the left windshield pillar, and a VIN reference label on the edge of the door or latch post nearest the driver.

**Standard No. 118 Power Window Systems:** Rewiring of the power window system so that the window transport is inoperative when the ignition is switched off.

**Standard No. 208 Occupant Crash Protection:** (a) Installation of either a U.S.-model seat belt in the driver's position or a belt webbing-actuated microswitch in the driver's seat belt retractor to activate the seat belt warning system; (b) installation of an ignition switch-actuated seat belt warning lamp and buzzer.

**Standard No. 214 Side Door Strength:** Installation of reinforcing beams.

**Standard No. 301 Fuel System Integrity:** Installation of a rollover valve in the fuel tank vent line between the fuel and the evaporative emissions collection canister.

Additionally, the petitioner states that the bumpers on the 1989 model 300SL must be reinforced to comply with the Bumper Standard found in 49 CFR part 581.

Interested persons are invited to submit comments on the petition described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, room 5109, 400 Seventh Street, SW., Washington, DC 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Notice of final action on the petition will be published in the **Federal Register** pursuant to the authority indicated below.

Comment closing date: March 11, 1992.

**Authority:** 15 U.S.C. 1397(c)(3)(A)(i)(II) and (C)(iii); 49 CFR 593.8; delegation of authority at 49 CFR 1.50.

Issued on February 3, 1992.  
William A. Boehly,

*Associate Administrator for Enforcement.*

[FR Doc. 92-3056 Filed 2-7-92; 8:45 am]

BILLING CODE 4910-59-M

## DEPARTMENT OF THE TREASURY

### Public Information Collection Requirements Submitted to OMB for Review

February 4, 1992.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, room 3171 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

#### Internal Revenue Service

**OMB Number:** 1545-0271.

**Form Number:** IRS Form 500-5-56.

**Type of Review:** Extension.

**Title:** Letter to Follow Up on Undelivered Orders.

**Description:** This letter is sent by procurement personnel to vendors to follow up on undelivered items ordered by government purchase orders.

**Respondents:** Businesses or other for-profit, small businesses or organizations.

**Estimated Number of Respondents:** 900.

**Estimated Burden Hours Per**

**Respondent:** 30 minutes.

**Frequency of Response:** On occasion.

**Estimated Total Reporting Burden:** 450 hours.

**Clearance Officer:** Garrick Shear (202) 535-4297, Internal Revenue Service, Room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224.

**OMB Reviewer:** Milo Sunderhauf, (202) 395-6880, Office of Management and Budget, Room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

*Departmental Reports Management Officer.*

[FR Doc. 92-3087 Filed 2-7-92; 8:45 am]

BILLING CODE 4830-01-M

## UNITED STATES INFORMATION AGENCY

### Culturally Significant Objects Imported for Exhibition; Determination

Notice is hereby given of the following determination: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459),

Executive Order 12047 of March 27, 1978 (43 F.R. 13359, March 29, 1978), and Delegation Order No. 85-5 of June 27, 1985 (50 F.R. 27393, July 2, 1985), I hereby determine that the objects to be included in the exhibit "Splendors of the Ottoman Sultans" (see list <sup>1</sup>), imported from abroad for the temporary exhibition without profit within the United States, are of cultural significance. These objects are imported pursuant to a loan agreement with the foreign lender. I also determine that the temporary exhibition or display of the listed exhibit objects at the Memphis International Cultural Series Grant Exhibition Hall, Memphis, Tennessee, beginning on or about April 15, 1992, to on or about August 16, 1992, the Armand Hammer Museum of Art and Cultural Center, Los Angeles, California, beginning on or about September 15, 1992, to on or about December 16, 1992, and at a third and, as yet, undetermined location, beginning on or about January 15, 1993, to on or about April 15, 1993, is in the national interest.

Public notice of this determination is ordered to be published in the **Federal Register**.

Dated: February 4, 1992.

Alberto J. Mora,

*General Counsel.*

[FR Doc. 92-3071 Filed 2-7-92; 8:45 am]

BILLING CODE 8230-01-M

### Culturally Significant Objects Imported for Exhibition; Determination

Notice is hereby given of the following determination: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978 (43 FR 13359, March 29, 1978), and Delegation Order No. 85-5 of June 27, 1985 (50 FR 27393, July 2, 1985), I hereby determine that the objects to be included in the exhibit "The Etruscans: Legacy of a Lost Civilization: From the Vatican Museums" (see list <sup>1</sup>), imported from abroad for the temporary exhibition without profit within the United States, are of cultural significance. These objects are imported pursuant to a loan agreement with the

<sup>1</sup> A copy of this list may be obtained by contacting Ms. Lorie J. Nierenberg of the Office of the General Counsel of USIA. The telephone number is 202/619-6975, and the address is U.S. Information Agency, 301 Fourth Street, SW., room 700, Washington, DC 20547.

<sup>2</sup> A copy of this list may be obtained by contacting Ms. Lorie J. Nierenberg of the Office of the General Counsel of USIA. The telephone number is 202/619-6975, and the address is U.S. Information Agency, 301 Fourth Street, SW., room 700, Washington, DC 20547.



foreign lender. I also determine that the temporary exhibition or display of the listed exhibit objects at the Memphis Pink Palace Museum, Memphis, Tennessee, beginning on or about May 1, 1992, to on or about August 31, 1992; The Science Place: Southwest Museum of Science and Technology, Dallas, Texas, beginning on or about October 1, 1992, to on or about January 31, 1993; the Morris Museum, Morristown, New Jersey, beginning on or about March 1, 1993, to on or about June 30, 1993; a fourth and, as yet, undetermined location, beginning on or about August 1, 1993, to on or about November 30, 1993, and the Museum of Fine Arts at Brigham Young University, Provo, Utah, beginning on or about January 1, 1994, to on or about April 30, 1994, is in the national interest.

Public notice of this determination is ordered to be published in the *Federal Register*.

Dated: February 4, 1992.

Alberto, J. Mora,  
General Counsel.

[FR Doc. 92-3070 Filed 2-7-92; 8:45 am]

BILLING CODE 5230-01-M

#### Book and Library Advisory Committee Meeting

**AGENCY:** United States Information Agency.

**ACTION:** Notice of meeting.

**SUMMARY:** The United States Information Agency announces an open meeting of the Book and Library Advisory Committee on Tuesday, February 25, 1992, 2 p.m.-4:30 p.m., in room 800, USIA Headquarters, 301 Fourth Street, SW., Washington, DC. The Agenda will include reports on the 50th anniversary of USIA libraries; planned research on the future of USIA/USIS libraries; and USIA projects with the Commonwealth of Independent States.

**DATE:** February 25, 1992.

**ADDRESS:** 301 4th St., SW., Washington, DC 20547.

**FOR FURTHER INFORMATION CONTACT:** Louise G. Wheeler.

**SUPPLEMENTARY INFORMATION:** Copies of minutes can be obtained by calling 619-6089.

Dated: February 4, 1992.

Douglas Wertman,  
Committee Management Officer.

[FR Doc. 92-3073 Filed 2-7-92; 8:45 am]

BILLING CODE 5230-01-M

#### VOA Broadcast Advisory Committee Meeting

**AGENCY:** United States Information Agency.

**ACTION:** Notice of meeting.

**SUMMARY:** The United States Information Agency announces an open combined meeting of the VOA Broadcast Advisory Committee and the Public Relations Committee on Tuesday, February 25, 1992, 11:30 p.m.-2:30 p.m. in room 840, USIA Headquarters, 301 Fourth Street, SW., Washington, DC. The Agenda will include presentations on public opinion challenges; environment and drugs; and democratization efforts in the Commonwealth of Independent States and Eastern Europe.

**DATE:** February 25, 1992.

**ADDRESS:** 301 4th Street, SW., Washington, DC 20547.

**FOR FURTHER INFORMATION CONTACT:** Louise G. Wheeler.

**SUPPLEMENTARY INFORMATION:** Copies of minutes can be obtained by calling 619-6089.

Dated: February 4, 1992.

Douglas Wertman,  
Committee Management Officer.

[FR Doc. 92-3072 Filed 2-7-92; 8:45 am]

BILLING CODE 5230-01-M



# Sunshine Act Meetings

Federal Register

Vol. 57, No. 27

Monday, February 10, 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).

## COMMISSION ON CIVIL RIGHTS

February 5, 1992.

**DATE AND TIME:** Wednesday, February 12, 1992, 2:30 p.m.-4:30 p.m.

**PLACE:** U.S. Commission on Civil Rights, 1121 Vermont Avenue, N.W., Room 512, Washington, D.C. 20425.

**STATUS:** Telephonic Commission Meeting, Open to the Public.

February 12, 1992

I. Approval of Agenda

II. Task Force Briefing

### CONTACT PERSON FOR FURTHER

**INFORMATION:** Barbara Brooks, Press and Communications, (202) 375-8312.

Emma Monroig,

Solicitor.

[FR Doc. 92-3165 Filed 2-6-92; 10:53 am]

BILLING CODE 6335-01-M

## DEPARTMENT OF JUSTICE

### UNITED STATES PAROLE COMMISSION

Public Announcement

Pursuant to the Government in the Sunshine Act (Public Law 94-409) [5 U.S.C. Section 552b]

**TIME AND DATE:** 9:00 a.m. to 12:00 p.m., Tuesday, February 11, 1992.

**PLACE:** 5550 Friendship Boulevard, Chevy Chase, Maryland 20815.

**STATUS:** Closed pursuant to a vote to be taken at the beginning of the meeting.

### MATTERS TO BE CONSIDERED:

1. Appeals to the Commission of approximately 5 cases decided by the National Commissioners pursuant to a reference under 28 C.F.R. Section 2.17. These are all cases originally heard by examiner panels wherein inmates of Federal prisons have applied for parole or are contesting revocation of parole or mandatory release.

### CONTACT PERSON FOR FURTHER

**INFORMATION:** Jeffrey Kostbar, Chief Analyst, National Appeals Board, United States Parole Commission, (301) 492-5968.

Dated: February 5, 1992.

Michael A. Stover,

General Counsel, U.S. Parole Commission.

[FR Doc. 92-3224 Filed 2-6-92; 2:22 pm]

BILLING CODE 4410-01-M

## DEPARTMENT OF JUSTICE

### UNITED STATES PAROLE COMMISSION

Public Announcement

Pursuant to the Government in the Sunshine Act (Public Law 94-409) [5 U.S.C. Section 552b]

**TIME AND DATE:** 1:00 p.m., Tuesday, February 11, 1992.

**PLACE:** 5550 Friendship Boulevard, Chevy Chase, Maryland, 20815.

**STATUS:** Open.

### MATTERS TO BE CONSIDERED:

The following matters have been placed on the agenda for the open Parole Commission meeting:

1. Approval of minutes of previous Commission meeting.
2. Reports from the Chairman, Commissioners, Legal, Case Operations, Program Coordinator, and Administrative Sections.
3. Modification of the definition of "Value of the Property for Theft and Property Offenses."
4. Discussion on the District of Columbia Procedures and recommendation that it be included as an Appendix to the Procedures Manual.
5. Proposed Resolution concerning Regional Offices.
6. Development of Guidance for the Issuance of Warrants, Summonses or Other Alternatives at the Pre-Revocation Stage.
7. Discussion on Televising Parole Hearings for Public Education.
8. Proposal on the Reconfiguration of the Northern and Southern Division into the Eastern Region.
9. Search and Seizure Guidelines Update.
10. Modification of the General Note defining a prisoner's accountability for the activities of his codefendants to ensure accountability is not less than that established by a conspiracy conviction.

**AGENCY CONTACT:** Tom Kowalski, Case Operations, United States Parole Commission, (301) 492-5962.

Dated: February 5, 1992.

Michael A. Stover,

General Counsel, U.S. Parole Commission.

[FR Doc. 92-3225 Filed 2-6-92; 2:22 pm]

BILLING CODE 4410-1-M

## SECURITIES AND EXCHANGE COMMISSION

### Agency Meetings

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meeting during the week of February 10, 1992.

A closed meeting will be held on Thursday, February 13, 1992, at 10:00 a.m. An open meeting will be held on Thursday, February 13, 1992, at 2:00 p.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c) (4), (8), (9)(A) and (10) and 17 CFR 200.402(a) (4), (8), (9)(i) and (10), permit consideration of the scheduled matters at a closed meeting.

Commissioner Schapiro, as duty officer, voted to consider the items listed for the closed meeting in a closed session.

The subject matter of the closed meeting scheduled for Thursday, February 13, 1992, at 10:00 a.m., will be:

Settlement of injunctive actions.

Settlement of administrative proceedings of an enforcement nature.

Institution of administrative proceedings of an enforcement nature.

Institution of injunctive actions.

The subject matter of the open meeting scheduled for Thursday, February 13, 1992, at 2:00 p.m., will be:

This Commission will meet with representatives from the American Society of Corporate Secretaries to discuss the Commission's pending proxy proposals and other issues relating to shareholder proposals, automation of securities transfers, and distribution of interim reports to beneficial holders. For further information, please call Catherine Dixon at (202) 272-2589.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Stephen Luparello at (202) 272-2100.

Dated: February 5, 1992.

Jonathan G. Katz,

Secretary.

[FR Doc. 92-3183 Filed 2-6-92; 11:49 am]

BILLING CODE 8010-01-M

## SECURITIES AND EXCHANGE COMMISSION

### Agency Meeting



**"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT:** [57 FR 3827 January 31, 1992].

**STATUS:** Closed meeting.

**PLACE:** 450 Fifth Street, N.W., Washington, D.C.

**DATE PREVIOUSLY ANNOUNCED:** Tuesday, January 28, 1991.

**CHANGE IN THE MEETING:** Rescheduling.

A closed meeting scheduled for Tuesday, February 4, 1992, at 10:00 a.m., has been rescheduled for Thursday,

February 6, 1992, at 1:45 p.m. to include the following items:

- Settlement of injunctive actions.
- Formal orders of investigation.
- Institution of injunctive actions.
- Settlement of administrative proceedings of an enforcement nature.
- Institution of administrative proceedings of an enforcement nature.
- Litigation matter.

Commissioner Schapiro, as duty officer, determined that Commission business required the above change and

that no earlier notice thereof was possible.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Paul Atkins at (202) 272-2000.

Dated: February 5, 1992.

Jonathan G. Katz,  
Secretary.

[FR Doc. 92-3184 Filed 2-6-92; 11:49 am]

BILLING CODE 8010-01-M



# Corrections

Federal Register

Vol. 57, No. 27

Monday, February 10, 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 HEALTH AND HUMAN SERVICES

### Food and Drug Administration

#### Clinical Studies of Safety and Effectiveness of Orphan Products; Availability of Grants; Request for Applications

##### Correction

In notice document 91-30043 beginning on page 65486 in the issue of Tuesday, December 17, 1991, make the following correction:

On page 65489, in the first column, in the second paragraph, under Note, in the third line, "replying" should read "relying".

BILLING CODE 1505-01-D

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

#### Clinical Studies of Safety and Effectiveness of Orphan Products; Availability of Grants; Request for Applications

##### Correction

In notice document 91-30044, beginning on page 65482, in the issue of Tuesday, December 17, 1991, make the following corrections:

1. On page 65485, in the second column, under *B. Responsiveness Review Criteria*, in the paragraph designated 1., in the eighth line, "FRA" should read "RFA".

2. On the same page, in the third column, under VII. *Submission Requirements*, in the second paragraph, in the third line, "FRA" should read "RFA".

3. On page 65486, in the first column, in the fourth line, "RFA-FDA-OP-2" should read "RFA-FDA-OP-92-2".

BILLING CODE 1505-01-D

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

RIN 1018-AB66

#### Endangered and Threatened Wildlife and Plants; Proposed Endangered Status for Scimitar-Horned Oryx, Addax, and Dama Gazelle

##### Correction

In proposed rule document 91-26911 beginning on page 56491 in the issue of Tuesday, November 5, 1991, make the following correction:

#### § 17.11 Endangered and threatened wildlife.

On page 56495, in § 17.11, in the table, in the fourth column, add "entire" to each entry and in the eighth column, remove "entire" from each entry.

BILLING CODE 1505-01-D

## DEPARTMENT OF LABOR

### Employment and Training Administration

#### Investigations Regarding Certifications of Eligibility to Apply for Worker Adjustment Assistance

##### Correction

In notice document 91-25385, appearing on page 54587, in the issue of Tuesday, October 22, 1991, in the first column, in the file line at the end of the document, "FR Doc. 91-25835" should read "FR Doc. 91-25385".

BILLING CODE 1505-01-D

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

#### 48 CFR Part 1816

[NASA FAR Supplement Directive 89-10]  
RIN 2700-AB16

#### Acquisition Regulation; Miscellaneous Amendments to NASA FAR Supplement

##### Correction

In rule document 92-273 beginning on page 831 in the issue of Thursday, January 9, 1992, make the following correction:

#### 1816.603-2 [Corrected]

On page 835, in the third column, in the section heading "1816.03-2", should read "1816.603-2".

BILLING CODE 1505-01-D

## NUCLEAR REGULATORY COMMISSION

#### 10 CFR Part 54

RIN 3150-AD04

#### Nuclear Power Plant License Renewal

##### Correction

In rule document 91-29628 beginning on page 64943 in the issue of Friday, December 13, 1991, make the following corrections:

#### § 54.29 [Corrected]

1. On page 64979, in the first column, in § 54.29(c), in the last line, "action" should read "section".

#### § 54.33 [Corrected]

2. On the same page, in the second column, in § 54.33(d), the second paragraph after (c) should carry the designation "(d)"; in paragraph (d), in the 16th line, "Changes" should read "Changes"; and in paragraph (e), in the second line from the bottom, "statute" should read "status".

BILLING CODE 1505-01-D

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-29736; File No. SR-MSRB-91-6]

#### Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the Municipal Securities Rulemaking Board; Relating to the Activities of Financial Advisors

##### Correction

In notice document 91-23770 beginning on page 50145 in the issue of Thursday, October 3, 1991, make the following correction:

On page 50146, in the second column, in the file line at end of the document, "FR Doc. 91-93770" should read "FR Doc. 91-23770".

BILLING CODE 1505-01-D



**DEPARTMENT OF THE TREASURY****Internal Revenue Service****26 CFR Part 1****[T.D. 8348]****RIN 1545-AB73****Limitations on Percentage Depletion in the Case of Oil and Gas Wells***Correction*

In rule document 91-10856 beginning on page 21935 in the issue of Monday, May 13, 1991, make the following corrections:

1. On page 21936, in the first column, under **SUPPLEMENTARY INFORMATION**, in the first full paragraph, in the last line, remove the comma after "1041".

2. On page 21938, in the first column, under **List of Subjects**, in the fifth line, "Through" should read "through".

3. On page 21939, in the first column, after the seventh line insert five stars.

**§ 1.613A-3 [Corrected]**

4. On the same page, in the third column, in § 1.613A-3(a)(4), in *Example 3*, in the last line, "355" should read "365".

5. On page 21943, in the third column, in § 1.613A-3(i)(1)(ii):

a. In *Example 4*, in the second line, "613(c)" should read "613A(c)".

b. In *Example 5*, in the seventh line, "Therefore" should read "Thereafter".

c. In the same *Example*, in the eighth line from the bottom, insert "the" after "to"; and in the third line from the bottom, insert a comma after "However".

6. On page 21944, in the first column, in § 1.613A-3(i)(1)(ii), in *Example 7*, in

the seventh line, "form" should read "from".

**§ 1.613A-4 [Corrected]**

7. On page 21947, in the second column, in § 1.613A-4(a)(2), in *Example 5*, in the second line from the bottom, "Accordingly" was misspelled.

**§ 1.613A-7 [Corrected]**

8. On page 21950, in the third column, in § 1.613A-7(n)(3) and (n)(7), in the last line of each paragraph, the period should be changed to a comma.

**§ 1.702-1 [Corrected]**

9. On page 21952, in the third column, in § 1.702-1(f), in the fourth line, "613A(C)(7)(D)" should read "613A(c)(7)(D)".

**§ 1.703-1 [Corrected]**

10. On the same page, in the same column, in the section heading for § 1.703-1, "1.0703-1" should read "1.703-1".

BILLING CODE 1505-01-D

**DEPARTMENT OF THE TREASURY****Internal Revenue Service****26 CFR Part 1****[TD 8380]****RIN 1545-AP76****Treatment of Partnership Liabilities***Correction*

In rule document 91-30596 beginning on page 66348 in the issue of Monday, December 23, 1991, make the following correction:

**§ 1.752-2 [Corrected]**

On page 66352, in § 1.752-2(b)(6), in the second column, in the first line, the paragraph designation "(5)" should read "(6)".

BILLING CODE 1505-01-D

**DEPARTMENT OF THE TREASURY****Internal Revenue Service****26 CFR Part 1****[PS-005-91]****Limitations on Percentage Depletion in the Case of Oil and Gas Wells***Correction*

In proposed rule document 91-10855 beginning on page 21965 in the issue of Monday, May 13, 1991, make the following corrections:

**§ 1.613A-2 [Corrected]**

1. On page 21967, in the first column, in the heading for § 1.613A-2, "§ 1.613-2" should read "§ 1.613A-2".

**§ 1.613A-7 [Corrected]**

2. On page 21971, in the first column, in § 1.613A-7(r), "(l) \* \* \*" should read "(1) \* \* \*".

BILLING CODE 1505-01-D







# Registered Federal

Monday  
February 10, 1992

## Part II

### Department of Housing and Urban Development

Office of the Assistant Secretary for  
Public and Indian Housing

Comprehensive Improvement Assistant  
Program (CIAP); Funding Availability;  
Notice



# DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

## Office of the Assistant Secretary for Public and Indian Housing

[Docket No. N-92-3355; FR-3148-N-01]

## Funding Availability (NOFA) for Comprehensive Improvement Assistance Program (CIAP)

**AGENCY:** Office of the Assistant Secretary for Public and Indian Housing, HUD.

**ACTION:** Notice of funding availability for FY 1992.

**SUMMARY:** This Notice informs Public Housing Agencies (PHAs) and Indian Housing Authorities (IHAs) that own or operate fewer than 500 units and, therefore, are eligible to apply and compete for CIAP funds, of the availability of FY 1992 CIAP funding. PHAs/IHAs with 500 or more units are entitled to receive a formula grant under the Comprehensive Grant Program (CGP) and are not eligible to apply for CIAP funds. Separate instructions for PHAs/IHAs with 500 or more units will be issued at a later date. PHAs/IHAs which are near 500 unit threshold and are not completely certain of the exact unit count are encouraged to submit a CIAP Application in the event that the final unit count makes them ineligible for the Comprehensive Grant Program (CGP). This Notice contains information on the following:

- (a) The purpose of the NOFA and information regarding available amounts, eligibility, processing groups, and selection criteria/ranking factors;
- (b) Application processing, including how to apply and how selections will be made; and
- (c) A schedule of steps involved in the application process.

**DATES:** Applications are due on or before close of business on March 26, 1992, at the HUD Field Office with jurisdiction over the PHA or IHA. Attention: Director, Public Housing Division or Office of Indian Programs.

**FOR FURTHER INFORMATION CONTACT:** Janice D. Rattley, Office of Construction, Rehabilitation and Maintenance, Department of Housing and Urban Development, 451 Seventh Street, SW., room 4138, Washington, DC 20410. Telephone (202) 708-1800. (This is not a toll free number).

IHAs may contact Dom Nessi, Director, Office of Indian Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., room 4140, Washington, DC 20410. Telephone (202) 708-1015. (This is not a toll free number).

Hearing or speech impaired individuals may call HUD's TDD number (202) 708-0850. This telephone number is not toll-free.

### SUPPLEMENTARY INFORMATION:

#### Paperwork Reduction Act Statement

The collection of information requirements contained in this NOFA have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1989 and have been assigned OMB control numbers 2577-0044 and 2577-0047.

#### I. Purpose and Substantive Description

(a) **Authority:** Sec. 14, United States Housing Act of 1937 (42 U.S.C. 14371); Sec. 7(d) Department of Housing and Urban Development Act (42 U.S.C. 3535(d)). The CIAP regulation, 24 CFR part 968, subparts A and B, for PHAs and 24 CFR part 905, subpart I, for IHAs. The CIAP Handbook 7485.1 REV-4 (PHAs/IHAs) and Handbook 7740.3 (IHAs).

#### (b) Allocation Amounts

(1) **Total available:** The FY 1992 HUD Appropriations Act PL 102-139 made available \$2,800,975,000 of budget authority for both the Comprehensive Improvement Assistance Program (CIAP) and the Comprehensive Grant Program (CGP). However, there is a reduction in the appropriated amount due to the fact that conversions from section 8 funded 202 direct loan projects to rental assistance funded 202 grant projects have not occurred at the rate anticipated by Congress in the Appropriations Act, and reductions were made in the FY 1991 carryover balances to fund FY 1992 programs, as provided in the Appropriations Act. Subject to final Congressional action, the amount of funds available for the modernization program in FY 1992 is \$2,673,960,546.

The FY 1991 Appropriation Act extended the availability of LBP indemnification funds appropriated in FY 1990 from October 1 1991 to October 1, 1998. Therefore, \$971,983 shall be set aside for the indemnification of three PHAs (Albany, New York; Cambridge, Massachusetts; and Omaha, Nebraska) that are participating in the LBP Abatement Demonstration. In addition, the balance of the FY 1991 carry-over funds, \$471,350, shall be set aside to fund resident homeownership technical assistance, pursuant to section 21(a)(2)(B) of the Act. These funds will be made available under a separate Notice of Funding Availability and Processing Notice. In addition, Congress has set aside \$4,770,691 for Resident Management technical assistance and training. A separate Notice of Funding Availability will be issued by the Office

of Resident Initiatives; \$23,853,455 for LBP Risk Assessment will be made available to all PHAs/IHAs based on a competitive process as identified by a future Notice of Funding Availability and Processing Notice; and \$7,096,498 is available for a demolition/disposition demonstration program in St. Louis, Missouri, pursuant to section 513 of the Cranston-Gonzalez National Affordable Housing Act. In addition, \$173,559 is being made available for additional costs associated with the LBP Abatement Demonstration Program currently being conducted by the Office of Policy Development and Research. The \$2,636,623,010 balance is allocated as follows:

(i) \$75,000,000 is allocated under the CGP for the statutorily required reserve for modernization needs resulting from natural and other disasters and from emergencies. This reserve is available only to CGP agencies.

(ii) The \$2,561,623,010 balance is allocated between CIAP and CGP agencies based on the relative shares of backlog needs (weighted at 50%) and accrual needs (weighted at 50%). This allocation results in CIAP agencies receiving 21.26% or \$544,601,052 and CGP agencies receiving 78.74% or \$2,017,021,958 of the funds available.

(iii) The \$544,601,052 available to CIAP agencies is allocated between Public Housing at 94% or \$511,924,989, and Indian Housing at 6% or \$32,676,063.

(iv) The following chart shows the total available amount minus all of the set-asides:

|                                                                            |                        |
|----------------------------------------------------------------------------|------------------------|
| Original Appropriation .....                                               | \$2,800,975,000        |
| Carry-over from FY 1991 .....                                              | 2,471,983              |
| <b>Total .....</b>                                                         | <b>2,803,446,983</b>   |
| Adjustment to the Appropriation (see paragraph I.b.1) .....                | 129,486,437            |
| <b>Adjusted Total Appropriation for FY 1992 .....</b>                      | <b>\$2,673,960,546</b> |
| <b>Set-Asides:</b>                                                         |                        |
| Lead Based Paint indemnification .....                                     | 971,983                |
| Homeownership Technical Assistance .....                                   | 471,350                |
| Lead Based Paint Risk Assessment .....                                     | 23,853,455             |
| Resident Technical Assistance Grants .....                                 | 4,770,691              |
| St. Louis Demonstration .....                                              | 7,096,498              |
| Lead Based Paint Abatement Demonstration .....                             | 173,559                |
| Emergency and Natural Disaster .....                                       | 75,000,000             |
| <b>Total Set-asides .....</b>                                              | <b>112,367,536</b>     |
| <b>Adjusted Total Appropriation for FY 1992 Minus the Set-Asides .....</b> | <b>2,561,623,010</b>   |
| <b>Comprehensive Grant Program (CGP) .....</b>                             | <b>2,017,021,958</b>   |



Comprehensive Improvement Assistance Program (CIAP)..... 544,601,052

(2) *Assignment of funds to regional offices:* FY 1992 CIAP funds will be assigned to the HUD Regional Offices on the basis of a formula estimate of each Region's relative share of backlog and accrual needs for CIAP agencies. These needs were determined as part of the HUD-funded research on Public and Indian Housing modernization need, as follows:

(i) *Backlog needs* are needed repairs and replacements of existing physical systems, items that must be added to meet the modernization and energy conservation standards and State or local codes, and items that are necessary for the long-term viability of a specific housing development.

(ii) *Accrual needs* are needs that arise over time and include needed repairs and replacements of existing physical systems and items that must be added to meet the modernization and energy conservation standards and State or local codes.

The following table shows the distribution of CIAP funds for PHAs, excluding IHAs, assigned by Headquarters to the Regional Offices as percentages of the total \$544,601,052 available:

| Region             | Percent of CIAP funds for public housing |
|--------------------|------------------------------------------|
| Boston.....        | 6.71                                     |
| New York.....      | 6.90                                     |
| Philadelphia.....  | 6.18                                     |
| Atlanta.....       | 29.41                                    |
| Chicago.....       | 15.79                                    |
| Ft. Worth.....     | 15.82                                    |
| Kansas City.....   | 6.01                                     |
| Denver.....        | 2.59                                     |
| San Francisco..... | 2.73                                     |
| Seattle.....       | 1.86                                     |
| Total.....         | 94.00                                    |

(3) *Subassignment of funds to non-Indian field offices:* In assigning funds to each Regional Office, Headquarters designates an amount to be subassigned to each non-Indian Field Office based on the relative needs of the CIAP agencies under each Field Office's jurisdiction. Before actual assignment of funds by Headquarters, Regional Administrators were given the opportunity to review the amounts proposed to be assigned to the Field Offices and to recommend to Headquarters revisions of those amounts, based upon their knowledge of

circumstances which they believe should alter the proposed formula estimate of need. As a result of that process, no revisions were recommended.

(i) The Field Office Manager shall have authority to make CIAP funding decisions.

(ii) If the Field Office does not receive sufficient fundable applications to use its allocation, the Regional Administrator shall reallocate the remaining funds to other Field Offices within the Region based on their relative shares of modernization need. These relative shares may be modified by the Regional Office where there is evidence within a particular Field Office of a lack of approvable applications or a lack of PHA modernization capability, as defined by 24 CFR 968.203, to carry out additional modernization.

The following table shows the distribution of CIAP funds for PHAs, excluding IHAs, subassigned to Field Offices as percentages of the total \$544,601,052 available.

| Region | Field              | Percent share |
|--------|--------------------|---------------|
| 1..... | Boston.....        | 2.74          |
| 1..... | Hartford.....      | 1.47          |
| 1..... | Manchester.....    | 1.70          |
| 1..... | Providence.....    | .80           |
| 2..... | Buffalo.....       | 2.31          |
| 2..... | New York.....      | 1.30          |
| 2..... | Newark.....        | 3.29          |
| 3..... | Baltimore.....     | .65           |
| 3..... | Philadelphia.....  | 1.99          |
| 3..... | Pittsburgh.....    | 1.21          |
| 3..... | Richmond.....      | 1.06          |
| 3..... | Washington.....    | .11           |
| 3..... | Charleston.....    | 1.16          |
| 4..... | Atlanta.....       | 6.92          |
| 4..... | Birmingham.....    | 4.80          |
| 4..... | Columbia.....      | 1.58          |
| 4..... | Greensboro.....    | 3.34          |
| 4..... | Jackson.....       | 2.10          |
| 4..... | Jacksonville.....  | 2.36          |
| 4..... | Knoxville.....     | 1.49          |
| 4..... | Louisville.....    | 4.16          |
| 4..... | Nashville.....     | 2.66          |
| 5..... | Chicago.....       | 4.80          |
| 5..... | Columbus.....      | .67           |
| 5..... | Detroit.....       | 1.92          |
| 5..... | Indianapolis.....  | 1.43          |
| 5..... | Milwaukee.....     | 1.98          |
| 5..... | Minneapolis.....   | 2.11          |
| 5..... | Cincinnati.....    | .28           |
| 5..... | Cleveland.....     | .60           |
| 5..... | Grand Rapids.....  | 2.00          |
| 6..... | Fort Worth.....    | 3.27          |
| 6..... | Little Rock.....   | 3.23          |
| 6..... | New Orleans.....   | 2.93          |
| 6..... | Oklahoma City..... | 1.85          |
| 6..... | San Antonio.....   | 2.24          |
| 6..... | Houston.....       | 1.26          |
| 6..... | Albuquerque.....   | 1.04          |
| 7..... | Kansas City.....   | 2.29          |
| 7..... | Omaha.....         | 1.07          |
| 7..... | St. Louis.....     | 1.79          |
| 7..... | Des Moines.....    | .86           |
| 8..... | Denver.....        | 2.59          |
| 9..... | Los Angeles.....   | .80           |
| 9..... | San Francisco..... | 1.19          |
| 9..... | Phoenix.....       | .39           |

| Region     | Field           | Percent share |
|------------|-----------------|---------------|
| 9.....     | Sacramento..... | .35           |
| 10.....    | Portland.....   | .88           |
| 10.....    | Seattle.....    | .98           |
| Total..... |                 | 94.00         |

(4) *Subassignment of funds to Indian field offices.* In assigning funds to the appropriate Regional Office, Headquarters designates an amount to be subassigned to the Field Offices of Indian Programs (OIP).

(i) The OIP Director shall have authority to make CIAP funding decisions.

(ii) If the Field Office OIP does not receive sufficient fundable applications to use its allocation, Headquarters shall reallocate the remaining funds to other Field Office OIPs based on their relative shares of modernization need. These relative shares may be modified by Headquarters where there is evidence within a particular Field Office OIP of a lack of approvable applications or a lack of IHA capability to carry out additional modernization.

The following table shows the distribution of CIAP funds for IHAs, assigned by Headquarters to the Regional Offices for subassignment to the OIPs as percentages of the total \$544,601,052 available:

| Indian offices            | Percent of CIAP funds for Indian housing |
|---------------------------|------------------------------------------|
| Chicago (Region V).....   | 1.09                                     |
| Oklahoma (Region VI)..... | .57                                      |
| Denver (Region VIII)..... | .71                                      |
| Phoenix (Region IX).....  | 1.60                                     |
| Seattle (Region X).....   | .82                                      |
| Anchorage (Region X)..... | 1.21                                     |
| Total.....                | 6.00                                     |

(5) *Rescission of recaptured budget authority.* The Appropriations Act of 1992 provides for the rescission of any budget authority for modernization of Public and Indian Housing which is recaptured during FY 1992, thereby prohibiting the Department from reusing recaptures.

#### (c) Eligibility

PHAs and IHAs with fewer than 500 units are eligible to participate in the CIAP. After the PHA's/IHA's application is accepted for review, the Field Office eligibility review shall determine if the application meets the basic eligibility requirements set forth in chapter 3 of CIAP Handbook 7485.1 REV-4 and PIH Notice 92-5 (PHA), dated January 27, 1992 and, therefore, is



eligible for processing. The following factors shall be taken into account:

(1) *PHA/IHA modernization capability*: The PHA/IHA must have at least minimal modernization capability to carry out its proposed modernization.

(2) *Work item eligibility and need*: The work items must be eligible and, based on the Field Office's knowledge of the development's conditions, must be needed.

(3) *End of initial operating period (EIOP)*: The development must be at least three years old from EIOP.

(4) *Status of fiscal audit*: If the previous audit had identified audit findings and the PHA/IHA has not taken appropriate corrective actions, the Field Office Manager shall reserve the right to either suspend further processing until corrective actions are identified or score the PHA/IHA low in the Technical Review Factors relating to management capability depending on the severity of the finding(s). If the submission of the contract for the current audit is overdue (more than 90 days) after the PHA's/IHA's fiscal year end and initiation of the audit is within the PHA's/IHA's control, processing shall be suspended until the audit has been initiated.

(5) *Lack of available funding*: Where the PHA/IHA has requested funding for more developments than realistically can be funded in the current FY, the Field Office may process only the portion of the application which has a reasonable chance of being funded and is consistent with the PHA's/IHA's priorities. Where the Technical Review Score results in developments scoring equally in a modernization group, and the cut-off line for funding will not allow funding for all of such developments above the line, the Field Office Manager shall, to the greatest extent feasible give preference to funding developments for PHAs/IHAs that have not received funding under other modernization categories.

(6) *Project implementation schedule*: Where the PHA/IHA missed an obligation deadline date during FY 1991, as set forth in any prior HUD-approved Project Implementation Schedule, the PHA/IHA will be considered to lack management capability and, therefore, will be eligible only for emergency modernization, unless the reason for the missed deadline was beyond the control of the PHA/IHA and was approved by HUD as a valid delay with a time extension. Among the valid reasons for a time extension is delay due to LBP testing and abatement activities.

#### (d) Selection Criteria and Ranking Factors

After the application is reviewed for eligibility, the Field Office shall categorize eligible developments by modernization type into the following processing groups. A PHA/IHA proposing all types of modernization may have developments included in each group; the same development may be in more than one group or in the same group, but for different types of modernization. For batching purposes, the Field Office may extract emergency or special purpose work items from comprehensive modernization proposals.

(1) *Grouping modernization types*: Group 1: Developments, both rental and homeownership, having conditions that pose an immediate threat (i.e., must be corrected within one year of funding approval) to resident life, health or safety or related to fire safety. Funding is limited to correction of emergency conditions for physical work items and may not be used for substantial rehabilitation. Emergency conditions include all LBP testing and abatement of units housing children under seven years old with elevated blood lead levels. Group 1 developments are not subject to the viability review in chapter 3 of the CIAP Handbook 7485.1 REV-4.

Group 2: Developments (1) having conditions which threaten resident health or safety or having a significant number (10 percent or more) of vacant or substandard units, and (2) located in PHAs/IHAs which have demonstrated a capability of carrying out the proposed modernization activities. Within Group 2, funding preference shall be given to: Group 2A developments are discussed in the following paragraphs numbered (1) through (4).

(1) *Nondiscrimination modernization*: Physical work items to correct identified physical disparities between buildings occupied predominantly by minorities and those by non-minorities. This funding preference does not apply to IHAs and is described extensively in appendix 8 to Notice PIH 92-5 (PHA).

(2) *Conversion to homeownership modernization*: For rental developments, the preparation of an application for the sale of dwelling units under sections 5(h) or 21 of the Act, as amended, or preparation of such application and comprehensive modernization of the units. This funding preference does not apply to IHAs and is described extensively in appendix 6 to Notice PIH 92-5 (PHA). If the development does not meet the criteria of Group 2, the development is processed under Group 3A.

(3) *Homeownership modernization*: For homeownership developments, limited physical work items which are not the responsibility of the homebuyer families and which are related to expediting title transfers of existing homeownership units. This funding preference does not apply to IHAs and is described extensively in appendix 7 to Notice PIH 92-5 (PHA). If the development does not meet the criteria of Group 2, the development is processed under Group 3A.

(4) *LBP Modernization*: For family rental and Turnkey III and Mutual Help developments, PHA-wide or development specific LBP testing or abatement costs where (1) the rental development has not yet been funded under comprehensive modernization; or (2) the homebuyer occupied Turnkey III unit is not being funded under homeownership modernization; or (3) the Mutual Help development is not being funded under homeownership or comprehensive/Mutual Help modernization. Also, all reimbursements for professional risk assessments which were incurred or disbursed during FY 1991 are eligible items under this modernization type and shall be funded from group 2A.

**Note:** The PHA/IHA requesting funding for LBP modernization, other than reimbursement for a professional risk assessment, shall conduct a risk assessment of each pre-1980 family development in its inventory which has not been tested or abated in accordance with the June 6, 1988 Regulations (53 FR 20790) using either the Lead Toxicity Risk Assessment: Buildings and Projects (Independent of Occupants) format found in appendix 9 of Notice PIH 92-5 (PHA) or any other format which provides substantially the same information as well as the same scoring values. The PHA/IHA shall submit the risk assessment with the CIAP Application to HUD for only those developments for which the PHA/IHA is requesting LBP Modernization in the FY 1992 application. The Field Office shall use the information from the risk assessment to determine the appropriate processing group for LBP modernization requests. The Field Office will place a development with a total score of 13 or more under Group 2A and a development with a total score of 12 or less under Group 2C.

Group 2B developments are discussed in the following paragraphs numbered (1) through (3).

(1) *Comprehensive/single stage/amendment*: Additional funding for a previously approved single stage comprehensive modernization with funds still being expended to address regulatory or statutory requirements (such as LBP and Section 504), new work items which were inadvertently



omitted or unknown due to hidden conditions, or inadequate funding.

(2) *Comprehensive/multi-stage/stage 2 of 2 through 5*: Additional stage of funding for a previously approved multi-stage comprehensive modernization with funds still being expended. Where a PHA/IHA has requested more than 5 stages of funding, including a single stage with 4 amendments, and the PHA/IHA is still expending funds from previous Comprehensive Modernization programs, the Field Office may permit a one time funding of a new Comprehensive Modernization in group 2C or 3B.

(3) *Comprehensive completed*: Where comprehensive modernization has been completed (all funds expended), physical work items to meet replacement needs, replace or update items based on new technology, or implement statutory and regulatory requirements, such as changes to the LBP or 504 Regulations. See (e)(2) below.

Group 2C developments are discussed in the following paragraphs numbered (1) through (6).

(1) *Comprehensive Modernization/single stage/new*: Single funding of the comprehensive modernization to meet all physical and management needs at a development.

(2) *Comprehensive modernization/multi-stage/first stage*: First funding of a staged comprehensive modernization to meet all physical and management needs at a development.

(3) *Special purpose modernization*: (a) For rental developments and vacant or non-homebuyer occupied Turnkey III units, physical work items related to five categories of work: equipment systems or structural elements; upgrade security; increased security; handicapped accessibility; vacant unit reduction; energy conservation measures; and management improvement needs which are not otherwise eligible for assistance under other modernization types are eligible.

(b) For vacant or non-homebuyer occupied Turnkey III units, physical work equivalent or comprehensive modernization, including the repair and replacement of kitchens and bathrooms, may be performed under special purpose modernization.

(c) Mutual Help and homebuyer occupied Turnkey III units are not eligible for the five categories of physical work, however, these types of work items are eligible under homeownership modernization or comprehensive/Mutual Help modernization, as applicable.

(d) In addition, Mutual Help and homebuyer occupied Turnkey III units are eligible for the management

improvement category of special purpose modernization. PHAs/IHAs with only management improvement needs may apply for them under the management improvement category of special purpose modernization subject to the publication of the CGP final rule which establishes this new avenue for funding management improvements.

(4) *Homeownership modernization*: For Mutual Help and Turnkey III units, limited physical work items which are not the responsibility of the homebuyer families and which are related to health and safety, accessibility for physically handicapped, correction of development deficiencies, energy audits and/or cost effective energy conservation and/or lead-based paint testing and abatement.

(5) *LBP modernization*: For family rental and Turnkey III and Mutual Help developments, PHA-wide or development specific LBP testing or abatement where (1) the rental development has not yet been funded under comprehensive modernization; or (2) the homebuyer occupied Turnkey III unit is not being funded under homeownership modernization; or (3) Mutual Help development is not being funded under homeownership or comprehensive/Mutual Help modernization; and (4) which score 12 or less on the Lead Toxicity Risk Assessment: Buildings and Projects format.

(6) *Comprehensive/mutual help modernization*: Single-stage comprehensive modernization of Mutual Help units which are at least 10 years old, subject to publication of final rule on the CGP. Applies to IHAs only.

Group 3: All other developments not in Groups 1 and 2, located in PHAs/IHAs which have demonstrated a capability of carrying out the proposed modernization activities under comprehensive, special purpose or homeownership modernization. Group 3 developments are subject to the viability review in Chapter 3 of the CIAP Handbook 7485.1 REV-4. Within Group 3, funding preference shall be given to:

Group 3A developments which includes conversion to homeownership modernization and expedited sale of existing homeownership units; and

Group 3B developments which includes new single stage or multi-stage comprehensive, special purpose, homeownership and comprehensive/Mutual Help modernization.

**Note:** All developments which meet the basic criteria of Group 2 are considered for funding under Group 2. Group 2B developments are not subject to the viability review. Group 2A and 2C developments are subject to the viability review in Chapter 3 of the CIAP Handbook 7485.1 REV-4.

(2) *Assessment of PHA's/IHA's management capability*: As part of its technical review of the CIAP Application, the Field Office shall evaluate the PHA's/IHA's management capability, including whether the PHA/IHA has managed its developments in a manner that appears to meet equal opportunity objectives. This assessment may be based on occupancy audits, engineering surveys, management reviews, CIAP monitoring reviews, etc., which are currently available within the Field Office, as well as the Annual Performance Profile.

(3) *Assessment of PHA's/IHA's modernization capability*: As part of its technical review of the CIAP Application, the Field Office shall evaluate the PHA's/IHA's modernization capability, including the progress of previously approved modernization, the status of any outstanding items on monitoring visits, and the quality of the PHA's/IHA's current CIAP application in rating the PHA's/IHA's modernization and management capability.

(4) *Technical review*: After batching, the Field Office shall review and rate each eligible development for each type of modernization within Groups 2 and 3 on the following factors, in accordance with the point range specified, with one point being low.

| Technical review factors                                                                                                                                                     | Point range |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|
| Extent and urgency of need, including lead-based paint testing and abatement and physical accessibility needs.....                                                           | 1-20        |
| PHA's/IHA's modernization capability.....                                                                                                                                    | 1-10        |
| PHA's/IHA's management capability.....                                                                                                                                       | 1-10        |
| Extent of vacancies.....                                                                                                                                                     | 1-10        |
| Adequacy of PHA's/IHA's maintenance systems, including preventive and routine maintenance.....                                                                               | 1-10        |
| Degree of resident involvement in PHA/IHA operations.....                                                                                                                    | 1-5         |
| Degree of PHA/IHA activity in resident initiatives, including resident management, economic development activities on behalf of residents, and drug elimination efforts..... | 1-5         |
| Degree of Resident Employment.....                                                                                                                                           | 1-5         |
| Local government and resident/homebuyer support for proposed modernization.....                                                                                              | 1-5         |
| Total maximum score.....                                                                                                                                                     | 80 points   |

(i) *LBP insurance*: CIAP funds may be used to pay for the annual premium of LBP insurance incident to approved CIAP work from a company which has a policy equal to or better than the Master Policy, in accordance with the requirements of HUD Notice PIH 91-3 (PHA), dated January 15, 1991. The PHA/IHA may charge such costs to development account 1410.19 for the



project being modernized under comprehensive, special purpose or homeownership modernization. Such cost will be charged to the project(s) being approved for LBP modernization.

(5) *Ranking and recommendations:* After technical review, the Field Office shall prepare its recommendations for Joint Review, in accordance with Chapter 3 of the CIAP Handbook 7485.1 REV-4. To the extent that the reason for any missed deadline, other than obligation deadline, under section III(a)(11) below, appears to have been within the PHA's/IHA's control, the Field Office shall rate the PHA/IHA lower on modernization capability when scoring the technical review factor, as follows: If one deadline is missed, no more than seven points; if two deadlines are missed, no more than five points; and if three deadlines are missed, no more than three points.

(6) *Joint review:* The purpose of the Joint Review is to discuss the proposed modernization program, as set forth in the CIAP Application, and reach agreement on PHA/IHA needs and approach. Subject to the publication of the Comprehensive Grant Program final rule, Regional or Field Office will no longer be required to conduct an on-site Joint Review on a proposed modernization program. However, Field Offices are encouraged to conduct Joint Reviews where necessary. Where a Joint Review is not conducted, the HUD Office shall, at a minimum, have recent first hand knowledge of the development for which funds are requested in accordance with the criteria listed in appendix 10 of Notice PIH 92-5 (PHA). When a Joint Review is conducted it shall be carried out in accordance with the requirements set forth in Chapter 3 of the CIAP Handbook 7485.1 REV-4.

(7) *Draft project implementation schedules.* This year's processing schedule requires all PHA's/IHA's considered for funding to submit drafts of project implementation schedules, along with any required budget revisions, after the Field Office has conducted Joint Reviews. If no Joint Review was conducted and the PHA/IHA is still considered for funding, those PHA's/IHA's are still required to submit draft implementation schedules along with the PHA's/IHA's which were Joint Reviewed, in accordance with the processing schedule outlined below.

(8) *Funding decisions:* The procedures which are to be followed after Joint Review with respect to Field Office rating and re-ranking, Field Office funding decisions and completion of the fund reservation process are set forth in chapter 3 of the CIAP Handbook 7485.1

REV-4 and the annual CIAP processing instructions in Notice PIH 92-5 (PHA), dated January 27, 1992.

(9) *Notification to PHA/IHA and local community:* (i) PHA/IHA: The Field Office shall notify the PHA/IHA of HUD's funding decision by an Approval/Disapproval Letter in accordance with chapter 3 of the CIAP Handbook 7485.1 REV-4. For a PHA/IHA disapproved for funding, the letter should provide a description of the reasons why the development was not funded and invite the PHA/IHA to come in and discuss any questions or concerns that might bear on future funding.

(ii) Local Community: The Field Office shall notify the Chief Executive Officer of the community or tribe with which the PHA/IHA has the Cooperation Agreement covering the funded development of the CIAP grant approval. This notification should occur after Congressional notification is completed.

(1) *"Fast Tracking" applications:* Emergency applications do not have to be processed within the normal processing time allowed for other applications. Where an immediate hazard must be addressed, PHA/IHA applications may be submitted and processed at any time during the year when funds are available. The Field Office shall "fast track" processing of these emergency requests so that fund reservation may occur as soon as possible.

(11) *Use of leftover unobligated funds:* The PHA/IHA is urged, with HUD approval, to use leftover unobligated funds to complete random testing for LBP and subsequent abatement, but only after the PHA/IHA addresses any necessary contract modifications to existing contracts or emergencies.

#### (e) Other Program Items

(1) *Special purpose modernization:* In FY 1992, to provide more flexibility to CIAP agencies, similar to that provided to CGP agencies, the Department is not limiting the amount of each Field Office's subassignment that may be approved for certain categories of special purpose modernization. In addition, subject to the publication of the CGP Final Rule, the Department has provided a new funding mechanism under the special purpose category called "Special Purpose/Management Improvement". This new funding category will allow PHAs/IHAs to apply for funds to meet management improvement needs which are not otherwise eligible for assistance under CIAP, and which pertain to any low-income housing development other than

Section 8 of the Act. Also, this modernization type has been widened to allow work equivalent to comprehensive modernization for vacant non-homebuyer occupied Turnkey III units.

(2) *Comprehensive modernization completed:* Paragraph 3-20b of the CIAP Handbook 7485.1 REV-4 provides a definition of comprehensive modernization completed. This modernization type shall be used whenever a PHA/IHA has completed comprehensive modernization (expended all funds), but needs additional CIAP funds to meet replacement needs, replace or update items based on new technology, or implement statutory requirements, such as changes to the LBP or 504 regulations.

(3) *Comprehensive modernization not completed:* If the PHA/IHA has not completed a comprehensive modernization (is still expending funds) and, therefore, is not eligible for comprehensive modernization completed, and needs additional rehabilitation funds, the Regional or Field Office may fund the rehabilitation through another modernization type, such as Lead Based Paint or special purpose modernization. If the additional needs are not eligible under any other modernization type but comprehensive modernization, the Field Office may permit a one-time funding of a new comprehensive modernization, under Group 2C or 3B.

(4) *CGP phase-in.* In FY 1993, PHAs/IHAs that own or operate 250 or more units will be eligible to participate in the CGP and will be ineligible to participate in the CIAP. PHAs/IHAs that will phase into the CGP in FY 1993 may request FY 1992 CIAP funds to prepare their Comprehensive Plans, which are statutorily required for participation in the CGP, through one of the following:

(a) First stage of a multi-stage comprehensive modernization where the PHA/IHA has a rental development which has not been comprehensively modernized;

(b) Single stage amendment to comprehensive modernization in progress or additional stage of multi-stage comprehensive modernization in progress;

(c) Single stage comprehensive modernization of Mutual Help Units;

(d) Homeownership modernization (as administrative costs) where the PHA/IHA does not have any rental developments or any which have not been comprehensively modernized;

(e) Reprogramming of previously approved, unobligated CIAP funds, with prior Field Office approval, or;



(f) Special purpose management improvements.

(5) *Professional risk assessment for lead based paint.* An additional \$23,853,455 set-aside will be made available for Professional Risk Assessments under a separate Notice of Funding Availability and Processing Notice. PHA's/IHA's are strongly encouraged to apply for these funds to conduct professional risk assessments. However, should a PHA not be successful in obtaining funding for such risk assessments from the \$23,853,455 set-aside, the PHA/IHA may request a budget revision to accomplish this work after HUD guidance has been issued. To the extent that funds are available in FY 1993, a PHA/IHA which has had a budget revision approved for this purpose may request funds to complete the items which were eliminated as a result of the budget revision. In addition, the Appropriations Act makes clear that PHAs/IHAs who have paid for professional risk assessments in fiscal year 1991 shall be paid or reimbursed for modernization funds in fiscal year 1992. Accordingly, these requests for funds shall be placed in Group 2A, LBP modernization.

(6) *In place management (interim containment of lead based paint).* Where the results of the professional risk assessment recommends the PHA/IHA to take interim containment measures, the PHA/IHA may request a budget revision to accomplish such measures provided that HUD has issued guidance on interim containment. To the extent that funds are available in FY 1993, a PHA/IHA which has had a budget revision approved for this purpose may request funds to complete the items which were eliminated as a result of the budget revision.

## II. Application Process

(a) Section III(a) of this NOFA identifies all items necessary for submission as the CIAP Application. Any PHA/IHA that does not retain the necessary forms can obtain them from the local HUD Field Office.

(b) All completed applications must be submitted to the HUD Field Office which covers the PHAs/IHAs jurisdiction.

(c) The CIAP Application must be physically received by the local HUD Field Office by close of business on March 26, 1992. Faxed copies will not be considered official applications. If the official CIAP Application is not received in the Field Office as described above, it is ineligible for further processing, except applications for emergency funding.

(d) *Consultation requirements:* The PHA/IHA shall develop the application in consultation with local officials and residents/homebuyers at the development to be modernized, as set forth in 24 CFR 968.220 and 968.225 for PHAs/IHAs and 24 CFR 905.620 and 905.625 for IHAs. Before developing the application, the PHA shall consult with local government officials as to whether the proposed modernization, excluding Group 1 modernization, is financially feasible and will result in long-term physical and social viability at the development.

## (e) Secretarial Initiatives

(1) *General:* Consistent with Secretarial resident initiatives, 24 CFR 968.220 and 905.620 require the PHA/IHA to involve residents in both planning for modernization needs and monitoring all phases of modernization implementation. The regulations require the PHA/IHA to have a process for the involvement of residents that includes, but is not limited to:

(i) Notification of residents, resident organizations, and resident management corporations (RMCs) of its intent to submit a CIAP Application and involvement of residents in the development of the application;

(ii) Notification of the residents of the development to be modernized and request for resident recommendations. If an application is considered for funding prior to the time when the HUD Field Office schedules Joint Reviews, the PHA/IHA must make reasonable notification to the residents and make requests for recommendations for the development to be modernized;

(iii) Provision of copies to HUD and residents of its evaluation of resident recommendations, (in the cases of the Joint Review, provide copies of comments and evaluations at the time the HUD Field Office schedules the Joint Reviews); and

(iv) After HUD approval, notification to residents of the approval and provision to residents of a copy of the HUD-approved Project Implementation Schedule.

(2) *Relationship to technical review factors:* Resident priority programs to build resident capacity provide for self-sufficiency opportunities and empowerment shall be taken into consideration when scoring the PHA/IHA at the technical review stage. Homeownership opportunities are encouraged as a vital part of CIAP. The initiatives which are listed below also are included in the technical review factors in section I(d)(4) of this NOFA.

(i) Restoration of vacant units to occupancy;

(ii) Economic development and job training initiatives for residents which relate to CIAP;

(iii) Drug elimination;

(iv) Resident capacity-building and resident management;

(v) Homeownership; and

(vi) Fair housing and equal opportunity.

(3) *Use of dwelling units for economic self-sufficiency services and/or drug elimination activities:* On August 24, 1990, the Department issued HUD Notice PIH 90-39 (PHA), concerning the eligibility for funding under the Performance Funding System of dwelling units used to promote economic self-sufficiency services for residents and anti-drug programs. CIAP funds may be used to convert units for these purposes. See Notice PIH 90-39 (PHA). Also, the Family Self-Sufficiency Program Guidelines (56 FR 49592, September 30, 1991).

(4) *Duplicate funding:* The PHA/IHA shall not receive duplicate funding for the same work item or activity under any circumstance and shall establish controls to assure that an activity, program, or project that is funded under any other HUD program, shall not be funded by CIAP. Accordingly, the PHA/IHA shall include, in its Board Resolution, language certifying that it is not receiving duplicate funds under any other grant program for the same work items.

## III. Checklist of Application Submission Requirements

(a) *CIAP application:* Within the established time frame, the PHA/IHA shall submit to the Field Office, Attention: Director, Public Housing Division, the CIAP Application in accordance with Chapter 3 of the CIAP Handbook 7485.4 REV-4 and as modified by this NOFA, in an original and two copies (or any lesser number of copies as specified by the Field Office). The PHA/IHA also shall send a copy of the CIAP Application to the chief executive officer, as well as any other appropriate local officials. See Chapter 5 of the CIAP Handbook 7485.1 REV-4 for resident/homebuyer notification requirements. The CIAP Application comprises the following documents and all HUD Forms can be obtained in the local HUD Field Offices:

(1) Form HUD-52824, Five-Year Funding Request Plan, setting forth the PHA's/IHA's plan to request funds over a five-year period and listing projects in priority order by modernization type.

(2) Form HUD-52825, Comprehensive Assessment/Program Budget (Parts I and II), covering developments for



which funding is requested in the current FY.

(3) A narrative statement addressing each of the technical review factors.

(4) For modernization proposed for funding in the current FY, excluding developments in Group 1, a Modernization Organization and Staffing Plan, stating the proposed organization, staffing and inspection of the modernization program.

(5) For each development proposed for funding in the current FY, excluding developments in Group 1 or with comprehensive modernization in progress, the PHA's/IHA's viability review.

(6) PHA/IHA Report on compliance by the local governing body with the terms of the Cooperation Agreement, or as embodied by Article VIII of the Tribal Ordinance as applicable for certain IHAs, and any additional services or facilities that the PHA/IHA plans to request from the local governing body.

(7) Form HUD-50070, Certification for a Drug-Free Workplace.

(8) Form HUD-52820, PHA/IHA Board Resolution Approving CIAP Application.

**Note:** This includes PHA/IHA certification of compliance with resident consultation requirements. The PHA/IHA must provide evidence of such consultation upon request by HUD.

(9) Certification for Contracts, Grants, Loans and Cooperative Agreements, required of RMCs, PHAs, and IHAs established under State law, applying for grants exceeding \$100,000.

(10) SF-LLL, Disclosure of Lobbying Activities, required of RMCs, PHAs and IHAs established under State law, only where any funds, other than federally appropriated funds, will be or have been used to influence Federal workers, Members of Congress and their staff regarding specific grants or contracts.

(11) Report on Project Implementation Schedule(s), an explanation required of PHAs/IHAs that have missed any deadlines, which should have been met during FY 1991, as set forth in the HUD-approved Schedules. See Section I(c)(6) of this NOFA.

(12) Section 504 Needs Assessment and/or Transition Plan for comprehensive modernization or the accessibility category under special purpose modernization. If there has been a delay in preparing the assessment and/or plan, an explanation for the delay.

(13) For LBP modernization only, a Lead Toxicity Risk Assessment: Buildings and Projects (Independent of Occupants) or equivalent.

(b) *Schedule for FY 1992 CIAP Processing*

| Steps                                                                                    | Completion |
|------------------------------------------------------------------------------------------|------------|
| PHA/IHA submits CIAP Application                                                         | 03/26/92   |
| FO makes Joint Review selections <sup>1</sup>                                            | *04/03/92  |
| FO completes Joint Reviews                                                               | *05/04/92  |
| PHA/IHA submits any required budget revisions and draft Project Implementation Schedules | 05/15/92   |
| FO completes fund reservations and notifies Counsel                                      | *05/29/92  |
| FO forwards Congressional notifications to Headquarters                                  | *06/08/92  |
| Congressional notification is completed and FO notifies PHAs/IHAs of funding decisions   | *06/19/92  |
| FO Counsel forwards ACC amendments to PHAs/IHAs for signature and return                 | *06/30/92  |
| FO executes ACC amendments                                                               | *07/13/92  |
| PHA/IHA submits final Project Implementation Schedules <sup>2</sup>                      | 08/19/92   |

<sup>1</sup> PHD shall notify the RICs and FHEO and CPD Divisions of all selected PHAs/IHAs or those still considered for funding. Since Joint Reviews may not be conducted for certain developments, all PHAs/IHAs shall make appropriate notifications to residents regardless of the Joint Review if the development is still considered for funding by the FO.

<sup>2</sup> 60 calendar days from date PHA/IHA is notified of funding decisions (6/19/92).

\* These dates may vary by Field Office depending on local workload issues.

#### IV. Corrections to Deficient Applications

(a) Immediately after the deadline for submission of CIAP Applications, the Field Office will screen each application to determine whether all items were submitted. If items (1), (2), and (3) listed in section III (a) above are missing from the CIAP Application, the PHA's/IHA's application will be considered substantially incomplete and, therefore, ineligible for further processing.

(b) If the PHA/IHA fails to submit certain technical items or the application contains a technical mistake such as an incorrect signatory, the Field Office shall immediately notify the PHA/IHA in writing that the PHA/IHA has 14 calendar days from date of HUD's written notification to submit or correct any of the specified items. If the items listed below are missing, and the PHA/IHA does not submit them within the required time period, the PHA's/IHA's CIAP Application will be ineligible for further processing.

(1) PHA/IHA Report on Cooperation Agreement;

(2) Form HUD-50070, Certification for a Drug-Free Workplace;

(3) Form HUD-52820, PHA/IHA Board Resolution Approving CIAP Application;

(4) Certification for Contracts, Grants, Loans and Cooperative Agreements;

(5) SF-LLL, Disclosure of Lobbying Activities;

(6) Report on Project Implementation Schedule(s);

(7) Section 504 Needs Assessment and/or Transition Plan or explanation for delay in preparation;

(8) Modernization Organization Staffing Plan;

(9) Viability Review except where funds are requested for emergency, comprehensive modernization in progress, and comprehensive completed.

(10) For LBP modernization only, a Lead Toxicity Risk Assessment: Buildings and Projects (Independent of Occupants) or equivalent.

#### V. Other Matters

(a) *Environmental impact:* A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations at 24 CFR part 50 implementing section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332. The Finding of No Significant Impact is available for public inspection and copying between 7:30 a.m. and 5:30 p.m. weekdays at the Office of the Rules Docket Clerk, 451 Seventh Street, SW., room 10276, Washington, DC 20410.

(b) *Federalism executive order:* The General Counsel, as the Designated Official under section 6(a) of Executive Order 12612, Federalism, has determined that the provisions of this NOFA do not have "federalism implication" within the meaning of the Order.

(c) *Family executive order:* The General Counsel, as the Designated Official for Executive Order 12806, the Family, has determined that the provisions of this NOFA do not have the potential for significant impact on family formation, maintenance and general well-being within the meaning of the Order.

#### Section 102 of HUD Reform Act of 1989

On March 14, 1991, the Department published in the Federal Register a final rule to implement section 102 of the Department of Housing and Urban Development Reform Act of 1989 (24 CFR part 12, 56 FR 11032). Section 102 contains a number of provisions that are designed to ensure greater accountability and integrity in the provision of certain types of assistance administered by the Department.

The following should be noted regarding the relationship of the CIAP to part 12:

1. Since HUD makes assistance under the program available on a competitive basis, HUD must:

—Ensure that documentation and other information regarding each application submitted to the Department are sufficient to indicate the basis upon which assistance was provided or denied. HUD must make this material available for public inspection for a five-year period.



(§ 12.14(b)) HUD will provide further guidance on how this material may be accessed in a later Notice published in the **Federal Register**.

—Publish a Notice in the **Federal Register** at least quarterly indicating the recipients of the assistance. 24 CFR 12.16(a).

2. Subpart C of part 12 requires applicants that seek assistance from HUD for a specific project or activity must make the disclosures required under § 12.32. This subpart will be made effective through later publication of a Notice in the **Federal Register**. Since it will apply to applications solicited on or after the effective date of the Notice, this NOFA is not subject to its provisions.

#### *Section 103 HUD Reform Act of 1989*

HUD's regulation implementing section 103 of the Department of Housing and Urban Development Reform Act of 1989 was published May 13, 1991 (56 FR 22088) and became effective on June 12, 1991. That regulation, codified as 24 CFR part 4, applies to the funding competition announced today. The requirements of the rule continue to apply until the announcement of the selection of successful applicants.

HUD employees involved in the review of applications and in the making of funding decisions are limited by part

4 from providing advance information to any person (other than an authorized employee of HUD) concerning funding decisions, or from otherwise giving any applicant an unfair competitive advantage. Persons who apply for assistance in this competition should confine their inquiries to the subject areas permitted under 24 CFR part 4.

Applicants who have questions should contact the HUD Office of Ethics (202) 708-3815. (This is not a toll-free number.) The Office of Ethics can provide information of a general nature to HUD employees, as well. However, a HUD employee who has specific program questions, such as whether particular subject matter can be discussed with persons outside the Department, should contact his or her Regional or Field Office Counsel, or Headquarters counsel for the program to which the question pertains.

#### *Section 112 HUD Reform Act of 1989*

Section 13 of the Department of Housing and Urban Development Act contains two programs dealing with efforts to influence HUD's decisions with respect to financial assistance. The first imposes disclosure requirements on those who are typically involved in these efforts—those who pay others to influence the award of assistance or the taking of a management action by the Department and those who are paid to

provide the influence. The section restricts the payment of fees to those who are paid to influence the award of HUD assistance, if the fees are tied to the number of housing units received or are based on the amount of assistance received, or if they are contingent upon the receipt of assistance.

Section 13 was implemented by final rule published in the **Federal Register** on May 17, 1991 (56 FR 22912). If readers are involved in any efforts to influence the Department in these ways, they are urged to read the final rule, particularly the examples contained in appendix A of the rule.

Any questions regarding the rule should be directed to Arnold J. Haiman, Director, Office of Ethics, room 2158, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410. Telephone: (202) 708-3815; TDD: (202) 708-1112. (These are not toll-free numbers). Forms necessary for compliance with the rule may be obtained from the local HUD office.

(The Catalog of Federal Domestic Assistance Program number is 14.852.)

Dated: January 30, 1992.

**Joseph G. Schiff,**

*Assistant Secretary for Public and Indian Housing.*

[FR Doc. 92-3030 Filed 2-7-92; 8:45 am]

BILLING CODE 4210-33-M



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Federal Register

Vol. 57, No. 27

Monday, February 10, 1992

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## CFR CHECKLIST

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An asterisk (\*) precedes each entry that has been issued since last week and which is now available for sale at the Government Printing Office.

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| 4                                          | (869-013-00003-0) | 15.00   | Jan. 1, 1991  |
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| 52                                         | (869-013-00010-2) | 24.00   | Jan. 1, 1991  |
| 53-209                                     | (869-013-00011-1) | 18.00   | Jan. 1, 1991  |
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| 700-899                                    | (869-013-00015-3) | 19.00   | Jan. 1, 1991  |
| 900-999                                    | (869-013-00016-1) | 28.00   | Jan. 1, 1991  |
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| 1940-1949                                  | (869-013-00023-4) | 22.00   | Jan. 1, 1991  |
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| 600-End                           | (869-013-00101-0) | 6.50  | Apr. 1, 1991              | 41 Chapters:                        |                   |       |                           |
| 27 Parts:                         |                   |       |                           | 1, 1-1 to 1-10                      |                   | 13.00 | <sup>3</sup> July 1, 1984 |
| 1-199                             | (869-013-00102-8) | 29.00 | Apr. 1, 1991              | 1, 1-11 to Appendix, 2 (2 Reserved) |                   | 13.00 | <sup>3</sup> July 1, 1984 |
| 200-End                           | (869-013-00103-6) | 11.00 | Apr. 1, 1991              | 3-6                                 |                   | 14.00 | <sup>3</sup> July 1, 1984 |
| 28                                | (869-013-00104-4) | 28.00 | July 1, 1991              | 7                                   |                   | 6.00  | <sup>3</sup> July 1, 1984 |
| 29 Parts:                         |                   |       |                           | 8                                   |                   | 4.50  | <sup>3</sup> July 1, 1984 |
| 0-99                              | (869-013-00105-2) | 18.00 | July 1, 1991              | 9                                   |                   | 13.00 | <sup>3</sup> July 1, 1984 |
| 100-499                           | (869-013-00106-1) | 7.50  | July 1, 1991              | 10-17                               |                   | 9.50  | <sup>3</sup> July 1, 1984 |
| 500-899                           | (869-013-00107-9) | 27.00 | July 1, 1991              | 18, Vol. I, Parts 1-5               |                   | 13.00 | <sup>3</sup> July 1, 1984 |
| 900-1899                          | (869-013-00108-7) | 12.00 | July 1, 1991              | 18, Vol. II, Parts 6-19             |                   | 13.00 | <sup>3</sup> July 1, 1984 |
| 1900-1910 (§§ 1901.1 to 1910.999) | (869-013-00109-5) | 24.00 | July 1, 1991              | 18, Vol. III, Parts 20-52           |                   | 13.00 | <sup>3</sup> July 1, 1984 |
| 1910 (§§ 1910.1000 to end)        | (869-013-00110-9) | 14.00 | July 1, 1991              | 19-100                              |                   | 13.00 | <sup>3</sup> July 1, 1984 |
| 1911-1925                         | (869-013-00111-7) | 9.00  | <sup>6</sup> July 1, 1989 | 1-100                               | (869-013-00153-2) | 8.50  | <sup>7</sup> July 1, 1990 |
| 1926                              | (869-013-00112-5) | 12.00 | July 1, 1991              | 101                                 | (869-013-00154-1) | 22.00 | July 1, 1991              |
| 1927-End                          | (869-013-00113-3) | 25.00 | July 1, 1991              | 102-200                             | (869-013-00155-9) | 11.00 | July 1, 1991              |
| 30 Parts:                         |                   |       |                           | 201-End                             | (869-013-00156-7) | 10.00 | July 1, 1991              |
| 1-199                             | (869-013-00114-1) | 22.00 | July 1, 1991              | 42 Parts:                           |                   |       |                           |
| 200-699                           | (869-013-00115-0) | 15.00 | July 1, 1991              | 1-60                                | (869-013-00157-5) | 17.00 | Oct. 1, 1991              |
| 700-End                           | (869-013-00116-8) | 21.00 | July 1, 1991              | 61-399                              | (869-013-00158-3) | 5.50  | Oct. 1, 1991              |
| 31 Parts:                         |                   |       |                           | 400-429                             | (869-013-00159-1) | 21.00 | Oct. 1, 1991              |
| 0-199                             | (869-013-00117-6) | 15.00 | July 1, 1991              | 430-End                             | (869-013-00160-5) | 26.00 | Oct. 1, 1991              |
| 200-End                           | (869-013-00118-4) | 20.00 | July 1, 1991              | 43 Parts:                           |                   |       |                           |
| 32 Parts:                         |                   |       |                           | 1-999                               | (869-013-00161-3) | 20.00 | Oct. 1, 1991              |
| 1-39, Vol. I                      |                   | 15.00 | <sup>2</sup> July 1, 1984 | 1000-3999                           | (869-013-00162-1) | 26.00 | Oct. 1, 1991              |
| 1-39, Vol. II                     |                   | 19.00 | <sup>2</sup> July 1, 1984 | 4000-End                            | (869-013-00163-0) | 12.00 | Oct. 1, 1991              |
| 1-39, Vol. III                    |                   | 18.00 | <sup>2</sup> July 1, 1984 | 44                                  | (869-013-00164-8) | 22.00 | Oct. 1, 1991              |
| 1-189                             | (869-013-00119-2) | 25.00 | July 1, 1991              | 45 Parts:                           |                   |       |                           |
| 190-399                           | (869-013-00120-6) | 29.00 | July 1, 1991              | 1-199                               | (869-013-00165-6) | 18.00 | Oct. 1, 1991              |
| 400-629                           | (869-013-00121-4) | 26.00 | July 1, 1991              | 200-499                             | (869-013-00166-4) | 12.00 | Oct. 1, 1991              |
| 630-699                           | (869-013-00122-2) | 14.00 | July 1, 1991              | 500-1199                            | (869-013-00167-2) | 26.00 | Oct. 1, 1991              |
| 700-799                           | (869-013-00123-1) | 17.00 | July 1, 1991              | 1200-End                            | (869-013-00168-1) | 19.00 | Oct. 1, 1991              |
| 800-End                           | (869-013-00124-9) | 18.00 | July 1, 1991              | 46 Parts:                           |                   |       |                           |
| 33 Parts:                         |                   |       |                           | 1-40                                | (869-013-00169-9) | 15.00 | Oct. 1, 1991              |
| 1-124                             | (869-013-00125-7) | 15.00 | July 1, 1991              | 41-69                               | (869-013-00170-2) | 14.00 | Oct. 1, 1991              |
| 125-199                           | (869-013-00126-5) | 18.00 | July 1, 1991              | 70-89                               | (869-013-00171-1) | 7.00  | Oct. 1, 1991              |
| 200-End                           | (869-013-00127-3) | 20.00 | July 1, 1991              | 90-139                              | (869-013-00172-9) | 12.00 | Oct. 1, 1991              |
| 34 Parts:                         |                   |       |                           | 140-155                             | (869-013-00173-7) | 10.00 | Oct. 1, 1991              |
| 1-299                             | (869-013-00128-1) | 24.00 | July 1, 1991              | 156-165                             | (869-013-00174-5) | 14.00 | Oct. 1, 1991              |
| 300-399                           | (869-013-00129-0) | 14.00 | July 1, 1991              | 166-199                             | (869-013-00175-3) | 14.00 | Oct. 1, 1991              |
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| 36 Parts:                         |                   |       |                           | 47 Parts:                           |                   |       |                           |
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| 39                                | (869-013-00137-1) | 14.00 | July 1, 1991              | 1 (Parts 1-51)                      | (869-013-00183-4) | 31.00 | Oct. 1, 1991              |
| 40 Parts:                         |                   |       |                           | 1 (Parts 52-99)                     | (869-013-00184-2) | 19.00 | Oct. 1, 1991              |
| 1-51                              | (869-013-00138-9) | 27.00 | July 1, 1991              | 2 (Parts 201-251)                   | (869-011-00185-8) | 19.00 | Oct. 1, 1990              |
| 52                                | (869-013-00139-7) | 28.00 | July 1, 1991              | 2 (Parts 252-299)                   | (869-011-00186-6) | 15.00 | Oct. 1, 1990              |
| 53-60                             | (869-013-00140-1) | 31.00 | July 1, 1991              | 3-6                                 | (869-013-00187-7) | 19.00 | Oct. 1, 1991              |
| 61-80                             | (869-013-00141-9) | 14.00 | July 1, 1991              | 7-14                                | (869-013-00188-5) | 26.00 | Oct. 1, 1991              |
| 81-85                             | (869-013-00142-7) | 11.00 | July 1, 1991              | 15-End                              | (869-013-00189-3) | 30.00 | Oct. 1, 1991              |
| 86-99                             | (869-013-00143-5) | 29.00 | July 1, 1991              | 49 Parts:                           |                   |       |                           |
| 100-149                           | (869-013-00144-3) | 30.00 | July 1, 1991              | 1-99                                | (869-013-00190-7) | 20.00 | Oct. 1, 1991              |
| 150-189                           | (869-013-00145-1) | 20.00 | July 1, 1991              | 100-177                             | (869-011-00191-2) | 27.00 | Oct. 1, 1990              |
| 190-259                           | (869-013-00146-0) | 13.00 | July 1, 1991              | 178-199                             | (869-011-00192-1) | 22.00 | Oct. 1, 1990              |
| 260-299                           | (869-013-00147-8) | 31.00 | July 1, 1991              | 200-399                             | (869-013-00193-1) | 22.00 | Oct. 1, 1991              |
| 300-399                           | (869-013-00148-6) | 13.00 | July 1, 1991              | 400-999                             | (869-013-00194-0) | 27.00 | Oct. 1, 1991              |
| 400-424                           | (869-013-00149-4) | 23.00 | July 1, 1991              | 1000-1199                           | (869-013-00195-8) | 17.00 | Oct. 1, 1991              |
| 425-699                           | (869-013-00150-8) | 23.00 | <sup>6</sup> July 1, 1989 | 1200-End                            | (869-013-00196-6) | 19.00 | Oct. 1, 1991              |
| 700-789                           | (869-013-00151-6) | 20.00 | July 1, 1991              | 50 Parts:                           |                   |       |                           |
| 790-End                           | (869-013-00152-4) | 22.00 | July 1, 1991              | 1-199                               | (869-013-00197-4) | 21.00 | Oct. 1, 1991              |
|                                   |                   |       |                           | 200-599                             | (869-013-00198-2) | 17.00 | Oct. 1, 1991              |
|                                   |                   |       |                           | 600-End                             | (869-013-00199-1) | 17.00 | Oct. 1, 1991              |
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<sup>1</sup> Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

<sup>2</sup> The July 1, 1985 edition of 32 CFR Parts 1-189 contains a note only for Parts 1-39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1-39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

<sup>3</sup> The July 1, 1985 edition of 41 CFR Chapters 1-100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

<sup>4</sup> No amendments to this volume were promulgated during the period Jan. 1, 1987 to Dec. 31, 1990. The CFR volume issued January 1, 1987, should be retained.

<sup>5</sup> No amendments to this volume were promulgated during the period Apr. 1, 1990 to Mar. 31, 1991. The CFR volume issued April 1, 1990, should be retained.

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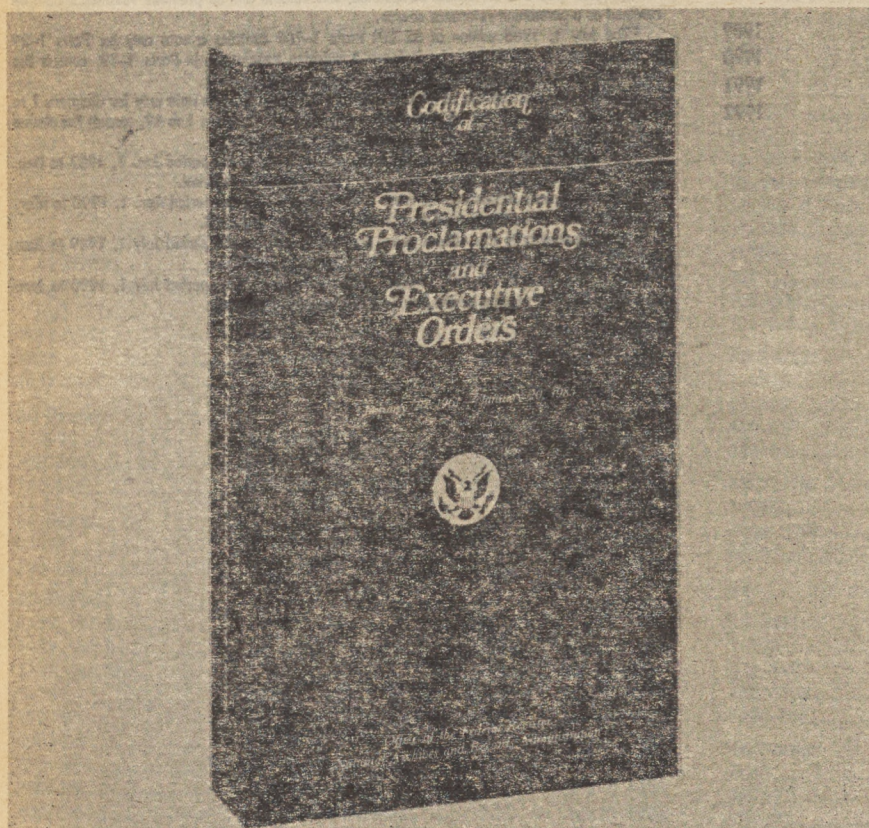
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