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A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

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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.
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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 91-NM-120-AD; Amendment 39-8145; AD 92-02-09]

Airworthiness Directives; Airbus Industrie Model A300 Series Airplanes, Excluding Model A300 B4-600 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to Airbus Industrie Model A300 series airplanes, which requires certain structural inspections and modifications. This amendment is prompted by reports of recent incidents involving fatigue cracking and corrosion in transport category airplanes that are approaching or have exceeded their economic design goal. The actions specified by this AD are intended to prevent degradation in the structural capability of the affected airplanes.

DATES: Effective April 13, 1992.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of April 13, 1992.

ADDRESSES: The service information referenced in this AD may be obtained from Airbus Industrie, Airbus Support Division, Avenue Didier Daurat, 31700 Blagnac, France. This information may be examined at the 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: Greg Holt, Aerospace Engineer, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055-4056; telephone (206) 227-2140; fax (206) 227-1320.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an airworthiness directive (AD) that is applicable to certain Airbus Industrie Model A300 series airplanes, was published in the **Federal Register** on July 12, 1991 (56 FR 31881). That action proposed to require certain structural inspections and modifications.

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

One commenter requested clarification of the "NOTE" which appears below paragraph (a)(3) of the proposal, specifically: Does the 5-year compliance threshold (reference Airbus Service Bulletin A300-53-146, Revision 6, dated November 9, 1990) apply to the time since the last inspection per AD 85-07-09, Amendment 39-5033? The FAA notes that this 5-year compliance threshold applies from December 12, 1990 [the date of issuance of French AD 90-222-116(B)], and not from the date of last inspection. Airbus Service Bulletin A300-53-197 only converts Area 2 to Area 3 for harmonization of future inspections, and accomplishment of this Service Bulletin is not considered terminating action. Accomplishment of Airbus Service Bulletin A300-53-146 is considered terminating action for Area 1 of Airbus Service Bulletin A300-53-149.

The manufacturer, Airbus Industrie, requested that, since paragraphs (a)(3) and (a)(5) of the AD contain notes that specify compliance thresholds recommended in the related Airbus service bulletins, paragraphs (a)(7) and (a)(13) should also contain a note specifying compliance thresholds in order to provide consistency. Paragraph (a)(7) relates to Revision 5 of Airbus Service Bulletin A300-53-226, dated September 7, 1991, which amends the compliance threshold to recommend action within 5 years after the issuance of French AD 90-222-116(B), but not later than 20 years after the first delivery of the airplane. Paragraph (a)(13) relates to Change Notice OB of Service Bulletin A300-57-165, dated November 27, 1990, which classifies the Service Bulletin as mandatory, and recommends a compliance threshold of 32,000 landings. The FAA concurs, and a note relaying this information has been added to paragraphs (a)(7) and (a)(13) of the final rule.

Since issuance of the Notice, Airbus Industrie has issued Revision 7 to Service Bulletin A300-53-146, dated April 26, 1991, which revises certain part numbers listed in Revision 6 of the Service Bulletin. The FAA has revised the final rule to reflect these service bulletin revisions as additional service information sources.

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.

It is estimated that 66 airplanes of U.S. registry will be affected by this AD, that it will take approximately 512 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 $74,350 per airplane. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $6,765,660.

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:

92–02–09. Airbus Industrie: Amendment 39–8145. Docket No. 91–NM–120–AD.

Applicability: All Model A300 series airplanes, excluding Model A300 B4–600 series airplanes, certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent degradation of the structural capability of the airplane, accomplish the following:

(a) Accomplish the inspections and modifications contained in the Airbus Industrie Service Bulletins listed below, prior to or at the thresholds identified in each of those service bulletins, or within 1,000 landings or 12 months after the effective date of this AD, whichever occurs later. Required inspections must be repeated thereafter at intervals not to exceed those specified in the corresponding service bulletin for the inspection.

(1) A300–53–103, Revision 4, dated June 30, 1983;

(2) A300–53–126, Revision 7, dated November 11, 1990;

(3) A300–53–146, Revision 7, dated April 26, 1991;

Note: This service bulletin provides for a compliance threshold of within 5 years after the date of issuance of French AD 90–222–116(B), issued on December 12, 1990, the accomplishment of which is required by AD 85–07–09, Amendment 39–5033.

(4) A300–53–162, Revision 4, dated November 12, 1990;

(5) A300–53–196, Revision 1, dated November 12, 1990;

Note: This service bulletin provides for a compliance threshold of within 6,000 landings after accomplishment of service bulletin 53–194, accomplishment of which is required by AD 87–04–12, Amendment 39–5536.

(6) A300–53–225, Revision 2, dated May 30, 1990;

(7) A300–53–226, Revision 4, dated November 12, 1990;

Note: This service bulletin provides for a compliance threshold of within 5 years after the issuance of French AD 90–222–116(B), issued on December 12, 1990 (but not later than 20 years after first delivery), the accomplishment of which is required by AD 90–03–08, Amendment 39–6481.

(8) A300–53–278, dated November 12, 1990;

(9) A300–54–045, Revision 4, dated January 31, 1990;

(10) A300–54–060, Revision 2, dated September 7, 1988, and Change Notice 2.A., dated February 13, 1990;

(11) A300–54–063, Revision 1, dated April 22, 1987, and Change Notice 1.A., dated February 13, 1990;

(12) A300–54–066, Revision 1, dated February 15, 1989, and Change Notice 1.A., dated February 13, 1990; and

(13) A300–57–165, dated May 21, 1990, and Change Notice 0B, dated November 27, 1990.

Note: This service bulletin provides for a compliance threshold of prior to the accumulation of 32,000 landings after the issuance of French AD 90–222–116(B), issued on December 12, 1990.

(b) If any of the discrepant conditions identified in the service bulletins are found as a result of the inspections required by this AD, the corresponding corrective action specified in the service bulletins must be accomplished prior to further flight.

(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 the airplane to a location where the requirements of this AD can be accomplished.

(e) The inspections and modifications required by this AD shall be done in accordance with the following service bulletins, which include the following lists of effective pages:

Service bulletin No.	Page(s)	Revision No.	Date
A300–53–103	1–4 and 35	4	June 30, 1983.
	5–34 and 36	3	December 21, 1979.
A300–53–126	1, 5, and 11–15	7	November 11, 1990.
	2–4	6	October 3, 1989.
	6	3	February 23, 1983.
	7–8, 10, and 21–22	5	June 23, 1988.
	9 and 19–20	1	September 3, 1981.
	17–18	Original	July 28, 1980.
A300–53–146	1, 7–10, and 13	7	April 26, 1991.
	2	6	November 9, 1990.
	3–4	3	June 25, 1981.
	5–6 and 11–12	Original	November 28, 1980.
A300–53–162	1–4 and 10–11	4	November 12, 1990.
	5–6	3	May 16, 1983.
	7–9, 12–14, and 16–21	Original	January 20, 1981.
	15	2	September 17, 1981.
A300–53–196	1–2, 3–4, 7–11, and 14	1	November 12, 1990.
	2, 4, 5–6, 12–13 and 15–21	Original	February 4, 1985.
A300–53–225	1–2	2	May 30, 1990.
	3–5	1	April 18, 1989.
A300–53–226	1 and 4–6	5	September 7, 1991.
	2–3, 7–10, 16 and 21–22	3	July 10, 1989.
	11–12	2	August 17, 1988.
	13–15, 17–20, and 24	Original	September 18, 1987.
	23	1	March 11, 1988.
A300–53–278	1–15	Original	November 12 1990.
A300–54–045	1–16	4	January 31, 1990.
Change Notice 2.A. to A300–54–060	1	Original	February 13, 1990.
A300–54–060	1–10, 13–14, and 17–18	2	September 7, 1988.
	11–12, 15–16	Original	May 11, 1987.
Change Notice 1.A. to A300–54–063	1	Original	February 13, 1990.
A300–54–063	1, 4–5, 7–8, 11–12, and 15–17	1	April 22, 1987.

Service bulletin No.	Page(s)	Revision No.	Date
Change Notice 1.A. to A300-54-066	2-3, 6, 9-10, and 13-14	Original	April 7, 1986.
A300-54-066	1	Original	February 13, 1990.
	1-4, 7, 9-10, 13, and 22-24	1	February 15, 1989.
Change Notice OB to A300-57-165	5-6, 8, 11-12, 14-21, and 25	Original	November 17, 1987
A300-57-165	1	Original	November 27, 1990.
	1-15	Original	May 21, 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 Airbus Industrie, Airbus Support Division, Avenue Didier Daurat, 31700 Blagnac, France. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington; or at the Office of the Federal Register, 1100 L Street NW., room 8401, Washington, DC.

(f) This amendment (39-8145), AD 92-02-09, becomes effective April 13, 1992.

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

James V. Devany,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92-5305 Filed 3-6-92; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 91-NM-169-AD; Amendment 39-8181; AD 92-06-01]

Airworthiness Directives; Boeing Model 747-200, 747-300, and 747-400 Series Airplanes, Equipped With General Electric CF6-80C2 Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: The amendment adopts a new airworthiness directive (AD), applicable to certain Boeing Model 747-200, 747-300, and 747-400 series airplanes, equipped with General Electric CF6-80C2 engines, that requires replacement of certain sections of the engine fuel supply line in the number one, number three, and number four engine struts. This amendment is prompted by reports indicating that the fuel tubes at the number one and number four engine struts do not have sufficient clearance to prevent contact with the surrounding hardware, and by reports indicating that the fuel line and the fire extinguisher line at the number three strut on certain Boeing Model 747-400 series airplanes do not have sufficient clearance to prevent contact and possible wear. The actions specified by this AD are intended to prevent a leak in the fuel line and a potential fire.

DATES: Effective April 13, 1992.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of April 13, 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, 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. Jon Regimbal, Aerospace Engineer, Propulsion Branch, ANM-140S, Seattle Aircraft Certification Office, FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055-4056; telephone (206) 227-2687; 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 747-200, -300, and -400 series airplanes equipped with General Electric CF6-80C2 engines was published in the **Federal Register** on November 1, 1991 (56 FR 56176). That action proposed to require replacement of certain sections of the engine fuel supply line in the number one, number three, and number four engine struts.

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

Both commenters support the proposed rule.

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

There are approximately 51 Model 747-200, 747-300, and 747-400 series airplanes of the affected design in the worldwide fleet. Currently, no airplanes of U.S. registry would be affected by this AD; therefore, there is no cost impact of this AD on U.S. operators. However, should an affected airplane be imported and placed on the U.S. Register in the future, approximately 28 work hours per airplane would be necessary to accomplish the required actions, and the average labor rate would be $55 per work hour. Based on these figures, the total cost impact of the AD on an affected U.S. operator is estimated to be $1,540 per airplane.

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

Authority: 49 U.S.C. 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:

92-06-01. **Boeing:** Amendment 39-8181. Docket 91-NM-169-AD.

Applicability: Model 747-200, 747-300, and 747-400 series airplanes, equipped with General Electric CF6-80C2 engines; as listed in Boeing Service Bulletin 747-28-2153, dated July 18, 1991, and Boeing Service Bulletin 747-28-2154, dated June 27, 1991; certificated in any category.

Compliance: Required within 6 months after the effective date of this AD, unless accomplished previously.

To prevent the possibility of a fire as a result of fuel leaks, accomplish the following:

(a) For airplanes listed in Boeing Service Bulletin 747-28-2153, dated July 18, 1991: Replace one fuel tube in the number one engine strut and two fuel tubes in the number four engine strut in accordance with the procedures described in that service bulletin.

(b) For airplanes listed in Boeing Service Bulletin 747-28-2154, dated June 27, 1991: Replace two fuel tubes in the number three strut in accordance with the procedures described in that service bulletin.

(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, 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.

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

(e) The replacement shall be done in accordance with Boeing Service Bulletin 747-28-2153, dated July 18, 1991, or Boeing Service Bulletin 747-28-2154, dated June 27, 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.

(f) This amendment becomes effective on April 13, 1992.

Issued in Renton, Washington, on February 18, 1992.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92-5361 Filed 3-6-92; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 91-NM-203-AD; Amendment 39-8138; AD 92-02-02]

Airworthiness Directives; British Aerospace Model ATP Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to all British Aerospace Model ATP series airplanes, which currently requires repetitive applications of an icing inhibitor to each propeller blade. Ice shedding from the propeller blades could strike the fuselage and subsequently result in reduced structural integrity of the fuselage. This amendment adds an additional modification which, if accomplished, will terminate the need for repetitive applications of icing inhibitor. This amendment is prompted by the development of a new propeller blade assembly and ice control timer unit.

DATES: Effective April 13, 1992.

The incorporation by reference of certain publication listed in the regulations is approved by the Director of the Federal Register as of April 13, 1992.

ADDRESSES: The service information referenced in this AD may be obtained from British Aerospace, PLC, Librarian for Service Bulletins, P.O. Box 17414, Dulles International Airport, Washington, DC 20041-0414. 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., 8401, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. William Schroeder, Standardization Branch, ANM-113; telephone (206) 227-2148; 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 by superseding AD 90-21-12, Amendment 39-6764 (55 FR 41512, October 12, 1990), which is applicable to British Aerospace Model ATP series airplanes, was published in the **Federal Register** on October 8, 1991 (56 FR 50678). That action proposed to add an additional modification which, if accomplished, would terminate the need for repetitive applications of icing inhibitor to the propeller blades.

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 agreed with the proposed requirements of the AD.

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 8 airplanes of U.S. registry will be affected by this AD, that it will take approximately 2 work hours per airplane to accomplish the required amendments, and that the average labor cost will be $55 per work hour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $880.

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 amendment (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 amendment 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 transportaiton, 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 39–6764, and by adding the following new airworthiness directive:

92–02–02. **British Aerospace:** Amendment 39–8138. Docket 91–NM–203–AD. Supersedes AD 90–21–12, Amendment 39–6764.

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

Compliance: Required as indicated, unless accomplished previously. To prevent reduced structural integrity of the fuselage, accomplish the following:

(a) Within 50 hours time-in-service after October 29, 1990 (the effective date of AD 90–21–12, Amendment 39–6764), and thereafter at intervals not to exceed 50 hours time-in-service, apply an icing inhibitor to the propeller blades in accordance with British Aerospace Service Bulletin ATP–61–2, Revision 1, dated October 31, 1989, or Revision 2, dated October 25, 1990, or Revision 3, dated April 19, 1991.

(b) Installation of Modification 10129A (installation of ice guards on both the left and right sides of the fuselage) in accordance with British Aerospace Service Bulletin ATP–53–10, dated March 7, 1990; or installation of Modification 10174A (installation of a new propeller digital ice control timer unit and a new propeller blade and roller assembly) in accordance with British Aerospace Service Bulletin ATP–30–13, Revision 1, dated February 15, 1991, constitutes terminating action for the repetitive applications of icing inhibitor to the propeller blades as required by paragraph (a) of this AD.

(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 the airplane to a location where the requirements of this AD can be accomplished.

(e) The icing inhibitor application requirements of this AD must be done in accordance with British Aerospace Service Bulletin ATP–61–2, Revision 1, dated October 31, 1989; or Revision 2, dated October 25, 1990; or Revision 3, dated April 19, 1991; which include the following list of effective pages:

Service bulletin	Page No.	Revision level	Date
ATP–61–2, Revision 1.	1 2, 3	1..... (Original).....	October 31, 1989. July 28, 1989.
ATP–61–2, Revision 2.	1, 2, 3	2.....	October 25, 1990.
ATP–61–2, Revision 3.	1, 2 3	3..... 2.....	April 19, 1991. October 25, 1990.

The modifications specified in this AD must be done in accordance with British Aerospace Service Bulletin ATP–53–10, dated March 7, 1990 (for Modification 10129A); and British Aerospace Service Bulletin ATP–30–13, Revision 1, dated February 15, 1991 (for Modification 10174A). This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from British Aerospace, PLC, Librarian for Service Bulletins, P.O. Box 17414, Dulles International Airport, Washington, DC 20041–0414. 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 (39–8138), AD 92–02–02, becomes effective April 13, 1990.

Issued in Renton, Washington, on December 23, 1991.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92–5362 Filed 3–6–92; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 39

[Docket No. 91–NM–170–AD; Amendment 39–8182; AD 92–06–02]

Airworthiness Directives; SAAB-Scania Models SF340A and SAAB 340B Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to SAAB-Scania Models SF–340A and SAAB 340B series airplanes, that requires inspection and modification of the passenger door handle mechanism. This amendment is prompted by reports of cracked spring pins in the door handle attachments. The actions specified by this AD are intended to prevent impeded passenger evacuation during an emergency egress.

DATES: Effective April 13, 1992.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of April 13, 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, 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, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055–4056; telephone (206) 227–2145; fax (206) 227–1320.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an airworthiness directive (AD) that is applicable to SAAB-Scania Models SF–340A and SAAB 340B series airplanes was published in the **Federal Register** on October 8, 1991 (56 FR 50681). That action proposed to require inspection and modification of the passenger door handle mechanism.

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, but voices concern about the proposed compliance time of 600 landings. The commenter estimates that normal regional air travel may result in eight landings per day. At this rate, the compliance time (600 landings) would occur in 75 days. Five landings per day would result in a compliance schedule of 120 days. The commenter believes that the proposed rule would expose the travelling public to a potential risk longer than desirable, and recommends that the rule be revised to reduce the compliance time to 30 days.

The FAA does not agree with the commenter. The FAA would expect that a pin failure would be detected during normal operation. The door opening mechanism is activated every flight, and is at a time when the failure of the door to open or close would be an obvious indication of a door problem. Since the door opening mechanism is activated every flight, and the potential for a door failure and an emergency evacuation occurring on the same flight are relatively remote, the FAA considers that the commenter's suggested compliance time of 30 days would not significantly increase safety over the proposed compliance time of 600 landings.

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.

The FAA estimates that 121 airplanes of U.S. registry will be affected by this AD, that it will take approximately 3 work hours per airplane to accomplish the required actions, and that the average labor rate is $55 per work hour. Required parts will be supplied by the manufacturer at no cost to the operators. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $19,965.

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—[AIRWORTHINESS DIRECTIVES]

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

Authority: 49 U.S.C. 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.

92-06-02. **SAAB-Scania:** Amendment 39-8182. Docket 91-NM-170-AD.

Applicability: Model SF-340A series airplanes, Serial Numbers 004 through 159; and SAAB 340B series airplanes, Serial Numbers 160 through 259; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent impeded passenger evacuation during an emergency egress, accomplish the following:

(a) Within 600 landings after the effective date of this AD, accomplish the following in accordance with SAAB Service Bulletin 340-52-014, dated April 16, 1991:

(1) After removing the two main passenger door handle spring pins (roll pins), perform an inspection of the spring pin holes for proper hole tolerance. If the hole diameter is undersize or oversize, prior to further flight, repair in accordance with the service bulletin.

(2) Replace the two spring pins on the main passenger door handle mechanism with new spring pins, and install additional locking bolts at the upper and lower door handles in accordance with the service bulletin.

(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. 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 the airplane to a location where the requirements of this AD can be accomplished.

(d) The inspection, repair, and replacement shall be done in accordance with SAAB Service Bulletin 340-52-014, dated April 16, 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 becomes effective on April 13, 1992.

Issued in Renton, Washington, on February 18, 1992.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92-5360 Filed 3-6-92; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF JUSTICE

28 CFR Part 16

[AAG/A Order No. 64-92]

Exemption of Records Systems Under the Privacy Act

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: The Department of Justice is exempting a Privacy Act system of records from subsection (d) of the Privacy Act, 5 U.S.C. 552a. This system of records is the "Office of the Inspector General, Freedom of Information/Privacy Acts (FOI/PA) Records, (JUSTICE/OIG-003)." Records in this system may contain information which relates to official Federal investigations and matters of law enforcement of the Office of the Inspector General (OIG) pursuant to the Inspector General Act of 1978, 5 U.S.C. App., as amended by the Inspector General Act Amendments of 1988. Accordingly, where applicable, the exemptions are necessary to avoid interference with the law enforcement functions of the OIG. Specifically, the exemptions are necessary to prevent subjects of investigation from frustrating the investigatory process; preclude the disclosure of investigative techniques; protect the identities and physical safety of confidential sources and of law enforcement personnel; ensure the OIG's ability to obtain information from information sources; protect the privacy of third parties; and safeguard classified information as required by Executive Order 12356.

EFFECTIVE DATE: This rule will be effective March 9, 1992.

FOR FURTHER INFORMATION CONTACT: Patricia E. Neely, (202) 514-6329.

SUPPLEMENTARY INFORMATION: A proposed rule with invitation to comment was published in the **Federal Register** on October 9, 1991. One comment was received regarding the Department's application of the exemption pursuant to 5 U.S.C. 552a(j)(2). The Department responded by explaining that the system contains few original materials and that the exemption is necessary to protect records retrieved from other systems of records subject to the (j)(2) exemption and which are retained also in the FOI/PA system of records to enable the OIG to discharge more efficiently and accurately its responsibilities. Further, the Department explained that it has not claimed the exemption for *all* records in the system; the exemption is claimed only to the extent permitted by law.

This order relates to individuals rather than small business entities. Nevertheless, pursuant to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601-612, it is hereby stated that the order will not have "a significant economic impact on a substantial number of small entities."

List of Subjects in 28 CFR Part 16

Administrative Practices and Procedures, Courts, Freedom of Information Act, Privacy Act, and Government in the Sunshine Act.

Pursuant to the authority vested in the Attorney General by 5 U.S.C. 552a and delegated to me by Attorney General Order No. 793–78, 28 CFR 16.75 is amended by adding paragraphs (c) and (d) as set forth below.

Dated: February 21, 1992.

Harry H. Flickinger,

Assistant Attorney General for Administration.

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

Authority: 5 U.S.C. 301, 552, 552a, 552b(g), 553; 18 U.S.C. 4203(a)(1); 28 U.S.C. 509, 510, 534; 31 U.S.C. 3717, 9701.

2. 28 CFR 16.75 is amended by adding paragraphs (c) and (d) to read as follows: [1]

§ 16.75 Exemption of the Office of the Inspector General Systems/Limited Access.

* * * * *

(c) The following system of records is exempted from 5 U.S.C. 552a(d).

(1) Office of the Inspector General, Freedom of Information/Privacy Acts (FOI/PA) Records (JUSTICE/OIG–003).

This exemption applies only to the extent that information in this system is subject to exemption pursuant to 5 U.S.C. 552a (j)(2), (k)(1), and (k)(2). To the extent that information in a record pertaining to an individual does not relate to official Federal investigations and law enforcement matters, the exemption does not apply. In addition, where compliance would not appear to interfere with or adversely affect the overall law enforcement process, the applicable exemption may be waived by the Office of the Inspector General (OIG).

(d) Exemption from subsection (d) is justified for the following reasons:

(1) From the access and amendment provisions of subsection (d) because access to the records contained in this system of records could inform the subject of an investigation of an actual or potential criminal, civil, or regulatory violation of the existence of that investigation; of the nature and scope of the information and evidence obtained as to his activities; of the identity of confidential sources, witnesses, and law enforcement personnel; and of information that may enable the subject to avoid detection or apprehension. These factors would present a serious impediment to effective law enforcement where they prevent the successful completion of the investigation, endanger the physical safety of confidential sources, witnesses, and law enforcement personnel, and/or lead to the improper influencing of witnesses, the destruction of evidence, or the fabrication of testimony. In addition, granting access to such information could disclose security-sensitive or confidential business information or information that would constitute an unwarranted invasion of the personal privacy of third parties. Finally, access to the records could result in the release of properly classified information which would compromise the national defense or disrupt foreign policy. Amendment of the records would interfere with ongoing investigations and law enforcement activities and impose an impossible administrative burden by requiring investigations to be continuously reinvestigated.

[FR Doc. 92–5123 Filed 3–4–92; 8:45 am]

BILLING CODE 4410–01–M

[1] A proposal to add Section 16.75 (paragraphs (a) and (b)) was published in the **Federal Register** at 56 FR 48469 on September 25, 1991. A final rule to add these paragraphs; will be published concurrently with this final rule in today's **Federal Register.**

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28 CFR Part 16

[AAG/A Order No. 63–92]

Exemption of Records System Under the Privacy Act

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: The Department of Justice is exempting a Privacy Act system of records from subsections (c)(3) and (4), (d), (e)(1), (2), (3), (5), and (8), and (g) of the Privacy Act, 5 U.S.C. 552a. This system of records is the "Office of the Inspector General Investigative Records (JUSTICE/OIG–001)." Information in this system relates to official Federal investigations and matters of law enforcement of the Office of the Inspector General (OIG) pursuant to the Inspector General Act of 1978, 5 U.S.C. App., as amended by the Inspector General Act amendments of 1988. The exemptions are necessary to avoid interference with the law enforcement functions of the OIG. Specifically, the exemptions are necessary to prevent subjects of investigations from frustrating the investigatory process; preclude the disclosure of investigative techniques; protect the identities and physical safety of confidential informants and of law enforcement personnel; ensure the OIG's ability to obtain information from information sources; protect the privacy of third parties; and safeguard classified information as required by Executive Order 12356.

EFFECTIVE DATE: This rule will be effective March 9, 1992.

FOR FURTHER INFORMATION CONTACT: Patricia E. Neely, (202) 514–6329.

SUPPLEMENTARY INFORMATION: A proposed rule with invitation to comment was published in the **Federal Register** on September 25, 1991. One comment was received regarding the Department's application of the exemption pursuant to 5 U.S.C. 552a(j)(2). The Department responded by explaining that the system contains investigative records which are protected by subsection (j)(2) and that the name of the system of records (which may erroneously imply that the system is only an administrative system) will be changed. Accordingly, this final rule reflects the change in the name of the system from "Office of the Inspector General Record Index, JUSTICE/OIG–001" to "Office of the Inspector General Investigative Records, JUSTICE/OIG–001."

This order relates to individuals rather than small business entities. Nevertheless, pursuant to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601–612, it is hereby stated that the order will not have "a significant economic impact on a substantial number of small entities."

List of Subjects in 28 CFR Part 16

Administrative Practices and Procedure, Courts, Freedom of Information Act, Privacy Act, and Government in the Sunshine Act.

Pursuant to the authority vested in the Attorney General by 5 U.S.C. 552a and delegated to me by Attorney General Order No. 793–78, 28 CFR part 16 is amended by adding a new section, § 16.75, as set forth below.

Dated: February 21, 1992.

Harry H. Flickinger,

Assistant Attorney General for Administration.

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

Authority: 5 U.S.C. 301, 552, 552a, 552b(g), 553; 18 U.S.C. 4203(a)(1); 28 U.S.C. 509, 510, 534; 31 U.S.C. 3717, 9701.

2. 28 CFR part 16 is amended by adding § 16.75 to read as follows:

§ 16.75 Exemption of the Office of the Inspector General Systems/Limited Access.

(a) The following system of records is exempted pursuant to the provisions of 5 U.S.C. 552a(j)(2) from subsections (c) (3) and (4), (d), (e)(1), (2), (3), (5), and (8),

and (g) of 5 U.S.C. 552a. In addition, the following system of records is exempted pursuant to the provisions of 5 U.S.C. 552a(k)(1) and (k)(2) from subsections (c)(3), (d), and (e)(1) of 5 U.S.C. 552a:

(1) Office of the Inspector General Investigative Records (JUSTICE/OIG–001).

These exemptions apply only to the extent that information in this system is subject to exemption pursuant to 5 U.S.C. 552a (j)(2), (k)(1) and (k)(2). Where compliance would not appear to interfere with or adversely affect the law enforcement process, and/or where it may be appropriate to permit individuals to contest the accuracy of the information collected, e.g., public source materials, the applicable exemption may be waived, either partially or totally, by the Office of the Inspector General (OIG).

(b) Exemptions from the particular subsections are justified for the following reasons:

(1) From subsection (c)(3) because release of disclosure accounting could alert the subject of an investigation of an actual or potential criminal, civil, or regulatory violation to the existence of the investigation and the fact that they are subjects of the investigation, and reveal investigative interest by not only the OIG, but also by the recipient agency. Since release of such information to the subjects of an investigation would provide them with significant information concerning the nature of the investigation, release could result in the destruction of documentary evidence, improper influencing of witnesses, endangerment of the physical safety of confidential sources, witnesses, and law enforcement personnel, the fabrication of testimony, flight of the subject from the area, and other activities that could impede or compromise the investigation. In addition, accounting for each disclosure could result in the release of properly classified information which would compromise the national defense or disrupt foreign policy.

(2) From subsection (c)(4) because this system is exempt from the access provisions of subsection (d) pursuant to subsections (j) and (k) of the Privacy Act.

(3) From the access and amendment provisions of subsection (d) because access to the records contained in this system of records could inform the subject of an investigation of an actual or potential criminal, civil, or regulatory violation, of the existence of that investigation; of the nature and scope of the information and evidence obtained as to his activities; of the identity of confidential sources, witnesses, and law enforcement personnel, and of information that may enable the subject to avoid detection or apprehension. These factors would present a serious impediment to effective law enforcement where they prevent the successful completion of the investigation, endanger the physical safety of confidential sources, witnesses, and law enforcement personnel, and/or lead to the improper influencing of witnesses, the destruction of evidence, or the fabrication of testimony. In addition, granting access to such information could disclose security-sensitive or confidential business information or information that would constitute an unwarranted invasion of the personal privacy of third parties. Finally, access to the records could result in the release of properly classified information which would compromise the national defense or disrupt foreign policy. Amendment of the records would interfere with ongoing investigations and law enforcement activities and impose an impossible administrative burden by requiring investigations to be continuously reinvestigated.

(4) From subsection (e)(1) because the application of this provision could impair investigations and interfere with the law enforcement responsibilities of the OIG for the following reasons:

(i) It is not possible to detect relevance or necessity of specific information in the early stages of a civil, criminal or other law enforcement investigation, case, or matter, including investigations in which use is made of properly classified information. Relevance and necessity are questions of judgment and timing, and it is only after the information is evaluated that the relevance and necessity of such information can be established.

(ii) During the course of any investigation, the OIG may obtain information concerning actual or potential violations of laws other than those within the scope of its jurisdiction. In the interest of effective law enforcement, the OIG should retain this information, as it may aid in establishing patterns of criminal activity, and can provide valuable leads for Federal and other law enforcement agencies.

(iii) In interviewing individuals or obtaining other forms of evidence during an investigation, information may be supplied to an investigator which relates to matters incidental to the primary purpose of the investigation but which may relate also to matters under the investigative jurisdiction of another agency. Such information cannot readily be segregated.

(5) From subsection (e)(2) because, in some instances, the application of this provision would present a serious impediment to law enforcement for the following reasons:

(i) The subject of an investigation would be placed on notice as to the existence of an investigation and would therefore be able to avoid detection or apprehension, to improperly influence witnesses, to destroy evidence, or to fabricate testimony.

(ii) In certain circumstances the subject of an investigation cannot be required to provide information to investigators, and information relating to a subject's illegal acts, violations of rules of conduct, or any other misconduct must be obtained from other sources.

(iii) In any investigation it is necessary to obtain evidence from a variety of sources other than the subject of the investigation in order to verify the evidence necessary for successful litigation.

(6) From subsection (e)(3) because the application of this provision would provide the subject of an investigation with substantial information which could impede or compromise the investigation. Providing such notice to a subject of an investigation could interfere with an undercover investigation by revealing its existence, and could endanger the physical safety of confidential sources, witnesses, and investigators by revealing their identities.

(7) From subsection (e)(5) because the application of this provision would prevent the collection of any data not shown to be accurate, relevant, timely, and complete at the moment it is collected. In the collection of information for law enforcement purposes, it is impossible to determine in advance what information is accurate, relevant, timely, and complete. Material which may seem unrelated, irrelevant, or incomplete when collected may take on added meaning or significance as an investigation progresses. The restrictions of this provision could interfere with the preparation of a complete investigative report, and thereby impede effective law enforcement.

(8) From subsection (e)(8) because the application of this provision could prematurely reveal an ongoing criminal investigation to the subject of the investigation, and could reveal investigative techniques, procedures, or evidence.

(9) From subsection (g) to the extent that this system is exempt from the access and amendment provisions of subsection (d) pursuant to subsections (j)(2) and (k)(1) and (k)(2) of the Privacy Act.

[FR Doc. 92-5124 Filed 3-6-92; 8:45 am]
BILLING CODE 4410-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[COTP Corpus Christi, Texas, Regulation 01-92]

Safety and Security Zone Regulations; Gulf of Mexico and Corpus Christi Bay

AGENCY: Coast Guard, DOT.

ACTION: Emergency Rule.

SUMMARY: The Coast Guard is establishing safety and security zones in the Gulf of Mexico and Corpus Christi Bay. These zones are needed to safeguard the Spanish replica caravels, NINA, PINTA, and SANTA MARIA, against sabotage or other subversive acts, accidents, or other causes of a similar nature during their visit to Corpus Christi, Texas, in celebration of Christopher Columbus's discovery of the Americas. The safety and security zones will be in place during their arrival and departure transits, and while moored in Corpus Christi Bay. Entry into these zones is prohibited unless authorized by the Captain of the Port.

EFFECTIVE DATES: These regulations become effective at 12:01 a.m. on March 10, 1992, or upon the arrival of the caravels at the seaward limit of the United States territorial sea in the Gulf of Mexico off the entrance to the Aransas jetties (which is located between the Aransas Pass Entrance Lighted Whistle Buoy AP and Aransas Pass Lighted Buoy 3), whichever occurs first; and terminate at 11:59 p.m. on March 23, 1992, or after the last caravel has passed the seaward limit of the United States territorial sea on its departure from Corpus Christi, Texas, whichever occurs first.

Except the stationary waterside safety zone in § 165.T0801(d) becomes effective at 6 a.m. on March 12, 1992, and terminates at 12 p.m. on March 23, 1992.

FOR FURTHER INFORMATION CONTACT: LTJG K. S. ROBERTS at (512) 888-3162.

SUPPLEMENTARY INFORMATION: Under 5 U.S.C. 553, a notice of proposed rulemaking was not published for this regulation and good cause exists for making it effective in less than 30 days after **Federal Register** publication. Publishing an NPRM and delaying its effective date would be contrary to the public interest since immediate action is needed to prevent damage to or destruction of the caravels and sufficient details on their visit was not available in time to provide for full public participation in this rulemaking effort.

Drafting Information: The drafters of this regulation are LTJG K. S. Roberts, Assistant Chief, Port Operations Department, and CAPT R. J. Reining, Commanding Officer, U.S. Coast Guard Marine Safety Office, Corpus Christi, Texas, and CDR D. Dickman, project attorney, Eighth Coast Guard District, New Orleans, Louisiana.

Discussion of Regulation

The safety and security zones are needed to ensure the safety and security of the caravels while in Corpus Christi, Texas, for Los Barcos, the Columbus Day Fleet Festival, March 13–22, 1992. This festival is part of the United States official Quincentennial Celebration of the 500th anniversary of the Christopher Columbus discovery of the Americas. The caravels are official emissaries of the Kingdom of Spain to the United States. Their visit is intended to promote closer relations between Spain and the United States.

There have been reports published in the local newspaper that certain individuals intend to disrupt or prevent the visit of the caravels to Corpus Christi.

Moving safety zones will protect the caravels during their arrival and departure transits, and their movements within Corpus Christi Bay. Stationary waterside safety and security zones will protect the caravels whenever they are moored within Corpus Christi Bay.

The moving safety zones will be patrolled by Coast Guard and Coast Guard Auxiliary vessels and vessels from other Federal, State, and local law enforcement agencies. Only vessels that are securely moored to fixed structures or beached on the shore and vessels that have prior authorization from the Captain of the Port, Corpus Christi, Texas (COTP), or the Patrol Commander will be allowed within the moving safety zones. Vessels requesting permission to enter a safety or security zone may be boarded and inspected by law enforcement personnel and required to submit a complete list of passengers and crew.

The stationary waterside safety and security zones will be marked by buoys and booms. They will be patrolled by Coast Guard and Coast Guard Auxiliary vessels and vessels from the U.S. Customs Service, Texas Department of Parks and Wildlife, and Corpus Christi Marina Patrol. No vessels, other than the caravels will be permitted within the stationary waterside security zone at the Corpus Christi Barge Dock. Only vessels that have prior authorization from COTP or the Patrol Commander will be allowed within the stationary waterside safety zones and the stationary waterside security zone at Naval Station Ingleside. Vessels requesting permission to enter a stationary waterside safety zone may be boarded and inspected by law enforcement personnel. No swimmers will be permitted within the stationary waterside safety and security zones.

The first moving safety zone, which will surround the caravels during the arrival transit, will be in effect from the time the caravels reach the seaward limit of the United States territorial sea in the Gulf of Mexico off the entrance to the Aransas jetties, which is located between the Aransas Pass Entrance Lighted Whistle Buoy AP and Aransas Pass Lighted Buoy 3, until they moor at either the Naval Station in Ingleside, Texas, or the Barge Dock at Corpus Christi, Texas. The caravels are expected to arrive sometime between March 10th and the morning of March 12, 1992. If they arrive before the morning of March 12, 1992, they will moor at Naval Station Ingleside. If they arrive on March 12th, they will proceed directly to the Barge Dock.

A second moving safety zone will be in effect, if needed, during the transit from Naval Station Ingleside to the Corpus Christi Barge Dock, which is expected to begin at approximately 10 a.m., on March 12, 1992.

The third moving safety zone will be in effect for the departure transit from the Corpus Christi Barge Dock to the seaward limit of the United States territorial sea in the Gulf of Mexico off the entrance to the Aransas jetties, which is located between the Aransas Pass Entrance Lighted Whistle Buoy AP and Aransas Pass Lighted Buoy 3. The transit is expected to begin at approximately 11 a.m., on March 23, 1992. The last caravel should leave the territorial sea before 5 p.m., on March 23, 1992.

A security zone will be established in the waters off the Naval Station Ingleside, while the vessels are moored at the Naval Station. No swimmers or vessels will be permitted inside the security zone without the permission of the Captain of the Port. Permission will be granted to any U.S. Navy vessels, the caravels and their Spanish naval escorts, tugs assisting the caravels, vessels of Spain '92 and the Los Barcos

sponsoring organization, and press boats. No weapons or explosives will be allowed aboard any vessel, other than naval vessels and vessels assisting in the enforcement of the safety zone.

A stationary waterfront security zone will be established in the waters off the Corpus Christi Barge Dock within 75 feet of the caravels, while the vessels are moored at the Barge Dock. No swimmers or vessels will be permitted inside the security zone.

A stationary waterfront safety zone will be established in the waters between the Corpus Christi Barge Dock and the spoil island and breakwater opposite the Barge Dock. No swimmers or vessels will be permitted inside the safety zone without the permission of the Captain of the Port. Permission will be granted to the caravels, tugs assisting the caravels, vessels of the sponsoring organizations, commercial tour boats, and press boats. In addition, a limited number of spectator boats will be allowed to transit through the safety zone during daylight hours, after being boarded by Coast Guard, Corpus Christi Marina Patrol, or the Texas Parks and Wildlife Service. No weapons or explosives will be allowed aboard any vessel, other than those assisting in the enforcement of the safety zone.

In recognition of the public's rights under the First Amendment of the Constitution of the United States of America, arrangements will be made to allow individuals or groups desiring to peacefully protest or demonstrate against the caravels or the exploration and settlement of the Western Hemisphere by Europeans to do so within the safety zone.

The public is advised that anti-swimmer devices may be installed within the waters of the stationary waterside safety and security zones. These devices may pose a threat to the safety and health of anyone swimming in the water in the vicinity of the caravels.

This regulation is issued under 33 U.S.C. 1225 and 1231 and 50 U.S.C. 191, as set out in the authority citation for all of part 165.

Federalism

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

List of Subjects in 33 CFR Part 165

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

Regulation

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

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

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1(g), 6.04–1, 604–6, and 160.5; 49 CFR 1.46.

2. A new § 165.T0801 is added to read as follows:

§ 165.T0801 Safety and Security Zone: Gulf of Mexico and Corpus Christi Bay.

(a) A moving safety zone exists whenever the Spanish replica caravels NINA, PINTA, or SANTA MARIA are underway within the territorial sea of the United States within the Gulf of Mexico or within Corpus Christi Bay and its approaches. The moving safety zone extends 500 feet ahead of the leading caravel and 250 feet astern of the last caravel, including the intervals between the caravels, and the entire width of the Aransas Pass Entrance Channel and Corpus Christi Ship Channel.

(b) A stationary security zone exists within the waters of Corpus Christi Bay enclosing the western turning basins off the piers of the Naval Station at Ingleside, Texas, whenever the Spanish replica caravels NINA, PINTA, or SANTA MARIA are moored to Naval Station piers A–1 through A–5. The stationary security zone is enclosed by a line drawn from the west end of the Naval Station pier (latitude 27°49′18″ N, longitude 97°12′34″ W) to the southwest corner of the Naval Station finger pier (latitude 27°49′7″ N, longitude 97°12′32″ W), thence along the south face of the finger pier to the southeast corner (latitude 27°49′6.5″ N, longitude 97°12′31″ W), thence along the east face of the finger pier until it joins the main pier (latitude 27°49′18″ N, longitude 97°12′26″ W), thence along the shoreline to the beginning point. The perimeter of the security zone will be marked by a floating yellow or international orange containment boom.

(c) A stationary security zone exists within the waters of Corpus Christi Bay off the Corpus Christi Barge Dock at Corpus Christi, Texas, whenever the Spanish replica caravels NINA, PINTA, or SANTA MARIA are moored to the Barge Dock. The stationary security zone is a line drawn from the east face of the Barge Dock at a point 75 feet to the south of the first caravel (latitude 27°48′34.2″ N, longitude 97°23′33.6″ W), thence to a point perpendicular to and 100 feet east of the east face of the Barge Dock (latitude 27°48′34.8″ N, longitude 97°23′30.6″ W), thence parallel to the Barge Dock to a point 100 feet east of the east face of the Barge Dock and 75 feet north of the last caravel (latitude 27°48′30.5″ N, longitude 97°23′30.0″ W), thence to a point on the east face of the Barge Dock 75 feet north of the last caravel (latitude 27°48′30.2″ N, longitude 97°23′31.3″ W). The perimeter of the security zone will be marked by a floating yellow or international orange containment boom.

(d) A stationary safety zone exists within the waters of Corpus Christi Bay between the Corpus Christi Barge Dock at Corpus Christi, Texas, and the breakwater east of and approximately parallel to the Barge Dock. The stationary safety zone is enclosed by lines connecting the Corpus Christi seawall and the breakwater. One line is drawn from the north corner of the Corpus Christi seawall, where the seawall meets the seawall along the Corpus Christi Channel (latitude 27°48′38.0″ N, longitude 97°23′33.0″ W), to the north end of the breakwater (latitude 27°48′33.8″ N, longitude 97°23′18.0″ W). The other line is drawn from the south corner of the Barge Dock (latitude 27°48′28.0″ N, longitude 97°23′32.0″ W) to the south end of the breakwater (latitude 27°48′27.2″ N, longitude 97°23′17.0″ W). Both lines will be marked by buoys and a floating yellow or international orange containment boom.

(e) *Regulations.* (1) The Captain of the Port is the Captain of the Port, Corpus Christi, Texas.

(2) The Coast Guard Patrol Commander is the commissioned, warrant, or petty officer of the U.S. Coast Guard designated by the Captain of the Port, Corpus Christi, Texas, to serve as the Patrol Commander in charge of enforcing this section. The Coast Guard Patrol Commander will be on board a Coast Guard vessel in the vicinity of the safety or security zone.

(3) No vessel may enter the moving safety zone estabished in paragraph (a) of this section without the permission of the Captain of the Port or Coast Guard Patrol Commander.

(4) Except for the Spanish replica caravels NINA, PINTA, and SANTA MARIA; the Spanish Navy escort vessel, SN SERVIOLA (P–71); vessels of the United States Navy; and vessels designated by the Captain of the Port to escort the Spanish replica caravels and enforce this section; no vessel may enter or remain in the stationary security zone at Naval Station Ingleside, established in paragraph (b) of this section, without the permission of the Captain of the Port or Coast Guard Patrol Commander.

(5) Except for the Spanish replica caravels NINA, PINTA, and SANTA MARIA no vessel may enter or remain in the stationary security zone at the Corpus Christi Barge Dock, established in paragraph (c) of this section, without the permission of the Captain of the Port or Coast Guard Patrol Commander.

(6) Except for the Spanish replica caravels NINA, PINTA, and SANTA MARIA and vessels designated by the Captain of the Port to escort the Spanish replica caravels and enforce this section; no vessel may enter or remain in the stationary safety zone at the Corpus Christi Barge Dock, established in paragraph (d) of this section, without the permission of the Captain of the Port or Coast Guard Patrol Commander.

(7) No individual may enter or remain in the waters of the stationary waterside security zone at Naval Station Ingleside or the safety and security zones at the Corpus Christi Barge Dock, established in paragraphs (b), (c), and (d) of this section, without the permission of the Captain of the Port .

(8) The Patrol Commander may delegate his authority to permit vessels to enter the stationary waterside safety and security zones established in paragraphs (b) and (d) to the senior Coast Guard boarding officer on board vessels patrolling the perimeter of the safety or security zones.

(9) Vessels desiring to enter one of the safety or security zones may contact:

(i) The Captain of the Port through the Chief, Port Operations Department, U.S. Coast Guard Marine Safety Office, Second Floor, 400 Mann Street, Corpus Christi, Texas, telephone number (512) 888–3162.

(ii) The Coast Guard Patrol Commander by calling on VHF–FM Channel 16 or by coming alongside one of the Coast Guard, Coast Guard Auxiliary, Corpus Christi Marine Patrol, or Texas Department of Public Safety Boats patrolling in the vicinity of the safety of security zone.

(10) Vessels desiring to enter or remain in the safety or security zones may be boarded by either the Coast Guard, U.S. Customs, Texas Department of Parks and Wildlife, or Corpus Christi Marina Patrol to ensure they are in compliance with all applicable Federal or State laws and do not possess any weapons or other articles on board that would pose a threat to the caravels. This paragraph does not apply to naval vessels of the United States or Spain.

(11) Coast Guard vessels will display a flashing blue light while patrolling in the immediate vicinity of the safety and security zones whenever the Coast Guard Patrol Commander is on scene.

(f) *Effective dates.* (1) With the exception of the stationary waterside safety zone in paragraph (d) of this section, this section becomes effective at 12:01 a.m. on March 10, 1992, or upon the arrival of the caravels at the seaward limit of the United States territorial sea in the Gulf of Mexico off the entrance to the Aransas jetties (which is located between the Aransas Pass Entrance Lighted Whistle Buoy AP and Aransas Pass Lighted Buoy 3), whichever occurs first. It terminates at 11:59 p.m. on March 23, 1992, or after the last caravel has passed the seaward limit of the United States territorial sea on its departure from Corpus Christi, Texas, whichever occurs first.

(2) The stationary waterside safety zone in paragraph (d) of this section becomes effective at 6 a.m. on March 12, 1992, and terminates at 12 p.m. on March 23, 1992.

Dated: March 2, 1992.

Robert J. Reining,

Captain, U. S. Coast Guard, Captain of the Port, Corpus Christi, Texas.

[FR Doc. 92–5415 Filed 3–6–92; 8:45 am]

BILLING CODE 4910–14–M

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 3

RIN 2900–AF06

Mandatory Disclosure of Social Security Numbers

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: The Department of Veterans Affairs (VA) has amended its adjudication regulations concerning the disclosure of social security numbers and the discontinuance of compensation and pension benefits. This amendment implements recently enacted legislation. The intended effect of this amendment is to incorporate a requirement for disclosure of social security numbers in VA's adjudication regulations and to establish a date for termination of benefits when the beneficiary fails to disclose his or her social security number.

EFFECTIVE DATE: This amendment is effective November 5, 1990, the date the legislation was signed into law.

FOR FURTHER INFORMATION CONTACT: John Bisset, Jr., Consultant, Regulations Staff, Compensation and Pension Service, Veterans Benefits Administration, Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 233–3005.

SUPPLEMENTARY INFORMATION: VA published a proposal to add a new § 3.216 to 38 CFR and to amend § 3.500 in the **Federal Register** of April 24, 1991 (56 FR 18796–7). Interested persons were invited to submit written comments, suggestions or objections on or before May 24, 1991. We received one comment from the American Legion.

The commenter expressed concern that many beneficiaries, particularly those receiving benefits via electronic deposit who have failed to keep VA informed of changes in their mailing addresses, might have their benefits terminated without due process of law. The commenter suggests that the 60 day response period is arbitrary and also that VA explore alternative methods of contacting beneficiaries who fail to respond to a VA request for social security numbers.

The Omnibus Budget Reconciliation Act of 1990, Public Law 101–508, amended the Internal Revenue Code of 1986 to allow disclosure to VA of information from Federal tax returns in conjunction with specified VA benefit programs. Public Law 101–508 also authorizes VA to match information from its records against income and death information from other agencies, and makes it mandatory for claimants to furnish social security numbers upon request. Since Congress has taken the cost savings associated with this authority into account in the Budget Reconciliation process, realization of these savings should not be delayed for an indefinite period.

The 60 day period allowed for reply to a request for social security numbers is not arbitrary; it provides a generous period of time for the beneficiary to furnish data already in his or her possession. It also allows time for VA to attempt to discover a current address when the initial request is returned as undeliverable. When VA determines that benefits must be discontinued, 38 CFR 3.105(g) requires that a notice be sent to the beneficiary at his or her latest address of record, and that the beneficiary be given 60 days to reply. Consequently, the beneficiary from whom no response is received would have, at a minimum, an additional 60 days before benefits were terminated for failure to furnish social security numbers as requested.

VA has explored alternative methods of contacting individuals receiving benefits via electronic deposit, and has issued a nationwide press release to inform the general public of the requirement that social security

numbers be of record as a condition of continued receipt of benefits. We have also issued instructions to all field stations concerning additional development procedures to be followed when an initial request for social security numbers is returned as undeliverable. Field stations have been instructed to review the claims folder, telephone directory, and VA hospital records for a more current address. If appropriate, field stations will also contact the service organization or other representative in an attempt to find a more current address. The Postal Service will forward the social security number request and provide VA with a current address if one is available. Where benefits are paid via electronic deposit, VA will contact the financial institution asking it to forward the request for social security numbers to the beneficiary. The Treasury Department is requesting that financial institutions cooperate with VA in this matter.

When a request for social security numbers is returned as undeliverable, VA cannot assume that the reason for the return is not the death of the beneficiary or some other reason which would require termination, nor may it excuse beneficiaries from the statutory obligation to provide social security numbers upon request. VA believes that the steps outlined above provide reasonable protection against premature termination of benefits while ensuring that enforcement of the requirement will not be deferred indefinitely. To further delay discontinuance would be contrary to the purpose of 38 U.S.C. 5101 (formerly 3001).

VA appreciates the comment submitted in response to the proposed rule, which is now adopted with minor technical amendments.

The Secretary hereby certifies that these regulatory amendments will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601–612. The reason for this certification is that these amendments would not directly affect any small entities. Only VA beneficiaries could be directly affected. Therefore, pursuant to 5 U.S.C. 605(b), these amendments are exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

In accordance with Executive Order 12291, Federal Regulation, the Secretary has determined that these regulatory amendments are non-major for the following reasons:

(1) They will not have an annual effect on the economy of $100 million or more.

(2) They will not cause a major increase in costs or prices.

(3) They will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The information collection requirements contained in § 3.216 of these regulations have been approved by the Office of Management and Budget (OMB) under control number 2900–0522.

The Catalog of Federal Domestic Assistance program numbers are 64.104, 64.105, 64.109 and 64.110.

List of Subjects in 38 CFR Part 3

Administrative practice and procedure, Claims, Handicapped, Health care, Pension, Veterans.

Approved: November 13, 1991.

Edward J. Derwinski,

Secretary of Veterans Affairs.

For the reasons set out in the preamble, 38 CFR part 3, subpart A is amended as set forth below.

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

1. The authority citation for part 3, subpart A is revised to read as follows:

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

2. A new § 3.216 is added to read as follows:

§ 3.216 Mandatory disclosure of social security number.

Any person who applies for or receives any compensation or pension benefit as defined in §§ 3.3, 3.4, or 3.5 of this part shall, as a condition for receipt or continued receipt of benefits, furnish the Department of Veterans Affairs upon request with his or her social security number and the social security number of any dependent for whom benefits are sought or received. However, no one shall be required to furnish a social security number for any person to whom none has been assigned. Benefits will be terminated if a beneficiary fails to furnish the Department of Veterans Affairs with his or her social security number or the social security number of any dependent for whom benefits are sought or received, within 60 days from the date the beneficiary is requested to furnish the social security number.

(Authority: 38 U.S.C. 5101)

(Approved by the Office of Management and Budget under control number 2900–0522)

3. In § 3.500, new paragraph (w) and its authority citation are added to read as follows:

§ 3.500 General.

* * * * *

(w) Failure to furnish Social Security number. Last day of the month during which the 60 day period following the date of VA request expires.

(Authority: 38 U.S.C. 5101)

* * * * *

[FR Doc. 92–5379 Filed 3–6–92; 8:45 am]

BILLING CODE 8320–01–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

Approval and Promulgation of Implementation Plans; Arizona—Maricopa Nonattainment Areas; Carbon Monoxide

[OAQPS No. AZ–3–1–5402; FRL–41005]

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA today is approving a revision to the Carbon Monoxide Arizona State Implementation Plan for the Maricopa nonattainment area. Specifically, EPA is approving amendments to the Arizona State oxygenated fuels program to increase the minimum oxygen content level to 2.7 percent and changes to State statute limiting the volatility of gasoline during wintertime to 10 pounds per square inch. EPA is also removing in favor of the State programs the federal regulations on oxygenated fuels and gasoline volatility limits that the Agency promulgated for the Maricopa area on February 11, 1991 (56 FR 5458).

EFFECTIVE DATE: April 8, 1992.

ADDRESSES: The rulemaking docket for this notice, Docket No. 91–AZ–MA–1, may be inspected at the following location between 8 a.m. and 4:30 p.m. on weekdays. A reasonable fee may be charged for copying parts of the docket: U.S. Environmental Protection Agency, Region 9, Air and Toxics Division, Mobile Source Section, A–2–1, 75 Hawthorne Street, San Francisco, California 94105.

FOR FURTHER INFORMATION CONTACT: Frances Wicher, Mobile Source Section, A–2–1, Air and Toxics Division, U.S. Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, California 94105, (415) 744–1225, FTS: 484–1225.

SUPPLEMENTARY INFORMATION:

I. Background

On February 11, 1991 (56 FR 5458), EPA disapproved portions of the Arizona State Implementation Plan (SIP) and promulgated a federal implementation plan (FIP) under section 110(c) of the Clean Air Act, 42 U.S.C. 7410(c), for the Maricopa County, Arizona, carbon monoxide (CO) nonattainment area. The FIP included regulations requiring that all gasoline intended for use in motor vehicles within the Maricopa nonattainment area contain 2.7 percent (by weight) oxygen and have a volatility of no more than 10 pounds per square inch (psi) during the six-month period from October 1 to March 31 starting October 1, 1991. EPA determined at that time that these two measures are necessary to bring the area into attainment of the CO national ambient air quality standard (NAAQS) by December 31, 1991.

On June 11, 1991, the State of Arizona submitted to EPA Arizona House Bill (H.B.) 2181 which was passed by the Arizona State Legislature and signed by the Governor on May 29, 1991. This bill amends that Arizona Revised Statutes to require all gasoline in the Maricopa CO nonattainment area from September 30 to March 31 of each year starting in 1991 to contain 2.7 percent (by weight) oxygen and to have a volatility of no more than 10 psi.

For the reasons stated in the proposal, 56 FR 40287 (August 14, 1991), EPA proposed to approve Arizona H.B. 2181, withdraw the FIP oxygenated gasoline program and gasoline volatility limit regulations, and grant a waiver to the State of Arizona under Clean Air Act section 211(c)(4). The Agency, however, is leaving in place the other provisions of the FIP promulgated on February 11, 1991, because the State has not yet submitted an attainment demonstration and the conformity and contingency provisions necessary for a complete SIP approval. Therefore, EPA's disapproval of those SIP provisions remains in effect.

II. Response to Comments

EPA received five comments letters on the proposed rulemaking. All comments dealt with the oxygenated fuels program and the gasoline volatility limit. Several letters supported EPA's action to substitute the State rules for the federal regulations. A copy of all comments received on the proposed rulemaking can be found in the docket for this rulemaking.

A. Oxygenated Gasoline Program

In its comments, Chevron U.S.A., Inc. cited the provision for a blending tolerance in the Arizona FIP promulgated by EPA on February 11, 1991 (56 FR 5458). In the notice of final rulemaking, EPA stated that, in its exercise of enforcement discretion, the Agency would allow gasoline blended with methyl-tert-butyl ether (MTBE) to contain up to 2.9 percent oxygen by weight prior to transportation, in order to offset the negative effects of dilution and density on fuels during transportation. As a matter of an enforcement discretion, EPA agreed to accept measurements exceeding the established "substantially similar" standards, without actually amending the requirements of the substantially similar interpretive rule. The "substantially similar" interpretive rule was established by EPA on July 28, 1981 (46 FR 36582) and later revised on February 11, 1991 (56 FR 5352). The rule allows blends of aliphatic alcohol, other than methanol and aliphatic ethers, provided the oxygen content does not exceed 2.7 percent by weight. The comments received from Chevron requested that this blending tolerance be maintained and that EPA make clear to Arizona that a provision for such a blending tolerance would need to be formally adopted before EPA's withdrawal of the federal measure could be completed. This latter request was made although the State had already given Chevron assurances that the 2.9 percent limit would be allowed.

In its proposal, 56 FR 40287, 40288 (August 14, 1991), EPA reiterated its commitment to the exercise of its enforcement discretion with regard to the blending tolerance. However, EPA's statement applies only to federal enforcement of the "substantially similar" rule. The SIP revisions as submtted by the State have been closely reviewed by EPA, and have been found to meet all requirements for approval including equivalency to, or greater stringency than, the federal rules being replaced. EPA does not believe that the State must adopt a blending tolerance before EPA can complete withdrawal of the federal rule. Under section 116 of the CAA, states may adopt more stringent requirements than those mandated by the Act. The choice concerning the use of a blending tolerance or enforcement discretion in implementing its oxygenated fuels program belongs to the State.

Mobil Oil Corporation raised three issues regarding the oxygenated gasoline program. The first comment requested EPA to clarify that the use of any "substantially similar" ethers will be permitted in the program and not just MTBE and ethanol. As the "substantial similar" rule is a federal rule and the Arizona SIP provisions approved today constitute a state program, the SIP does not override the "substantially similar" rule. All oxygenates allowed under the "substantially similar" rule will be found acceptable under the Maricopa County oxygenated gasoline program as a matter of federal law.

Mobil's second comment stated that refiners and blenders should be allowed to use meter reading to calculate the oxygenate content of fuel blends, that this method is superior to current analytical methods for fuel oxygen content determinations, that because of this superiority testing should be required only in cases where calculations based on meter readings could not be established, and that no one test method should be prescribed.

Because Arizona assumes primary responsibility for enforcement of the oxygen content requirements under this rulemaking, this comment is best addressed to the State. In its testing program, Arizona currently adheres to the American Society of Testing and Materials (ASTM) testing standard and method for oxygen content in gasoline. Although there have been some questions raised concerning the data-analysis portions of this method, EPA's position is that the use of a well-established and reproducible testing method is a very valuable component in any state program. The ASTM method is currently the only one which is familiar to all parties involved in the oxygenated gasoline program. Therefore, Arizona's testing program is fully acceptable as a component of the SIP.

Finally, Mobil requested that a testing tolerance be allowed in addition to the blending tolerance discussed above. Again this comment is best directed to the State as it has primary responsibility for enforcing the oxygenated gasoline program. Current ASTM laboratory tests used by the Arizona Department of Weights and Measures include a testing tolerance in the form of reproducibility and repeatability calculations. The establishment of other testing tolerances is left to the State's discretion.

B. Gasoline Volatility Limit

The majority of comments received on the proposal for today's rulemaking addressed the gasoline volatility limit. Several oil companies and refineries

objected to this requirement which would restrict winter gasoline to a Reid Vapor Pressure (RVP) of 10 psi. These comments were based on two lines of reasoning. First, the commenters felt that EPA has presented no clear evidence that reduced volatility can make a significant contribution to reduced CO emissions at the FIP design value of 53 F. Second, they believed that vehicle emissions testing conducted for the American Petroleum Institute (API) and new tests currently underway indicated that the 10 psi RVP requirement will not provide a significant CO emissions reduction at Phoenix wintertime temperatures.

EPA responded to similar comments during its promulgation of the FIP. During the development of the FIP, EPA based its decisions on the same data that are now available. EPA has not received any new information since the FIP promulgation. EPA still believes that the available data (the EPA data detailed in the EPA document "Guidance on Estimating Motor Vehicle Emission Reductions From the Use of Alternative Fuels and Fuel Blends" and the API data) indicate that there is a CO emissions benefit when the RVP of gasoline is reduced to 10 psi in the wintertime. Furthermore, it should be reiterated that EPA believes that the "estimates of the benefits of RVP limit were potentially understated in the attainment demonstration. [T]he high concentrations in the Phoenix area occur in the evening hours and build up over time. The time of peak traffic volumes and slower speeds occurs during warmer conditions when RVP controls would have the most benefit. Therefore using the average temperature over an eight hour period potentially underestimates the benefit of reduced RVP on the ambient CO concentrations in Phoenix." See 56 FR 5458, 5468 (February 11, 1991).

Mobil indicated in its comments that it is performing vehicle emission testing of 10 RVP fuels at the FIP desing temperature. EPA will analyze this new data when it becomes available. However, because the existing data indicate that there is a CO emissions benefit at Phoenix wintertime temperatures, EPA believes that there are adequate grounds to approve the State's wintertime volatility control program and grant a waiver under section 211(c)(4) of the Clean Air Act (CAA).

EPA's FIP volatility limit regulation granted a 1 psi exemption to ethanol blends containing 7.3 percent or more ethanol by volume. A regulation recently adopted by the Arizona Department of Weights and Measures also establishes the same ethanol volume minimum for the 1 psi exemption. ARCO Products Company commented on whether such a minimum ethanol content was necessary. EPA addressed the need for such a minimum in both the proposal and final notice for the FIP indicating that a minimum appeared necessary to assure the emission reductions necessary for attainment and for enforcement purposes. See 55 FR 41204, 41215 (October 10, 1990) and 56 FR 5458, 5467 (February 11, 1991). Mobil commented that there was a potential for non-compliance with the RVP limit where service station tanks containing MTBE blends are delivered fuels containing ethanol. Mobil requested further clarificaton on RVP enforcement during such transitional periods. This is clearly a question of enforcement discretion and because Arizona now has primary responsiblity for enforcement of the RVP requirements, this request is best addressed to the State.

Finally, both the Western States Petroleum Association and Mobil requested a one-month extension of the comment period on the proposal to allow completion of the vehicle testing program on the 10 RVP limit. EPA did not extend the comment period. In its August 14, 1991 notice, EPA proposed two actions regarding the RVP limitation: to approve the Arizona measure and to withdraw the federal regulation *based on the approval of the State measure.* The two proposed actions were coupled. EPA did not propose to withdraw its RVP regulation absent approval of the State measure. Thus a decison not to complete the SIP approval or to disapprove the SIP submittal would have left the federal RVP limitation, which is identical to the Sate limitation, in place. Extending the comment period would therefore not affect the application of the RVP limit to Maricopa County; it would have served only to delay this final action.

III. Finding under Section 211(c)(4)

CAA section 211(c)(4)(A) prohibits a state from prescribing or attempting to enforce any control or prohibition on any characteristic or component of a fuel or fuel additive for the purposes of motor vehicle emission control.

(i) if the Administrator has found that no control or prohibition of the characteristic or component of a fuel or fuel additive under [subsection (c)(1)] is necessary and has published his finding in the **Federal Register** or

(ii) if the Administrator has prescribed under [subsection 211(c)(1)] a control or prohibition applicable to such characteristic or component of the fuel or fuel additive unless the state prohibiton is identical to the prohibition or control prescribed by the Administrator.

Under the first test, EPA has in fact made the opposite demonstration, that the oxygen content and wintertime RVP limit *are necessary* for expeditious attainment of the CO NAAQS in Maricopa County, by promulgating such federal regulations for Maricopa. Under the second test, EPA has concluded that the State rules are essentially identical to those prescribed by EPA.

Section 211(c)(4)(C) allows a state to prescribe and enforce controls or prohibitions on the use of a fuel or fuel additive for the purposes of motor vehicle emission control if the applicable implementation plan allows for it. Section 211(c)(4)(C) also states that the Administrator may approve such provisions in an implementation plan only,

> if he finds that the State control or prohibition is necessary to achieve the national primary or secondary ambient air quality standard which the plan implements. The Administrator may find that a State control or prohibition is necessary to achieve the standard if no other measures that would bring about timely attainment exist, or if other measures exist and are technically possible to implement, but are unreasonable or impracticable.

As part of its FIP rulemaking, EPA has already made the findings necessary under section 211(c)(4)(C). EPA evaluated fifty-five measures for controls which it could effectively implement and which could bring about attainment "as soon as possible" as required by the court in *Delaney* v. *EPA*, 898 F.2d 687 (9th Cir. 1990). From its evaluaton, EPA found that the oxygenated gasoline program and the wintertime RVP limitation, combined with existing SIP measures, would result in timely attainment and that no other combination of measures available to EPA would result in attainment any earlier. Included as part of this evaluation were several measures (e.g., mandatory no drive days) that could have brought about attainment earlier yet were rejected because of their potential severe adverse economic or social impacts. Since the State rules are equivalent to the federal rules, EPA need not make any additonal findings under section 211(c)(4)(C).

EPA received no comments on its proposal to grant Arizona a waiver under section 211(c)(4) and no comments received on either the State's oxygenated gasoline program or RVP

limitation would lead EPA to revise its conclusions regarding the grounds for such a waiver. Therefore, based upon the above discussion, EPA grants Arizona a waiver under section 211(c)(4) to enforce the State's oxygenated gasoline program and gasoline volatility limit for the Maricopa CO nonattainment area.

IV. Approval of State Measures

EPA today is approving into the SIP for Arizona the provisions in Arizona H.B. 2181 amending the State oxygenated gasoline program for the Maricopa CO nonattainment area to increase the required oxygen content from 2.3 percent to 2.7 percent by weight. EPA is also approving today provisions in H.B. 2181 that restrict the volatility of gasolines sold in the Maricopa CO nonattainment area to 10 psi during the winter season.

Section 211(m)(1) of the Clean Air Act requires all CO nonattainment areas with design values of 9.5 parts per million or greater to adopt and implement by no later than November 1, 1992 an oxygenated gasoline program requiring 2.7 percent oxygen. This section also contains several requirements for the program. These include application of the program to refiners and distributors in the entire metropolitan statistical area (MSA) in which the nonattainment area is located. See section 211(m)(2). The current Arizona program as well as the amended State program being approved today applies only to the Maricopa CO nonattainment area. This nonattainment area is currently defined as the Maricopa Association of Governments urban planning area, which covers the urbanized area around Phoenix; however, the MSA is the entire county.

While the State's oxygenated gasoline program being approved today meets the 2.7 percent oxygen requirement of the CAA, it does not meet these other requirements. However, the Act gives states with moderate CO nonattainment areas such as Maricopa until November 1, 1991 to implement a program consistent with the Act. EPA is today approving the State's enhancements to its oxygenated gasoline program as an equivalent substitution for the current federal program, but the agency is not finding that the enhancements meet all of the requirements of section 211(m). The State must still modify its program by November 1, 1992 or such earlier date as established by EPA to meet these CAA requirements, consistent with EPA's guidance.

The Clean Air Act establishes no standards or prohibitions on the wintertime volatility of gasolines.

V. Withdrawal of Federal Regulations

EPA today is withdrawing the federal oxygenated gasoline program (40 CFR 52.136) and wintertime gasoline volatility limit (40 CFR 52.137) it promulgated on February 11, 1991 for the Maricopa CO nonattainment area. EPA is taking this action because the Arizona SIP, as approved today, now contains fully-approved equivalent programs. These State programs make EPA's regulations unnecessary for attainment and maintenance of the CO NAAQS in the Maricopa area. To leave the federal regulations in place would complicate compliance and enforcement of the programs within Maricopa County and would be unnecessarily redundant. In addition, giving preference to the State programs is consistent with the Clean Air Act intent that states have primary responsibility for the control of air pollution within their borders. See CAA section 101(a)(3).

VI. Regulatory Process

Under 5 U.S.C. section 605(b), I certify that these SIP revisions will not have a significant economic impact on a substantial number of small entities. See 46 FR 5476 (February 11, 1991) for a discussion of the impact of oxygenated gasoline and RVP rules on small entities in Maricopa County.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

List of Subjects in 40 CFR Part 52

Air pollution control, Carbon monoxide, Incorporation by reference, Mobile sources.

Authority: 42 U.S.C. 7401 *et seq.*

Dated: January 27, 1992.

William K. Reilly,

Administrator.

Title 40 of the Code of Federal Regulations, part 52, is amended as follows:

1. The authority citation for Part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7642.

Subpart D—Arizona

2. Section 52.120 is amended by adding paragraph (c)(68) to read as follows:

§ 52.120 Identification of plan.

* * * * *

(c) * * *

(68) The following amendments to the plan were submitted by the Governor's designee on June 11, 1991.

(i) Incorporation by reference.

(A) Arizona Revised Statutes.

(*1*) House Bill 2181 (approved, May 21, 1991), section 1: Arizona Revised Statute (A.R.S.) 41–2065 (amended); section 2: A.R.S. 41–2083 (amended); section 3: A.R.S. section 41–2122 (amended); section 4: A.R.S. Section 41–2123 (amended); and section 5: A.R.S. section 41–2124 (repealed).

3. Sections 52.136 and 52.137 are removed and reserved.

§§ 52.136 and 52.137 [Removed]

[FR Doc. 92–4771 Filed 3–6–92; 8:45 am]

BILLING CODE 6560–50–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

42 CFR Part 124

[0905–AD27]

Grants for Hospital Construction and Modernization; Federal Right of Recovery and Waiver of Recovery

AGENCY: Public Health Service, DHHS.

ACTION: Final rule.

SUMMARY: This final rule amends regulations relating to the waiver of the Federal right of recovery for good cause to include instances in which a facility has been acquired from an agency of the United States. Currently, if another agency, having acquired title to an obligated facility in the course of carrying out its responsibilities under Federal law, were to dispose of the facility for operation as anything except a public or nonprofit health care facility, a right of recovery would extend both against the agency as seller and against the purchaser. This amendment is intended to provide a specific waiver that avoids the situation of one Federal agency suing another, while allowing each agency to pursue its responsibilities as reasonably as possible. If the other Federal agency shall have made a good faith effort to dispose of the obligated facility for use as a public or non-profit health care facility, to no avail, then the waiver being sought would allow that agency to dispose of the property as efficiently and as economically as possible, with clear title and without the threat of further action.

EFFECTIVE DATE: This rule is effective March 9, 1992.

FOR FURTHER INFORMATION CONTACT: Donald B. Sylvain, Chief, Medical Facilities Branch, Division of Facilities Assistance and Recovery, Bureau of Health Resources Development, Health Resources and Services Administration,

room 11A–05, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

SUPPLEMENTARY INFORMATION: On December 14, 1990, the Secretary published, at 55 FR 51434, a Notice of Proposed Rulemaking (NPRM) to amend subpart H of part 124 of title 42 of the Code of Federal Regulations, to allow the waiver of the Federal right of recovery when a facility has been acquired from an agency of the United States.

The public comment period on the NPRM closed January 14, 1991. The Department received no written comments.

On March 7, 1986, the Secretary added a new subpart H to part 124 of title 42 CFR, to implement sections 609 and 1622 of the Public Health Service Act (42 U.S.C. 291i, 300s–1a), as amended (51 FR 7935). The regulations provide for recovery of funds by the United States when a health care facility that was constructed with the aid of a grant under titles VI or XVI (the Hill-Burton Program) of the Public Health Service Act is, within 20 years, sold or transferred to an entity that would not have been qualified to receive a grant. The regulations also provide for recovery when, within the same 20-year period, an assisted facility ceases to be a health care facility. In a "cease to be" situation, the statutes and regulations authorize the Secretary to waive the recovery rights of the United States if the Secretary determines, in accordance with applicable regulations, that there is good cause for waiving such rights with respect to a facility. The provisions relating to the good cause waiver are set out in § 124.708.

This final rule amends this section to take into consideration in determining good cause for a waiver that the facility has been acquired from an agency of the United States (e.g., The Federal Housing Administration under its mortgage insurance commitment program) which has made a reasonable effort to dispose of it for operation as a public or nonprofit health care facility.

Regulatory Flexibility Act and Executive Order 12291

The Secretary has determined that this rule will not have a significant economic impact on a substantial number of small entities, and therefore a regulatory flexibility analysis is not required.

Because it will not have an effect on the economy of $100 million or more or otherwise meet the threshold criteria, the Secretary also has determined that this regulation is not a major rule under Executive Order 12291. Thus, a regulatory impact analysis is not required.

Paperwork Reduction Act

This final rule contains no new additional information collection or record keeping requirements.

List of Subjects in 42 CFR Part 124

Grant Programs—Health, Health facilities, Low income persons.

Dated: September 20, 1991.

James O. Mason,

Assistant Secretary for Health.

Approved: December 20, 1991.

Louis W. Sullivan,

Secretary.

Accordingly, 42 CFR part 124 is amended as set forth below:

PART 124—MEDICAL FACILITY CONSTRUCTION AND MODERNIZATION

Subpart H—Recovery of Grant Funds

1. The authority citation for subpart H of part 124 continues to read as follows:

Authority: 42 U.S.C. 291i and 300s–1a.

2. Section 124.708 is amended by adding paragraph (c) as follows:

§ 124.708 Waiver of Recovery—good cause for other use of facility.

* * * * *

(c) The facility has been acquired from an agency of the United States (e.g., the Federal Housing Administration under its mortgage insurance commitment program) which has made a reasonable effort to dispose of it for operation as a public or nonprofit health care facility.

[FR Doc. 92–5309 Filed 3–6–92; 8:45 am]

BILLING CODE 4160–15–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 1, 2, and 95

[GEN Docket No. 91–2; FCC 92–22]

Allocation of Spectrum and Establishment of Rules for an Interactive Video and Data Service

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission adopted a Report and Order (Report) that establishes an Interactive Video and Data Service (IVDS), allocates the 218–219 MHz band for its use, and promulgates rules to govern operation of the service. Establishing an IVDS service will permit an array of data communications services and interactive television programs to be provided the public at reasonable cost.

EFFECTIVE DATE: April 8, 1992.

FOR FURTHER INFORMATION CONTACT: Damon C. Ladson, Office of Engineering and Technology, Frequency Allocation Branch, (202) 653–8106.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order (Report) adopted January 16, 1992, and released February 13, 1992. The full text of Commission decisions are available for inspection and copying during regular 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 duplication contractor, Downtown Copy Center, (202) 452–1422, 1114 21st Street NW., Washington, DC 20036.

Summary of Report and Order

1. The Report allocates the 218–219 MHz band to IVDS. IVDS is a two-way radio-based data service intended to use broadcast television receivers to display information, product offerings and other services to individual subscribers and to accept interactive data responses from those subscribers. In the Notice of Proposed Rule Making (Notice), 56 FR 10222 (March 11, 1991), the Commission tentatively concluded that, with proper engineering and design, this band could be used for IVDS without disrupting existing services on adjacent frequencies. Based on that conclusion, the Commission proposed to allocate for IVDS the 218–218.5 MHz band as requested by TV Answer, Inc. (TV Answer), the petitioner in this proceeding. The Commission also suggested allocating the entire 218–219 MHz band for IVDS, noting that the subject frequencies were unused, although allocated to the Automated Maritime Telecommunications System (AMTS) in the maritime mobile service. After considering the record in this proceeding in regards to the potential for IVDS, as well as the impact on the AMTS service, the Commission decided the public interest would be served by allocating the entire 218–219 MHz band to IVDS.

2. The Report adopts technical requirements for IVDS systems that are designed primarily to ensure that harmful interference is not caused to TV Channel 13 operations in the 210–216 MHz band and to AMTS operations at 217–218 and 219–220 MHz. For the most part, the technical rules that were proposed in the Notice were based on

TV Answer's IVDS system design and interference prevention proposals. Parties responding to those proposals commented on specific technical parameters. After consideration of those comments and our own analysis (see "Test Report, TV Answer Interference Tests," Project No. 91–10, Office of Engineering and Technology, January 10, 1992, placed in the record in this proceeding), we are adopting rules somewhat modified from those in our original proposal. These rules are designed to prevent interference to adjacent services, yet allow flexibility and alternative IVDS technologies.

3. The primary concern in adopting technical rules for IVDS is that interference is not caused to TV Channel 13. That concern required that limits be placed on IVDS transmitters' (for both the base station (cell transmitter station (CTS)), and in-home units (response transmitter unit (RTU)) effective radiated power (ERP), antenna height, CTS separation distance from nearest residence, RTU duty cycle, emissions, and frequency tolerance.

4. With respect to CTS ERP limits, the Commission has adopted the CTS ERP limits proposed in the Notice. These limits are based on an IVDS CTS's location with respect to TV Channel 13 service contours. The maximum CTS ERP is 20 watts. RTU ERP is limited to the minimum power necessary for communication with its associated CTS, up to a maximum of 20 watts. In addition, CTSs are required to maintain automatic power control of associated RTUs. See § 95.855 of the Rule Changes, infra. IVDS CTS and RTU antenna height above average terrain (HAAT) is also limited. The general requirement is that a CTS antenna not exceeded a maximum HAAT of 36.6 meters (120 feet) unless its site is located more than 16 kilometers (10 miles) from the Grade B contour of a TV Channel 13 station. CTS stations beyond that distance can employ antennas with a maximum HAAT of 152.5 meters (500 feet). See § 95.859 (a) of the Rule Changes, infra. RTU antennas must be an integral part of the RTU unit itself. However, exterior RTU antennas will be permitted if installed by an IVDS system operator in connection to a master antenna system. See § 95.859 (c) and (d) of the Rule Changes, infra. To further protect television reception, the Commission has adopted a minimum CTS-to-nearest residence separation distance of 61 meters (200) feet as proposed in the notice. See § 95.859 (b) of the Rule Changes, infra. In addition, the Commission has adopted a maximum duty cycle for IVDS RTUs in order to provide an additional interference safeguard. RTUs will be limited to a maximum duty cycle of five seconds per hour, or alternatively, a duty cycle not to exceed one percent within any 100 millisecond interval. Finally, although an emissions limit and a frequency tolerance was proposed in the notice, the Commission is not imposing those requirements. Instead, IVDS operators will be allowed any emission type and frequency tolerance that results in a system that complies with our out-of-band limits specified in §§ 95.857 and 95.861 of our new rules. See Rule Changes, infra.

5. The purpose of IVDS is to provide information, products, or services to individual subscribers and to accept interactive responses from subscribers. IVDS services are envisioned to be of a personal nature and offered on a subscription basis. Therefore, the Commission decided to regulate IVDS as a private carrier under part 95. Although services will be offered on a subscription basis, the providers will be free to determine to whom, and on what terms, service will be offered. Given the competitiveness of the market for interactive services, the Commission did not discern a public interest reason to legally require that IVDS carriers hold themselves out as providing service to the public indiscriminately, and thereby confer common carrier status. Further, licensees providing IVDS service face competition from other technologies such as the public switched telephone network and interactive (two-way) cable television based systems. Finally, IVDS is not an essential service.

6. In the notice, the Commission proposed to define IVDS service areas using a licensee-defined point-radius (64.4 km radius) approach. However, comments filed in response were persuasive in arguing for pre-designated filing areas. Therefore, the Commission adopted pre-designated filing areas to define local IVDS markets for licensing purposes that are defined in terms of cellular service areas (see Public Notice, Report No. 92–40 (January 24, 1992). Licensees will have exclusive use of their frequencies within their service area.

7. Specific filing procedures for IVDS system license applications will be announced by Public Notice published in the **Federal Register**. To provide for introduction of IVDS to the public rapidly, and to minimize the filing burden, only FCC Form 155 will be required initially, specifying the applicant's name and address and the service area number (specified in the box labeled "Call Sign or Other FCC identifier) for which the applicant is applying. This form must be submitted with a fee code with the $1400 filing fee, and must be filed in accordance with § 1.1102 of the Rules. Applications not complying with the rules will be dismissed.

8. Selection of a licensee among mutually exclusive applications in each service area will be by lottery. Once a tentative licensee has been selected, that applicant will have two business days to file with the Commission's Licensing Division in Gettysburg, PA, an FCC Form 574 and required attachments as an amendment to its application for an IVDS system license. Tentative licensees not meeting this filing deadline will have their applications dismissed. Those who meet the deadline and have made the appropriate filings will be granted a system license with a block of 40 call signs. This gives the licensee authority to operate up to 40 CTSs (where the antenna does not exceed 6.1 meters above ground or an existing man-made structure) anywhere in its service area. CTSs that have higher antenna heights or require special handling must be individually licensed. Tentative licensees, however, must first obtain their general IVDS system license before filing for special case CTS licenses.

9. Pursuant to 5 U.S.C. 603, an initial Regulatory Flexibility Analysis was incorporated in the *notice of proposed rulemaking* in GEN Docket No. 91–2. Written comments on the proposals in the *notice*, including the Regulatory Flexibility Analysis, were requested.

10. *Need for and Objective of Rules.* Our objective is to establish a consumer-oriented interactive video and data service. The rules adopted herein will allow flexibility in implementing this new service, and ensure the least possible interference to existing services on nearby or adjacent bands.

11. *Issues Raised by the Public in Response to the Initial Analysis.* Most commenters supported allocating spectrum for IVDS, although a majority of those favoring IVDS suggested modifications to specific proposals set forth in the *Notice*. These suggestions did not specifically address the initial regulatory flexibility analysis. We have modified our proposals as appropriate. For example, in the *Notice* we had proposed to define IVDS service areas in terms of a radius from a reference set of coordinates, but now adopt rules that will ease the burden on both the Commission and IVDS applicants by defining IVDS service areas by MSA/RSAs.

12. *Any Significant Alternative Minimizing Impact on Small Entities and Consistent With Stated Objectives.* We have reduced burdens wherever possible. The regulatory burdens we have retained are necessary in order to ensure that the public receives the benefits of this innovative new service in a prompt and efficient manner. In the future we will continue to examine alternatives with the objective of eliminating unnecessary regulations and minimizing any significant economic impact on small entities. The Secretary shall send a copy of this Report and Order to the Chief Counsel for Advocacy of the Small Business Administration.

Ordering Clause

13. Accordingly, *It is Ordered,* that parts 1, 2, and 95 of the Commission's Rules and Regulations are amended as specified below, effective April 8, 1992. This action is taken pursuant to sections 4(i), 7(a), 303(c), (g), and (r), and 309(a) of the Communications Act of 1934, as amended, 47 U.S.C. sections 154(i), 157(a), 303(c), (g), and (r), and 309(a).

List of Subjects

47 CFR Part 1

Administrative practice and procedure.

47 CFR Part 2

Frequency allocations and radio treaty matters; General rules and regulations, Radio.

47 CFR Part 95

Personal radio services, Radio.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

Rule Changes

Parts 1, 2 and 95 of chapter I of title 47 of the Code of Federal Regulations are amend as follows:

PART 1—PRACTICE AND PROCEDURE

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

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

2. Section 1.926(a)(1) is revised to read as follows:

§ 1.926 Application for renewal of license.

(a) * * *

(1) Renewal of station or system authorizations in the Private Land Mobile Radio Services (part 90 of this chapter), the General Mobile Radio Service (part 95, subpart A of this chapter), and the Interactive Video and Date Service (part 95, subpart F of this chapter) shall be submitted on FCC Form 574–R when the licensee has received that Form in the mail from the Commission. If the licensee has not received the Commission-generated Form 574–R within sixty (60) days of expiration, application for renewal of station or system license shall be submitted on FCC Form 405–A.

* * * * *

3. Section 1.951 is amended by removing paragraph (c), redesignating paragraph (d) as paragraph (c), and revising paragraph (a) to read as follows:

§ 1.951 How applications are distributed.

* * * * *

(a) Special Services Branch

(1) All Aviation Radio Services and Maritime Radio Services applications.

(2) Personal Radio Services applications: Amateur, General Mobile, and Interactive Video and Data.

* * * * *

4. Section 1.952(b) is amended by adding two categories under the heading "Personal Radio Services" to read as follows:

§ 1.952 How file numbers are assigned.

* * * * *

(b) * * *

Personal Radio Services

ZA-General Mobile Radio Service
ZV-Interactive Video and Data Service

* * * * *

5. Section 1.972 is amended in paragraph (a)(1) by adding "Part 95 Subpart F—Personal Radio Services" at the end of the list and revising paragraph (c) to read as follows:

§ 1.972 Grants by random selection.

* * * * *

(c) If there are mutually exclusive applications for an initial license for stations subject to part 80 or part 87, or if there are more applications for an initial license in part 90, part 94 or part 95-subpart F, than can be accommodated on available frequencies, the Commission may process the applications pursuant to a system of random selection. Each such random selection shall be conducted pursuant to an order issued by the Private Radio Bureau and under the direction of the Chief of the Bureau.

* * * * *

6. Section 1.1102 is amended by adding entries 7a(i), 7a(ii), 7b(i), and 7b(ii) to read as follows:

§ 1.1102 Schedule of charges for private radio services.

Action	FCC form No.	Fee amount	Fee type code	Address
* * *		*	*	* *
7. General Mobile Radio Service:				
a. New, Modification and/or Renewal (per call sign).				
(i) General Mobile Radio Service	FCC 574	35	PAL	Federal Communications Commission, General Mobile Radio Service, P.O. Box 358230, Pittsburgh, PA 15251–5230
(ii) Interactive Video and Data Service	FCC 574, FCC 155	35	PAV	Federal Communications Commission, Interactive Video and Data Service, P.O. Box 358365, Pittsburgh, PA 15251–5365
b. Renewal of license (per call sign).				
(i) General Mobile Radio Service	FCC 574R	35	PAL	Federal Communications Commission, 574R Land Mobile Renewal, P.O. Box 358245, Pittsburgh, PA 15251–5245
	FCC 405A, FCC 155	35	PAL	Federal Communications Commission, 405A Station Renewal, P.O. Box 358270, Pittsburgh, PA 15251–5270
(ii) Interactive Video and Data Service	FCC 574R FCC 155	35	PAV	Federal Communications Commission, 574R Land Mobile Renewal, P.O. Box 358270, Pittsburgh, PA 15251–5270
	FCC 405A, FCC 155	35	PAL	Federal Communications Commission, 405A Station Renewal, P.O. Box 358270, Pittsburgh, PA 15251–5270
* * *		*	*	* *

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

1. The authority citation in part 2 continues to read:

Authority: Sec. 4, 302, 303, and 307 of the Communications Act of 1934, as amended, 47 U.S.C. 154, 302, 303, and 307 unless otherwise noted.

2. § 2.106, the Table of Frequency Allocations, is amended by revising the entry for 216–220 MHz band in columns 2, 4, 5, and 6 and adding footnote US317 to the list of footnotes at the end of the table as follows:

§ 2.106 Table of frequency allocations.

International table			United States Table		FCC use designators	
Region 1—allocation MHz	Region 2—allocation MHz	Region 3—allocation MHz	Government	Non-government	Rule part(s)	Special-use frequencies
			Allocation MHz	Allocation MHz		
(1)	(2)	(3)	(4)	(5)	(6)	(7)
*	*	*	*	*	*	*
....	216–220—FIXED. MARITIME MOBILE. Radiolocation 627, 627A.	.....	216–220—MARITIME MOBILE. Aeronautical-Mobile. Fixed. Land Mobile. Radiolocation 627, US210 US229 US274, US317 G2.	216–220—MARITIME MOBILE. Aeronautical-Mobile. Fixed. Land Mobile. 627, US210 US229 US274, US317 NG121.	MARITIME (80). Private Land Mobile (90). Personal Radio Service (95).	

United States (US) Footnotes

* * * * *

US317—The band 218.0–219.0 MHz is allocated on a primary basis to the Interactive Video and Data operations.

PART 95—PERSONAL RADIO SERVICES

1. The authority citation for part 95 continues to read as follows:

Authority: Secs. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303.

2. Section 95.1 is amended by adding paragraph (c) to read as follows:

§ 95.1 The General Mobile Radio Service (GMRS).

* * * * *

(c) The Interactive Video and Data Service (IVDS) is a two-way point-to-multipoint radio service intended for system licensees to provide information, products, and services, and to obtain responses from, subscribers in a specific service area. The rules for this service are contained in subpart F of this part.

3. Part 95 is amended by adding a Subpart F, consisting of §§ 95.801–95.863, to read as follows:

Subpart F—Interactive Video and Data Service (IVDS)

General Provisions

Sec.

95.801 Scope.
95.803 IVDS description.
95.805 Permissible Communications.

System License Requirements

95.811 License requirements.
95.813 Eligibility.
95.815 License application.
95.817 Application for renewal of license.
95.819 License not transferable.
95.821 Application for transfer of control.

System Requirements

95.831 Service requirements.
95.833 Construction requirements.
95.835 Station identification.
95.837 Station inspection.
95.839 Operation in the National Radio Quiet Zone.
95.841 Operation near an Commission monitoring facility.

Technical Standards

95.851 Type acceptance.
95.853 Frequency segments.
95.855 Transmitter effective radiated power limitation.
95.857 Emission standards.
95.859 Antennas.
95.861 Interference.
95.863 Duty cycle.

Subpart F—Interactive Video and Data Service (IVDS)

General Provisions

§ 95.801 Scope.

This Subpart sets out the regulations governing the licensing and operation of an Interactive Video and Data Service (IVDS) system. The rules in this Subpart are to be read in conjunction with applicable requirements contained elsewhere in the Commission's Rules.

§ 95.803 IVDS description.

(a) An IVDS system is a point-to-multipoint, multipoint-to-point, short distance communications service for its licensee to provide information, products, or services to, and allow interactive responses from, subscribers located at fixed locations in the service area.

(b) The components of each IVDS system are its associated administrative apparatus, its response transmitter units (RTUs), and one or more cell transmitter stations (CTSs). Each IVDS system is authorized for a specific service area and frequency segment. There can be a maximum of two IVDS systems per service area. There are two frequency segments available for each service area.

(c) Each IVDS system service area is one of the cellular system service areas as defined by the Commission.

§ 95.805 Permissible communications.

(a) Each IVDS system may conduct CTS-to-RTU and RTU-to-CTS communications between the system licensee and its subscriber's locations.

(b) Ancillary CTS-to-CTS communications within the same IVDS system is permitted on a secondary basis.

(c) Direct RTU-to-RTU communications are prohibited.

(d) The licensee may use the IVDS system to interact with its subscribers concerning products and services offered, polls conducted, educational classes taught, and activities in conjunction with broadcast and cable operations.

(e) An IVDS system may provide service to fixed locations within the service area such as private residences, places of business, educational institutions, and local, state, or federal government agencies.

(f) No IVDS system may render a common carrier service.

System License Requirements

§ 95.811 License requirements.

(a) Each IVDS system must be licensed.

(b) Each component CTS where the antenna does not exceed 6.1 meters (m) (20 feet) above ground or an existing man-made structure (other than an antenna structure) are authorized under the IVDS system license. All other component CTSs must be individually licensed to the system licensee.

(c) Each component RTU in an IVDS system is authorized under the IVDS system license or if associated with an individually licensed CTS, under that CTS license.

(d) The term of each IVDS system license and each CTS license is five years.

§ 95.813 Eligibility.

(a) An entity is eligible to hold an IVDS system license and its associated individual CTS licenses if:

(1) The entity is an individual who is not a representative of a foreign government; or

(2) The entity is a partnership and no partner is a representative of a foreign government; or

(3) The entity is a corporation organized under the laws of the United States of America.

(b) No entity is eligible to hold an IVDS system license if:

(1) The entity already holds an IVDS system license or has an interest in an IVDS system license for the same service area.

(2) The entity had an IVDS system license canceled within the past three years for failure to meet the construction requirements specified in § 95.831.

(c) Each individually licensed CTS must also be held by the IVDS system license for the service area in which the CTS is located.

§ 95.815 License application.

(a) An application for an IVDS system license may be filed by an eligible applicant for a service area only when there are less than two existing IVDS system licenses.

(b) Each application for an IVDS system license and each application for a CTS license where the CTS antenna exceeds 6.1 m (20 feet) (See § 95.811(b)) must be made on a separate FCC Form 574. Each application for an IVDS system license must be submitted to the Federal Communications Commission, Interactive Video and Data Service, P.O. Box 358365, Pittsburgh, PA 15251–5230. Each application for the CTS must be submitted to the address set forth in § 1.1102 of this chapter.

(c) Each application shall be personally signed by the applicant, if the applicant is an individual; by one of the partners, if the applicant is a partnership; or by an officer or duly authorized employee, if the applicant is a corporation.

(d) Each application for an IVDS system license must include the following:

(1) A cover sheet specifying the applicant's name and address and the specific service area number and name as defined in § 95.803.

(2) A completed application (FCC Form 574).

(3) A plan showing how the applicant intends to minimize co-channel interference and interference to adjacent channel users and a showing that the proposed system will provide coverage (39 dbu) to at least 50 percent of the population (1990 census) or land area within the service area.

(e) Each IVDS system license is initially licensed for 40 CTSs. Licensees wishing to modify this number must submit a cover sheet as in paragraph (d)(1) of this section and a Form 574 specifying the new number of CTSs.

(f) Each request by an IVDS system licensee to add, delete, or modify an individually licensed CTS (the CTS antenna exceeds 6.1m (20 feet) (See § 95.811(b))) must include the following:

(1) A cover sheet specifying the licensee's name and address and the specific service area number and name where the IVDS system is located.

(2) A description of the system after the proposed addition, deletion, or modification, including the population in the service area, the number of component CTSs, and an explanation of how the system will satisfy the service requirements specified in § 95.831.

(3) A separate application (FCC Form 574) for each CTS that is being added or modified.

(4) The license for each CTS that is being deleted.

(g) Any application not complying with the Commission's Rules will be dismissed.

(h) Each application will be processed on a first-come-first-served basis.

§ 95.817 Application for renewal of license.

(a) Each application for renewal of an IVDS system license and for renewal of each individually licensed CTS shall be submitted on a Commission-generated FCC Form 574–R when the licensee has received that form in the mail from the Commission. If the licensee has not received the Form 574–R within sixty days of expiration, application for renewal shall be submitted on FCC Form 405–A.

(b) Each application for renewal must be submitted as part of a renewal package to the address set forth in § 1.1102 of the Commission's Rules.

(c) The renewal package must include a cover sheet specifying the licensee's name and address and the service area number and name.

§ 95.819 License not transferable.

(a) The licensee may not transfer, assign, sell, or give the IVDS system license or any component CTS license to any other entity until the five year construction benchmark (50 percent coverage) has been met.

(b) Once the five year construction benchmark has been met, the licensee may transfer, sell, assign, or give the IVDS system license together with all of its component CTS licenses to any other entity only in accordance with the provisions of § 95.821. If the licensee sells or gives away the apparatus, the new owner must obtain a new IVDS system license and CTS licenses before placing it in operation.

§ 95.821 Application for transfer of control.

If an IVDS system licensee agrees to a change in control of the station, the holder must request Commission consent for change of control by filing a Form 703. The licensee shall mail the request, together with the filing fee, to the address specified in § 1.1102 of this chapter. The document granting such consent must be kept as part of the IVDS system authorization.

System Requirements

§ 95.831 Service requirements.

Each IVDS system licensee must make the service available to at least 50 percent of the population or land area located within the service area.

§ 95.833 Construction requirements.

(a) Each IVDS system licensee must make the service available to at least 10 percent of the population or area within the service area within one year of grant of the IVDS system license, 30 percent of the population or land area within three years of grant of the IVDS system license, and 50 percent of the population or land area within five years of grant of the IVDS system license. Failure to do so will cancel the IVDS system license automatically. For the purposes of this section, a CTS is not considered as providing service unless that CTS and two associated RTUs are placed in operation.

(b) Each IVDS system licensee must file a progress report at the conclusion of each benchmark period to inform the Commission of the construction status of the system. The report must be addressed to: Federal Communications Commission, Special Services Branch, 1270 Fairfield Road, Gettysburg, PA 17325–7245. The report must include:

(1) A showing of how the system meets the benchmark; and

(2) A list, including addresses, of all component CTSs constructed.

§ 95.835 Station identification.

No RTU or CTS is required to transmit a station identification announcement.

§ 95.837 Station inspection.

Upon request by an authorized Commission representative, the IVDS system licensee must make any component CTS available for inspection.

§ 95.839 Operation in the National Radio Quiet Zone.

(a) Before constructing a CTS in any area within the National Radio Quiet Zone (see § 95.41) or before changing frequency segment, transmitter power, antenna height or directivity, or the coverage area of an existing CTS or RTU located within any area within the National Radio Quiet Zone, the licensee must give written notification thereof to the Interference Office, National Radio Astronomy Observatory, P.O. Box 2, Green Bank, WV 24944.

(b) The notification must include the geographical coordinates of all component CTS antennas, antenna ground elevation above mean sea level, antenna center of radiation above ground level, antenna directivity, proposed frequency, type of emission, and transmitter power.

(c) If an objection to the proposed CTS is received by the Commission from the National Radio Astronomy Observatory at Green Bank, Pocahontas County, WV, for itself or on behalf of the Naval Research Laboratory at Sugar Grove Pendleton County, WV, within 20 days from the date of notification, the Commission will consider all aspects of the problem and take whatever action is deemed appropriate.

§ 95.841 Operation near a Commission monitoring facility.

Each CTS and each RTU transmitting from a location within 1.6 km (1 mile) of a Commission monitoring facility must protect that facility from harmful interference. Failure to do so could result in imposition of restrictions upon the operation of the CTS or RTU by the Engineer-in-Charge of the facility. (Geographical coordinates of the facilities that require protection are listed in § 0.121(c) of this chapter.)

Technical Standards

§ 95.851 Type acceptance.

Each CTS and RTU transmitter must be typed-accepted for use in the IVDS in accordance with Subpart J of Part 2 of this chapter.

§ 95.853 Frequency segments.

(a) Frequency segment A is 218.0–218.500 MHz. Frequency segment B is 218.501–219.0 MHz.

(b) Each CTS and each RTU in the same IVDS system shall transmit in the same assigned frequency segment.

§ 95.855 Transmitter effective radiated power limitation.

(a) The effective radiated power of each CTS and RTU shall be limited to the minimum necessary for successful intercommunication. RTUs must incorporate automatic power control to ensure the minimum power is used. No CTS or RTU may transmit with an effective radiated power (ERP) exceeding 20 watts.

(b) For an IVDS system located in a TV Channel 13 station Grade B predicted contour, the maximum ERP shall be limited as follows:

TV channel 13 service area	Maximum CTS ERP (watts)
City Grade	20
Grade A	7
Grade B	1
Grade B +2 miles	1
Grade B +3 miles	3
Grade B +4 miles	10
Grade B +5 miles and beyond	20

§ 95.857 Emission standards.

(a) All transmissions by each CTS and by each RTU shall use an emission type that complies with the following standard for unnecessary radiation.

(b) All spurious and out-of-band emissions shall be attenuated:

(1) Zero dB on any frequency within the authorized frequency segment.

(2) At least 28 dB on any frequency removed from the midpoint of the assigned frequency segment by more than 250 kHz up to and including 750 kHz;

(3) At least 35 dB on any frequency removed from the midpoint of the assigned frequency segment by more than 750 kHz up to and including 1250 kHz;

(4) At least 43 plus 10 log (base 10) (mean power in watts) dB on any frequency removed from the midpoint of the assigned frequency segment by more than 1250 kHz.

(c) When testing for type acceptance, all measurements of unnecessary radiation are performed using a carrier frequency as close to the edge of the authorized frequency segment as the transmitter is designed to be capable of operating.

(d) The resolution bandwidth of the instrumentation used to measure the emission power shall be 100 Hz for measuring emissions up to and including 250 kHz from the edge of the authorized frequency segment, and 10 kHz for measuring emissions more than 250 kHz from the edge of the authorized frequency segment. If a video filter is used, its bandwidth shall not be less than the resolution bandwidth. The power level of the highest emission within the frequency segment, to which the attenuation is referenced, shall be remeasured for each change in resolution bandwidth.

§ 95.859 Antennas.

(a) No CTS antenna shall be elevated higher than necessary to assure adequate service. No CTS antenna structure, including the radiating elements, tower, supports and all appurtenances, may exceed a maximum Height Above Average Terrain (HAAT), as defined in § 90.309 of this chapter, of 36.6m (120 feet) within an area defined by a boundary line 16 km (10 miles) outside of the Grade B contour of a TV Channel 13 station. When an antenna is

located beyond 16 km (10 miles) from a TV Channel 13 Grade B contour, the HAAT shall not exceed 152.5m (500 feet).

(b) No CTS antenna shall be located within 61m (200 feet) of a residential dwelling.

(c) Except as noted in paragraph (d) of this section, the RTU antenna must be an integral part of the RTU unit.

(d) In buildings with multiple subscribers (10 or more) RTUs can be connected to a master external antenna. The external antenna cannot be more than 6.1m (20 feet) above ground or above an existing man made structure (other than an antenna structure) and is subject to § 95.861.

§ 95.861 Interference.

(a) When an IVDS system suffers harmful interference within its service area from or causes harmful interference to another IVDS system, the licensees of both systems must cooperate and resolve the problem by mutually satisfactory arrangements. If the licensees are unable to do so, the Commission may impose restrictions including, but not limited to, specifying the transmitter power, antenna height, or area or hours of operation of the stations concerned.

(b) The use of any frequency segment at a given geographical location may be denied when, in the judgment of the Commission, its use in that location is not in the public interest; the use of a frequency segment specified for the IVDS system may be restricted as to specified geographical areas, maximum power, or other operating conditions.

(c) Each IVDS system licensee must inform all households located both within a TV Channel 13 station Grade B predicted contour and the CTS service area of the potential for interference from an IVDS system. The IVDS system licensee must also inform those potentially affected households that it will eliminate any objectionable interference caused to television reception by the IVDS system. This notification shall be made no more than two weeks before and no more than two weeks after initiation of IVDS service in that area.

(d) Each IVDS system licensee must provide upon request, and install free of charge, an interference reduction device to any household within a TV Channel 13 station Grade B predicted contour that experiences interference due to a component CTS or RTU.

(e) Each IVDS system licensee must investigate and eliminate interference to television broadcasting and reception, from its component CTSs and RTUs, within 30 days of the time it is notified in writing, by either an affected television station, an affected viewer, or the Commission, of an interference complaint. Should the licensee fail to eliminate the interference within the 30 day period, the CTS or RTU causing the interference must discontinue operation.

(f) The boundaries for each IVDS service area, as defined in § 95.803, are the limit of interference protection for an IVDS system.

§ 95.863 Duty cycle.

The maximum duty cycle of each RTU shall not exceed 5 seconds per hour, or, alternatively, not exceed one percent within any 100 millisecond interval.

[FR Doc. 92-4541 Filed 3-6-92; 8:45 am]
BILLING CODE 6712-01-M

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47 CFR Parts 73 and 76

[MM Docket No. 91-168, FCC 92-55]

Sponsorship Identification Requirements

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission has reconsidered and revised its rules concerning compliance with the sponsorship identification requirements applicable to political advertisements. This action modifies the requirements recently adopted in the Commission's Report and Order, 57 FR 189 (Jan. 3, 1992) in this docket, released December 23, 1991, 7 FCC Rcd 678 (1992). Due to the urgent need for clarity in this area and the immediacy of numerous primary elections in this important campaign year, it has been determined that the Commission should act promptly to adopt the modified requirements set forth in the text without awaiting completion of the full comment cycle for petitions for reconsideration. Because we do not wish to impose undue burdens upon candidates or broadcasters and seek to minimize disruption of commercials already prepared, political advertisements need not comply with the specific standards adopted herein until April 1, 1992. In the interim, political advertisements will be deemed to satisfy the Commission's sponsorship identification requirements if they comply with either the standards adopted in this Order, or the standards applicable following the December Report and Order.

EFFECTIVE DATE: April 1, 1992.

FOR FURTHER INFORMATION CONTACT: Diane Hofbauer, Office of General Counsel, Federal Communications Commission (202) 632-6990.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Memorandum Opinion and Order in Codification of the Commission's Political Programming Policies, MM Docket No. 91-168. The item was adopted February 12, 1992 and released February 14, 1992. The full text of this ruling is available for inspection and copying during normal business hours in the FCC Dockets Branch (rm. 230), 1919 M Street, NW., Washington, DC. The full text of this item may also be purchased from the Commission's copy contractor, Downtown Copy Center, 1114 21st Street, NW., Washington, DC 20036 (202) 452-1422.

Summary of Memorandum Opinion and Order

1. In our December Report and Order, 57 FR 189 (Jan. 3, 1992) we imposed both an audio and video sponsorship identification requirement for televised political advertisements, but declined to adopt specific objective measurement criteria to use to assess compliance with the video obligation. In response to petitions for reconsideration addressing these particular decisions, we have decided to delete the audio identification requirement and to impose specific, objective standards for video sponsorship identification.

2. In the Notice of Proposed Rulemaking, 56 FR 30526 (July 3, 1991), 6 FCC Rcd. 5707 (1991) in this proceeding, the Commission asked for comment on the possibility of requiring both audio and visual sponsorship identification for television advertisments. Even though most commenters did not address this specific issue, in the Report and Order we adopted the proposal, because we believed that providing both audio and visual information would better inform the public.

3. Petitions for reconsideration were filed by both the Democratic and Republican National Committees objecting to the new audio identification requirement. According to petitioners, adoption of this additional obligation has imposed an excessive burden upon political advertising, particularly with respect to shorter advertisements, such as 10 or 15 second spots. Upon further reflection we agree that requiring any additional audio component that would be of sufficient duration to ensure adequate identification to the average listener may well be unduly burdensome to candidates, particularly for short spot announcements. Thus, upon reconsideration, we have determined that the additional audio identification

requirement should not be imposed, and we hereby eliminate that obligation.

4. In the Report and Order we decided that further objective visual requirements were unnecessary. In view of our decision to delete the audio identification rule, however, we believe that the record in this proceeding indicates that certain minimal standards should be articulated with respect to video identification. Thus, we shall henceforth require that in the case of any television political advertisement concerning candidates for public office, the sponsor shall be identified with letters equal to or greater than four percent of the vertical picture height that air for no less than four seconds. Specific visual identification requirements will satisfy the need for more objective guidelines cited by the majority of commenters, will ensure that the sponsor of political advertisements is readily apparent to viewers, and do not appear to be unduly burdensome from a compliance perspective.

5. Commenters originally opposing adoption of specific standards for sponsorship identification were concerned primarily that it would be too difficult to implement with precision the time duration and size requirements. We emphasize that the reasonableness standard traditionally employed by the Commission in evaluating compliance with the Commission's regulations will apply to enforcement of these requirements. We have determined that, rather than imposing undue burdens upon broadcasters, adoption of these standards will significantly assist stations by providing clear standards for compliance with the statutory requirement.

6. Several commenters suggested that if the Commission imposed definitive sponsorship identification standards, broadcasters should have the right to require pre-airing submissions to ensure that advertisements met the Commission's standards. In view of our decision to adopt specific standards for visual identifications with which broadcasters must now comply, we agree that, under normal circumstances, stations must have the right to pre-screen the sponsorship identification element of a political advertisement to ensure that it meets the new standards. However, where there is not enough time for a broadcaster to pre-screen the sponsorship identification in a political advertisement, we will permit the station to run the ad for the first time without risking a Commission finding of a section 317 violation. In the event the station cannot add the required visual identification immediately without taking extraordinary measures, we will allow the station to add only an aural identification, so long as the proper visual identification needed is added within one business day of its first airing. Stations may not refuse to air political advertisements lacking adequate sponsorship identification, but are obligated to add their own identification. We note, however, that licensees need not provide additional time, free of charge, in order to satisfy the sponsorship identification rules, but may include the necessary information within the advertisement itself. Finally, we emphasize that nothing in this ruling alters our prior policies requiring that political advertisements contain information that is sufficient to allow viewers to identify the real sponsor of the ad.

7. Accordingly, *It is ordered,* That the Petitions for Reconsideration filed by People for the American Way and Media Access Project; CBS, Inc.; Capital Cities/ABC, Inc.; The Democratic National Committee and The Democratic Senatorial Committee; The Republican National Committee and The National Republican Senatorial Committee and The National Republican Congressional Committee; National Association of Broadcasters; Multi-Media, Inc.; and A.H. Belo Corporation *et al.* are granted to the extent indicated herein.

8. *It is further ordered,* That, pursuant to authority contained in sections 317, 303(r), and 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. 317, 303(r), 154(i), the Commission's Rules are amended as set forth below effective April 1, 1992.

List of Subjects

47 CFR Part 73

Television broadcasting.

47 CFR Part 76

Administrative practice and procedure, Cable television, Equal employment opportunity, Political candidates, Reporting and recordkeeping requirements.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

Rule Changes

Parts 73 and 76 of title 47 of the Code of Federal Regulations are amended to read as follows:

PART 73—[AMENDED]

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

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

2. Section 73.1212 is amended by removing the last sentence in paragraph (a)(2)(i) and adding a new paragraph (a)(2)(ii) to read as follows:

§ 73.1212 Sponsorship identification; list retention; related requirements.

(a) * * *

(2) * * *

(ii) In the case of any television political advertisement concerning candidates for public office, the sponsor shall be identified with letters equal to or greater than four percent of the vertical picture height that air for not less than four seconds.

* * * * *

PART 76—[AMENDED]

3. The authority citation for part 76 continues to read as follows:

Authority: Secs. 2, 3, 4, 301, 307, 308, 309, 48 Stat., as amended, 1064, 1065, 1066, 1081, 1082, 1083, 1084, 1085; 47 U.S.C. 152, 153, 154, 301, 303, 307, 308, 309.

4. Section 76.221(a) is amended by revising the last sentence to read as follows:

§ 76.221 Sponsorship identification; list retention; related requirements.

(a) * * * In the case of any political advertisement cablecast under this paragraph that concerns candidates for public office, the sponsor shall be identified with letters equal to or greater than four percent of the vertical picture height that air for not less than four seconds.

* * * * *

[FR Doc. 92–5286 Filed 3–6–92; 8:45 am]

BILLING CODE 6712–01–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Part 1809

Interim Change to NASA FAR Supplement Prohibiting Contract Awards to Persons Misusing "Made in America" Labels

AGENCY: National Aeronautics and Space Administration.

ACTION: Interim rule with request for comments.

SUMMARY: NASA has revised the NASA FAR Supplement, Subpart 1809.1, to prohibit the award of prime and subcontracts to persons who violate a statutory prohibition against misuse of "Made in America" labels. Public Law 102–195, the NASA Fiscal Year 1992 Authorization Act, states that a person who violates that prohibition is not

eligible for a procurement carried out with amounts authorized under that act.

DATES: This interim rule is effective March 9, 1992; comments must be received by April 8, 1992.

ADDRESSES: Comments should be addressed to Mr. Kenneth I. Jeffries, Procurement Analyst, Procurement Policy Division (Code HP), NASA Headquarters, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Mr. Kenneth I. Jeffries, Telephone: (202) 453–8253.

SUPPLEMENTARY INFORMATION:

Background

Section 18 of the Fiscal Year 1992 NASA Authorization Act (Pub. L. 102–195) states that a person shall not intentionally affix a label bearing the inscription "Made in America", or any inscription with that meaning, to any product sold in or shipped to the United States, if that product is not a domestic product. It also states that a person violating that prohibition shall not be eligible for any contract or subcontract for a procurement carried out with amounts authorized under that act. NASA is implementing the requirement against contracting with persons who wrongfully affix "Made in America" labels by amending subpart 1809.1, Debarment, Suspension, and Ineligibility, to require contracting officers to exclude such persons from NASA prime contracts and subcontracts.

Regulatory Flexibility Act

This interim rule is not expected to have a significant impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601 et seq. It is impossible to accurately estimate the number of small entities that will be impacted. Owing to the recent passage of this legislation, the number of entities fraudulently affixing such labels is not known. However, it is anticipated that few, if any, entities doing business with NASA violate the prohibition.

Paperwork Reduction Act

This interim rule does not impose any reporting or recordkeeping requirements which require the approval of OMB under 44 U.S.C. 3501, et seq.

List of Subjects in 48 CFR Part 1809

Government procurement.

Darleen A. Druyun,

Assistant Administrator for Procurement.

1. The authority citation for 48 CFR part 1809 continues to read as follows:

Authority: 42 U.S.C. 2473(c)(1).

PART 1809—CONTRACTOR QUALIFICATIONS

1809.104–70 [Added]

2. Section 1809.104–70 is added to read as follows:

1809.104–70 Ineligibility for NASA contracts and subcontracts.

(a) Public Law 102–195 (the NASA Fiscal Year 1992 Authorization Act) states that a person shall not intentionally affix a label bearing the inscription "Made in America," or any inscription with that meaning, to any product sold in or shipped to the United States, if that product is not a domestic product. A person who violates that prohibition is not eligible for a procurement carried out with amounts authorized under that act, including any subcontract under such a contract.

(b) Contracting officers shall report to the Assistant Administrator for Procurement (Code HP) any violation of this prohibition.

(c) For purposes of this section, the term "domestic product" means a product that—

(1) Is manufactured or produced in the United States; and

(2) At least 50 percent of the cost of the articles, materials, or supplies of which are mined, produced, or manufactured in the United States.

[FR Doc. 92–5380 Filed 3–6–92; 8:45 am]

BILLING CODE 7510–01–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 672

[Docket No. 911176–2018]

Groundfish of the Gulf of Alaska

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

ACTION: Notice of closure.

SUMMARY: NMFS is establishing a directed fishing allowance and is prohibiting directed fishing for Pacific cod in the Western Regulatory area of the Gulf of Alaska (GOA), statistical area 61. This action is necessary to prevent the total allowable catch (TAC) for Pacific cod in the Western Regulatory area from being exceeded. The intent of this action is to promote optimum use of groundfish while conserving Pacific cod stocks.

EFFECTIVE DATE: 12 noon, Alaska local time (A.l.t.), March 5, 1992, through 12 midnight, A.l.t., December 31, 1992.

FOR FURTHER INFORMATION CONTACT: Patsy A. Bearden, Resource Management Specialist, Fisheries Management Division NMFS, (907) 586–7228.

SUPPLEMENTARY INFORMATION: The domestic and foreign groundfish fisheries in the exclusive economic zone of the GOA are managed by the Secretary of Commerce under the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) under the Magnuson Fishery Conservation and Management Act. The FMP was prepared by the North Pacific Fishery Management Council under the Magnuson Fishery Conservation and Management Act and is implemented by regulations appearing at 50 CFR 611.92 and parts 620 and 672.

The amount of a species or species group apportioned to a fishery is TAC, as stated in § 672.20(a)(2). Under the final notice of specifications (57 FR 2844, January 24, 1992), the amount apportioned to Pacific cod for the Western Regulatory area was set at 23,500 metric tons (mt).

Under § 672.20(c)(2), the Director of the Alaska Region, NMFS (Regional Director), has determined that the amount of Pacific cod apportioned to the Western Regulatory area will soon be reached. Therefore, NMFS is establishing a directed fishing allowance of 22,500 mt, and is setting aside the remaining 1,000 mt of the current apportionment as bycatch to support other anticipated groundfish fisheries. The Regional Director has determined that the directed fishery soon will catch its directed fishing allowance. Consequently, under § 672.20(c)(2), NMFS is prohibiting directed fishing for Pacific cod in the Western Regulatory area, effective from 12 noon, A.l.t., March 5, 1992, through 12 midnight, A.l.t., December 31, 1992.

After this closure, in accordance with § 672.20(g)(3), amounts of Pacific cod retained on board a vessel in the Western Regulatory area may not equal or exceed 20 percent of the amount of all other fish species retained at the same time by the vessel during the same trip as measured in round weight equivalents.

Classification

This action is taken under 50 CFR 672.20 and is in compliance with Executive Order 12291.

List of Subjects in 50 CFR Part 672

Fisheries, Reporting and recordkeeping requirements.

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

Dated: March 4, 1992.

David S. Crestin,

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

[FR Doc. 92–5433 Filed 3–4–92; 2:48 pm]

BILLING CODE 3510–22–M

Proposed Rules

Federal Register
Vol. 57, No. 46
Monday, March 9, 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.

NUCLEAR REGULATORY COMMISSION

10 CFR Part 35

[Docket No. PRM-35-10]

American College of Nuclear Medicine; Receipt of Petition for Rulemaking

AGENCY: Nuclear Regulatory Commission.

ACTION: Petition for rulemaking: Notice of receipt.

SUMMARY: The Commission is publishing for public comment a notice of receipt of a petition for rulemaking which was filed with the Commission by the American College of Nuclear Medicine. The petition was docketed by the Commission on January 14, 1992, and has been assigned Docket No. PRM-35-10. The petitioner requests that the Commission amend its regulations regarding confinement, safety instructions, and precautions used for patients receiving radiopharmaceutical therapy in amounts greater than 30 millicuries.

DATES: Submit comments by May 8, 1992. Comments received after this date will be considered if it is practical to do so but the Commission is able to assure consideration only for comments received on or before this date.

ADDRESSES: Submit written comments to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch.

For a copy of the petition, write: Rules Review Section, Regulatory Publications Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Telephone: 301-492-7758 or Toll Free: 800-368-5642.

The petition and copies of comments received may be inspected and copied for a fee at the NRC Public Document Room, 2120 L Street NW., (Lower Level), Washington, DC.

FOR FURTHER INFORMATION CONTACT: Michael T. Lesar, Chief, Rules Review Section, Regulatory Publications Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone: 301-492-7758 or Toll Free: 800-368-5642.

SUPPLEMENTARY INFORMATION:

Background

On January 14, 1992, the Nuclear Regulatory Commission (NRC) docketed a petition for rulemaking submitted by the American College of Nuclear Medicine. The petitioner requested amendments to 10 CFR part 35 by deleting the requirement for mandated hospitalization for ambulatory patients receiving oral or IV radiopharmaceuticals in amounts greater than 30 millicuries and allowing patients the option to be treated on an outpatient basis if they qualify medically.

The petitioner states that the requested amendment is in the best interest of patients who require access to affordable quality care and that scientific published data support the changes requested by the petition as consistent with protection of the public as stated in 10 CFR part 35.

Petitioner's Request

The petitioner requests the NRC to revise 10 CFR part 35 to—

(1) Delete the requirement in 10 CFR 35.72(a)(2) that licensees may not authorize release from confinement for medical care any patient administered a radiopharmaceutical until the activity in the patient is less than 30 millicuries;

(2) Amend § 35.75(a)(2) to allow for an outpatient option instead of mandating hospitalization for patients receiving oral or IV radiopharmaceuticals in amounts greater than 30 millicuries.

Reasons for Petition

Section 35.75 prohibits an NRC medical use licensee from releasing from confinement for medical care any patient administered a radiopharmaceutical until certain criteria are met. One of the criteria is that the activity in the patient is less than 30 millicuries. The petitioner believes that the regulation should be changed to allow for temporary home confinement instead of mandating hospitalization. The petitioner claims that with the advent of monoclonal radiolabelled antibodies for diagnosis and treatment, outpatient therapy would provide efficient care and allow costs to be minimized without increased risk to the public. The petitioner also states that published scientific papers attest to the safety of outpatient radiopharmaceutical therapy in doses of up to 400 millicuries of I-131 NaI.

Conclusion

The petitioner states that, if this petition is granted, it would benefit patients by giving them affordable quality care while allowing them to be treated on an outpatient basis instead of being confined to a hospital. The petitioner claims that scientific studies support the finding that treating patients on an outpatient basis with radiopharmaceuticals in doses greater than 30 millicuries would not create a safety hazard to the public.

Dated at Rockville, Maryland, this 3d day of March, 1992.

For the Nuclear Regulatory Commission.

Samuel J. Shilk,

Secretary of the Commission.

[FR Doc. 92-5406 Filed 3-6-92; 8:45 am]

BILLING CODE 7590-01-M

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Chapter III

Regulatory Review

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Request for comment.

SUMMARY: The Federal Deposit Insurance Corporation ("FDIC") is soliciting public comment on which of its regulations and programs impose unnecessary or excessive costs or burdens and what changes can be made to reduce those costs or burdens. This action is being taken to comply with President Bush's request that Federal regulatory agencies evaluate existing regulations and programs and identify and accelerate action on initiatives that will eliminate any unnecessary regulatory burden.

DATES: Written comments must be received on or before April 8, 1992.

ADDRESSES: Written comments shall be addressed to the Office of the Executive Secretary, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429. Comments may be hand-delivered to room F–400, 1776 F Street NW., Washington, DC 20429, on business days between 8:30 a.m. and 5 p.m.

FOR FURTHER INFORMATION CONTACT: William R. Watson, Director, Division of Research and Statistics, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429, (202) 898–3946.

SUPPLEMENTARY INFORMATION: In an effort to promote economic growth and reduce the burden of government regulation, President Bush has requested the major Federal regulatory agencies to conduct a 90-day regulatory review of existing regulations and programs for the purpose of revising those which are unnecessary or burdensome. The President noted that "(a) major part of this undertaking must be to week out unnecessary and burdensome government regulations, which impose needless costs on consumers and substantially impede economic growth."

By memorandum dated January 28, 1992, the President outlined steps to be taken during the 90-day review period. Specifically, the President has asked that each agency work with the public and other interested agencies to (i) identify regulations and programs that impose a substantial cost on the economy and (ii) determine whether each such regulation or program adheres to the following standards:

(1) The expected benefits to society of any regulation should clearly outweigh the expected costs it imposes on society.

(2) Regulations should be fashioned to maximize net benefits to society.

(3) To the maximum extent possible, regulatory agencies should set performance standards instead of prescriptive command-and-control requirements, thereby allowing the regulated community to achieve regulatory goals at the lowest possible cost.

(4) Regulations should incorporate market mechanisms to the maximum extent possible.

(5) Regulations should provide clarity and certainty to the regulated community and should be designed to avoid needless litigation.

At the end of the 90-day review period each federal regulatory agency, including the FDIC, has been asked to report its findings to the President.

In furtherance of the President's regulator review initiative, the FDIC is hereby requesting public comment on which of its regulations and programs impose unnecessary or excessive costs or burdens on the public, the regulated industry, or the economy, and what changes can be made to reduce those costs or burdens.

The FDIC asks that, when responding to this request, commenters (1) identify the regulation and/or program by name and, if possible, by citation to the Code of Federal Regulations or similar citation; (2) provide specific explanations, with examples as appropriate, of the reasons why the program or regulation is unnecessarily costly or burdensome; and (3) provide specific suggestions or recommendations as to how the regulation or program may be improved.

The regulatory review will concentrate exclusively on regulations and programs under the control of the FDIC. Commenters are requested to focus their comments on the FDIC's regulations and programs and to avoid recommending changes to the law.

In connection with this regulatory review, it is noted that section 221 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (the "Improvement Act") requires the Federal Financial Institutions Examination Council ("FFIEC") (of which the FDIC is a member) to conduct a study on regulatory burden with respect to insured depository institutions. Like the President's regulatory review, the objectives of the Improvement Act study are to (1) review policies and procedures, and recordkeeping and documentation requirements used to monitor and enforece compliance with the laws under the jurisdiction of the federal banking agencies; (2) determine which policies and procedures impose unnecessary burdens on insured depository institutions; and (3) identify any revisions to such policies and procedures that could reduce the unnecessary burdens without an adverse impact on safety and soundness or on compliance with or enforcement of consumer laws. The FFIEC must submit a report to Congress describing the identified revisions not later than December 19, 1992. The FDIC also intends to use the input received as a part of the President's regulatory review to assist it as it participates in the Improvement Act study.

By Order of the Board of Directors.

Dated at Washington, DC this 4th day of March, 1992.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 92–5498 Filed 3–6–92; 8:45 am]

BILLING CODE 6714–01–M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Chapter I

Review of Customs Regulations

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

ACTION: Request for comments.

SUMMARY: Pursuant to the President's announcement of a 90-day regulatory review period, the President has asked each agency to identify and eliminate any unnecessary regulatory burden. This document requests that the public assist Customs by filling out and submitting a questionnaire that would identify Customs regulations that are believed to be burdensome, outdated or not cost-effective.

DATE: Responses should be submitted on or before March 25, 1992.

ADDRESS: Responses (preferably in triplicate) shall be addressed to Chairman, Regulatory Reform Working Group, U.S. Customs Service, room 7113, 1301 Constitution Avenue NW., Washington, DC 20229.

FOR FURTHER INFORMATION CONTACT: John O'Loughlin, Regulatory Reform Working Group, 202–566–5853.

SUPPLEMENTARY INFORMATION:

Background

In a Memorandum for Certain Department and Agency Heads signed by the President on January 28, 1992, on the subject of reducing the burden of government regulation, President Bush established a 90-day regulation review period and requested that certain agencies, including the Department of the Treasury, work with the public in an effort to review regulations to reduce their economic burden on the American taxpayer.

A major part of this undertaking is the attempt to weed out regulations which impose needless costs on consumers and substantially impede economic growth. In particular, the President is concerned with regulatory programs that may have been justified when adopted, but fail to keep pace with important innovations and new technologies that could not have been foreseen at the time the regulations were promulgated.

In his memorandum, the President set forth the following standards for effective regulations:

(1) The expected benefits to society of any regulation should clearly outweigh the expected costs it imposes on society.

(2) Regulations should be fashioned to maximize net benefits to society.

(3) To the maximum extent possible, regulatory agencies should set performance standards instead of prescriptive command-and-control requirements, thereby allowing the regulated community to achieve regulatory goals at the lowest possible cost.

(4) Regulations should incorporate market mechanisms to the maximum extent possible.

(5) Regulations should provide clarity and certainty to the regulated community and should be designed to avoid needless litigation.

Customs Request for Public Input

In response to the President's request for review of regulations, Customs has developed a Regulatory Reform Working Group and is making a concerted effort to review all its regulations. In addition, by this document, Customs is asking for the public to assist the agency in determining whether there are any portions of the Customs Regulations which are either outdated or burdensome, as defined by the President.

Customs has prepared the attached form which members of the public may offer suggestions on those Customs regulations which they believe can be eliminated or modified pursuant to the President's initiative. The form is an exact copy of the one sent to all Customs employees by the Regulatory Reform Working Group. Note that the form asks for very specific information on the regulations recommended for modification or repeal. This information is crucial to any decision to amend or repeal regulations and is necessary to be provided at this time due to the time constraints involved in the program. Answer all questions, if you can, and please be as specific as possible. We anticipate a large number of responses and the more detailed information Customs receives, the easier it will be for Customs to evaluate the suggestions.

Please note that this program is in response to the President's call for a 90-day review and therefore, time is of the essence.

Respones should be submitted no later than March 25, 1992. Completed forms should be sent directly to: Chairman, Regulatory Reform Working Group, U.S. Customs Service, room 7113, 1301 Constitution Avenue NW., Washington, DC 20229.

Customs Regulations Review Form

(1) What is the subject of the regulations you are recommending be modified or repealed?

(2) Which sections in particular are you recommending be modified or repealed?

(3) What is the statutory basis for these regulations as they currently exist?

(4) What do you believe is the statutory basis for Customs to amend or repeal these regulations?

(5) What is the exact nature of your suggestion as to how the regulations can be amended or repealed? If you are recommending an amendment, please specify the precise nature of the change.

(6) What is the expected benefit in your suggested modification or repeal? Specify savings in time and/or money and whether to Customs, the public, or both. Quantify, if possible.

(7) Are there any provisions of the Customs Regulations or other agency's regulations which will be affected by your suggested change? Please specify those sections and indicate the impact, if known.

(8) If you are aware of any arguments against Customs making the changes you are recommending, please indicate these and state why you still believe Customs should implement the change.

Approved: March 5, 1992.

Carol Hallett,

Commissioner of Customs.

[FR Doc. 92-5545 Filed 3-6-92; 8:45 am]

BILLING CODE 4820-02-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 3280

[Docket No. R-92-1497; FR-2622-C-02]

RIN 2502-AE66

Manufactured Home Construction and Safety Standards; Correction

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Proposed rule; Correction.

SUMMARY: On February 24, 1992 (57 FR 6420), the Department published in the **Federal Register**, a proposed rule to amend the Federal Manufactured Home Construction and Safety Standards (FMHCSS) to include preemptive standards significantly upgrading the existing energy conservation requirements. In § 3280.402 of that proposed rule, Figure A-1, Test Procedures for Roof Trusses, was inadvertently omitted from publication. The purpose of this document is to publish that figure.

DATES: Comment due date: May 26, 1992.

FOR FURTHER INFORMATION CONTACT: Donald R. Fairman, Manufactured Housing and Construction Standards Division, Department of Housing and Urban Development, 451 Seventh Street, SW., room 6270, Washington, DC 20410-8000. Telephone (202) 708-0718. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION:

List of Subjects in 24 CFR Part 3280

Fire prevention, Housing standards, Incorporation by references, Manufactured homes.

Accordingly, FR Doc. 92-3603, the proposed rule amending title 24 CFR part 3280, published in the **Federal Register** on February 24, 1992 (57 FR 6420), is corrected to read as follows:

1. The authority citation for 24 CFR part 3280 is proposed to be revised to read as follows and the authority citations following all of the sections in part 3280 are proposed to be removed:

Authority: Secs. 604 and 625 of the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5403 and 5424); Sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

2. On page 6438, third column, § 3280.402(c)(1)(i) is corrected by removing the instruction "[Insert Figure A-1.]" and by inserting in its place, "Figure A-1, Test Procedures for Roof Trusses" to read as follows:

§ 3280.402 Test procedure for roof trusses.

* * * * *

(c) * * *

(1) * * *

(i) * * *

BILLING CODE 4210-27-M

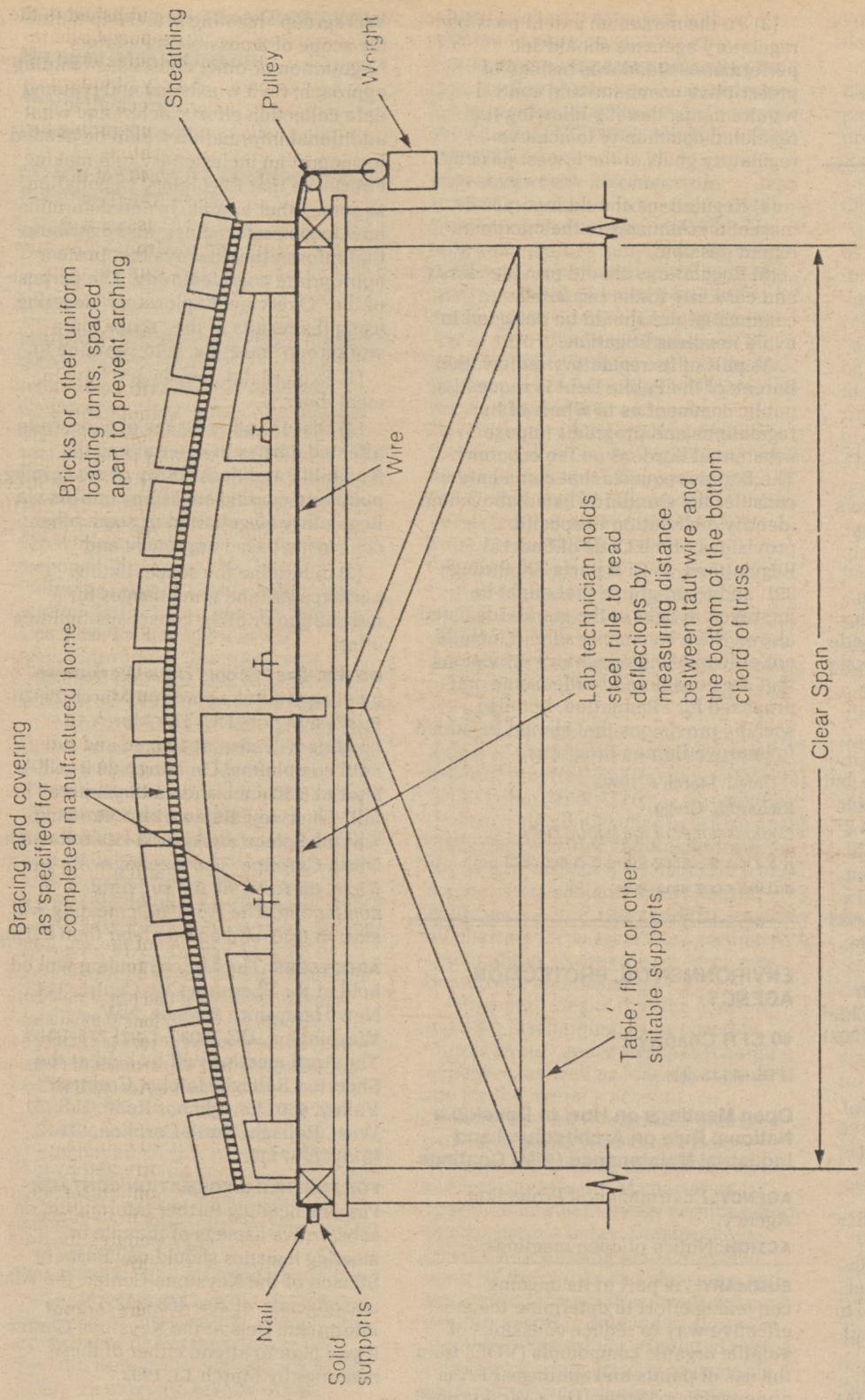

Figure A-1. Test Procedures for Roof Trusses

BILLING CODE 4210-27-C

* * * * *

Dated: March 3, 1992.

Grady J. Norris,

Assistant General Counsel for Regulations.

[FR Doc. 92-5261 Filed 3-6-92; 8:45 am]

BILLING CODE 4210-27-M

DEPARTMENT OF THE TREASURY

Fiscal Service

31 CFR Chapter II

Federal Regulatory Review

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

ACTION: Federal regulation, review, request for comments.

SUMMARY: This document is being published in response to the President's announcement of a Federal regulatory review. To assist in the review, the Bureau of the Public Debt (31 CFR chapter II, subchapter B) requests the public to provide comments on which Bureau regulations substantially impede economic growth or impose unnecessary costs or burdens. Comments are also requested on proposed changes that would improve the issuance of U.S. government securities.

DATES: Earlier comments are invited, but all comments must be received no later than close of business Friday, March 27, 1992.

ADDRESSES: Comments should be sent to Calvin Ninomiya, Chief Counsel, Bureau of the Public Debt, room 503, 999 E Street, NW., Washington DC 20239-0001.

FOR FURTHER INFORMATION CONTACT: Jacqueline L. Jackson, Office of the Chief Counsel, Bureau of the Public Debt, (202) 219-3320.

SUPPLEMENTARY INFORMATION: On January 28, 1992, as part of his State of the Union Address, President Bush announced a 90-day moratorium and review of regulations. As part of the review process, the President asked agencies to work with the public, other interested agencies, the Office of Information and Regulatory Affairs in the Office of Management and Budget, and the Council on Competitiveness, to identify regulations and programs that impose a substantial burden on the economy and to determine whether regulations and programs adhere to the following standards:

(1) The expected benefits to society of any regulation should clearly outweigh the expected costs it imposes on society.

(2) Regulations should be fashioned to maximize net benefits to society.

(3) To the maximum extent possible, regulatory agencies should set performance standards instead of prescriptive command and control requirements, thereby allowing the regulated community to achieve regulatory goals at the lowest possible cost.

(4) Regulations should incorporate market mechanisms to the maximum extent possible.

(5) Regulations should provide clarity and certainty to the regulated community and should be designed to avoid needless litigation.

As part of its regulatory review, the Bureau of the Public Debt is requesting public comment as to which of its regulations and programs impose substantial burdens on the economy. The Bureau requests that commenters consider the standards listed above and identify, by citation to specific provisions of the Code of Federal Regulations, 31 CFR parts 306 through 391, and to programs that might be improved in light of the standards listed above. Such comments should include not only existing regulatory provisions that are considered burdensome and proposed for elimination, but also specific provisions that should be added to improve Bureau programs.

Dated: March 5, 1992.

Richard L. Gregg,

Commissioner of the Public Debt.

[FR Doc. 92-5562 Filed 3-5-92; 2:23 pm]

BILLING CODE 4810-40-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Chapter I

[FRL-4113-2]

Open Meetings on How to Develop a National Rule on Architectural and Industrial Maintenance (AIM) Coatings

AGENCY: Environmental Protection Agency.

ACTION: Notice of open meetings.

SUMMARY: As part of its ongoing convening effort to determine the most effective way to reduce emissions of volatile organic compounds (VOC) from the use of paints and coatings, EPA is announcing a "Scope/Data Workgroup" meeting and a general "Overview Exploratory" meeting of those affected by the Agency's current plans to develop a Federal rule for coatings that are applied outdoors—AIM Coatings.

The purpose of the "Scope/Data Workgroup" meeting is to: Help define the scope of a possible Regulatory Negotiation or other consensus-building approach; review existing and planned data collection efforts; determine what additional information would be needed to support an inclusionary rule-making effort—be that Regulatory Negotiation or some other approach; and determine how to generate, amass, and distribute that information in ways that protect appropriate confidentiality. The purpose of the "Overview Exploratory" meeting, using the results of the "scope/data workgroup" meeting, is to continue to:

(1) Explore data needs and how to meet them;

(2) Discuss other issues of concern to affected parties in determining the feasibility and desirability of developing paint and coating emission controls via Regulatory Negotiation or some other consensus-based approach; and

(3) determine the scope, timing, participants, and ground-rules for a negotiation or other consensus-building effort.

DATES: The "Scope/Data Workgroup" meeting will take place on March 19-20 in Washington, DC. The March 19 meeting will start at 12 p.m. and run until completion. On March 20 it will start at 8:30 a.m., and end by 4 p.m. The full "Overview Exploratory" meeting will take place on April 15-16 in Raleigh, North Carolina. The meeting will start at 9 a.m. on April 15 and run until completion. The April 16th meeting will start at 8:30, and end no later than 2 p.m.

ADDRESSES: The March meeting will be held at the Sheraton City Centre, 1143 New Hampshire Avenue, NW., Washington, DC 20037, (202) 775-0800. The April meeting will be held at the Sheraton Raleigh Hotel at Crabtree Valley, 4501 Creedmoor Road, U.S. 70 West, Raleigh, North Carolina, 27612, [919] 787-7111.

FOR FURTHER INFORMATION CONTACT: Persons needing further information on substantive aspects of the rule or meeting logistics should call Barbara Stinson of the Keystone Center, the AIM co-convenor, at 303-468-822. Please inform Sue Deis at the Keystone Center if you plan to attend either of these meetings by March 13, 1992.

Dated: March 3, 1992.

Chris Kirtz,

Director, Consensus and Dispute Resolution Program.

[FR Doc. 92-5256 Filed 3-6-92; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF TRANSPORTATION

Maritime Administration

46 CFR Part 381

[Docket No. M-013]

Liberty Maritime Corporation; Filing of Rulemaking Petition

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Receipt of petition for rulemaking.

SUMMARY: The Maritime Administration (MARAD) has received a petition for rulemaking from Liberty Maritime Corporation (Petitioner). The petition requests that MARAD add two new sections at the end of 46 CFR part 381, Cargo Preference-U.S.-Flag Vessels. The purpose of 46 CFR 381 is to prescribe procedures to be followed by all departments and agencies having responsibility under the Cargo Preference Act of 1954 (which added section 901(b) to the Merchant Marine Act, 1936, as amended) in the administration of their programs with respect to that Act, and to provide a uniform system for the collection of data on the administration of such programs for use in preparing the annual reports to Congress required by that Act.

Petitioner has requested that the text of its proposal be published as an interim final rule. MARAD is precluded from initiating a rulemaking procedure on this matter by the President's 90-day moratorium on the development of new regulations announced January 28, 1992. However, MARAD has decided to publish notice of the Liberty Maritime petition and request comment from members of the public. Comment concerning the need for and content of a rulemaking such as that proposed by Petitioners is invited.

Liberty Maritime's petition in this docket is available for inspection or photocopying during normal office hours in the Office of the Secretary, Maritime Administration, at the address below.

DATES: Comments must be received on or before May 8, 1992.

ADDRESSES: Send an original and two copies of comments to the Secretary, Maritime Administration, room 7300, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590. To expedite review of the comments, the agency requests, but does not require, submission of an additional ten (10) copies. All comments will be made available for inspection during normal business hours at the above address. Commenters wishing MARAD to acknowledge receipt of comments should enclose a stamped, self-addressed envelop or postcard.

FOR FURTHER INFORMATION CONTACT: Nan Harllee, Associate Administrator for Marketing, Maritime Administration, Washington, DC 20590, telephone (202) 366-4721.

SUPPLEMENTARY INFORMATION: MARAD's authority to promulgate a rule concerning the transportation of dry bulk commodities subject to the Cargo Preference Act of 1954, (46 U.S.C. App. 1241(b) *et seq.*), derives from that Act. As amended by the Merchant Marine Act of 1970, the Cargo Preference Act provides that agencies such as the U.S. Department of Agriculture (USDA) and the Agency for International Development (AID) shall administer their programs "under regulations issued by the Secretary of Transportation," 46 U.S.C. App. 1241(b)(2), who in turn has delegated that authority to MARAD pursuant to 49 CFR 1.66(e).

Petitioner operates six vessels in the United States dry bulk preference trades. In a typical year each of the six vessels completes four to five voyages, transporting an average of 50,000 metric tones of dry bulk commodities on each voyage.

Petitioner has requested, pursuant to Rule 6 of the Maritime Administration Rules of Practice and Procedure (46 CFR 201.61), that MARAD issue a regulation: (I) Requiring all agencies to utilize open tendering or sealed bidding procedures to procure vessels to transport dry bulk commodities subject to the Cargo Preference Act of 1954; and (II) requiring all charters for vessels transporting such commodities to provide for "free out, demurrage and despatch."

"Free out" means that the charterer pays for discharging, as opposed to "berth terms" under which discharging expenses, as well as loading expenses, are for the owner's account. "Demurrage" is a liquidated damages provision under which the owner receives payment as compensation for the lost opportunity of chartering its vessel on another voyage resulting from the charterer's delay. Demurrage is usually a negotiated amount agreed upon by the owner and charterer, and the owner receives demurrage for each day the vessel is delayed in excess of "laytime," typically a stipulated period reflecting a commercially reasonable period for the charterer to load or discharge the vessel. "Despatch" is a payment from the owner to the charterer for completing loading or discharging more expeditiously than was contemplated under the charter's laytime provision, thus permitting the owner to charter its vessel on another voyage. Despatch is usually half the daily demurrage rate.

Petitioner believes that a rule such as that proposed will correct two of what it perceives as the most egregious problems afflicting the ocean transportation of dry bulk commodities subject to the Cargo Preference Act: (1) Obtaining such transportation by "auctioning;" and (2) excessive port fees in the discharging of vessels and delays in the loading and discharging of vessels. It states that the first proposed reform will prevent improper "auctioning" by requiring sealed bidding or open tendering, which it says will foster procurement of ocean transportation for U.S. food aid programs at the lowest rate possible. The second proposed reform, which recommends adoption of standard commercial charter terms relating to certain aspects of loading and discharging, is advanced because Petitioner believes it will also result in substantial freight savings for the United States by employing commercial practices in preference cargo charters. Petitioner states that such terms—"free out, demurrage and despatch"—sensibly allocate the cost of discharging and the burden of delays in vessel loading and discharging upon the persons most able to control such costs and delays rather than vessel owners. Their absence in preference cargo charters, it argues, allows countries that are the recipient of commodities under aid programs administered by USDA or AID to discriminate against a U.S.-flg vessel carrying preference cargoes by forcing it to wait until a vessel carrying commercial cargoes under charters containing demurrage/despatch provisions discharges its cargo and then charging unreasonable discharge fees for that unloading.

Petitioner proposed new § 381.9 and 381.10 to be added at the end of 46 CFR part 381 to read as follows:

Section 381.9 Contracting Procedures.

(a) *Invitations for bids ("IFBs").*

(1) Public freight IFBs are required in the solicitation of bids for the ocean transporation by all U.S.-flag vessels of all dry bulk cargoes that are subject to the Cargo Preference Act of 1954. Such requirement may only be waived by joint authorization from:

(i) The Contracting Officer (as used in this section, "Contracting Officer" includes the Procurement Executive in the case of Agency for International Development procurement); and

(ii) The Maritime Administrator or a person designated by him.

(2) Prior to release to the trade, all IFBs must be submitted to the Contracting Officer and the Maritime Administrator or a person designated by him for approval. IFBs must be submitted to the Contracting Officer and the Maritime Administrator or a person designated by him for approval. IFBs must be issued by means of the Transportation News Ticker, New York, plus at lease one other means of communication, to assure the broadest possible market coverage with adequate notice to interested parties.

(3) All IFBs must: (i) Specify the terms of the offer;

(ii) Specify that all bids must be in writing;

(iii) Specify the place for the receipt of bids and the date and time when the bids shall be opened;

(iv) Specify a closing time for the submission of bids and state that late bids will not be considered and that it is the responsibility of bidders to ensure receipt of their bids; and

(v) Provide that bids are required to have a cancelling date no later than the last contract layday specified in the IFB, and that vessels which are offered with a cancelling date beyond the laydays specified in the IFB will not be considered.

(b) *Competitive Bidding.* All bids shall be opened in public in the United States at the time and place specified in the IFB. Only bids which are responsive to the IFB may be considered. No negotiation, clarification, or submission of additional information shall be permitted. Bids shall be submitted so that they will be received in the place designated in the IFB not later than the exact time set for opening of bids. It is the bidder's responsibility to ensure propoer receipt of the bid. All bidder shall have the right to have a representative present at the bid opening.

(c) *Records of Bids.* Copies of all bids received must be promptly furnished to the Contracting Officer, including a written certification as to the "time of receipt." For purposes of this paragraph, "time of receipt" shall be the time a handcarried offer, mail offer, facsimile transmission or telegram was received at the designated location for presentation or, if transmitted electronically, the time the offer was receivved, as supported by evidence satisfactory to the Contracting Officer.

(d) *Re-tenders.* Preservation of the integrity of the competitive bid system dictates that award must be made to that responsible bidder who submitted the lowest responsive bid, unless there is a compelling reason to reject all bids and either re-tender or cancel the IFB. In such a case, the Contracting Officer and the Maritime Administrator or his designee shall state the reasons for the determination of the "compelling reason" in writing. Any re-tendering shall be governed by the same requirements as the original tenders. The Contracting Officer shall not approve or require freight re-tenders unless in consultation with the Maritime Administrator or a person designated by him, the Contracting Officer and Maritime Administrator or his designee jointly determine that re-tendering:

(1) Will increase the likelihood of meeting the U.S.-flag cargo preference requirement;

(2) Is necessary to permit the desired quantity to be shipped;

(3) Will result in reduced U.S. Government expenditures; or

(4) Will otherwise be in the best interest of the program.

(e) *Cancellation.* The cancellation of an invitation for bids usually involves a loss of time, effort and money spent by the Government and bidders. Invitations shall not be cancelled unless cancellation is clearly in the public interest. Cancellation may occur when the head of the procuring agency and the Maritime Administrator or a person designated by him jointly determine in writing that:

(1) No otherwise acceptable bid is within the applicable fair and reasonable rate as determined by the Maritime Administration pursuant to 46 CFR part 382;

(2) Only one bid was received;

(3) No responsive bid was received from a responsible bidder; or

(4) The bids are not independently arrived at in open competition, were collusive, or were submitted in bad faith.

(f) *Re-Tender or Cancellation Before Bid Opening.* When an invitation is to be re-tendered or cancelled, bids that have been received shall be returned upopened, if possible, to the bidders to preserve the integrity of the competitive bid system and a notice of re-tendering or cancellation shall be issued by means of the Transportation News Ticker, New York, plus at least one other means of communication, to assure the broadest possible market coverage with adequate notice to interested parties.

Section 381.10 Mandatory Charter Provisions for Certain Cargoes.

(a) *Applicability.* This section applies to charters for the transportation of dry bulk cargoes which are subject to the Cargo Preference Act of 1954.

(b) *Charter Approval.* All charters for cargoes listed in subsection (a) shall be submitted to the Maritime Administrator or a person designated by him for approval prior to release to the trade.

(c) *Prohibited Provisions.* No charter for a cargo listed in subsection (a) shall contain:

(1) A provision under which the vessel owner is responsible for the payment of any fees, charges and other costs relating to the discharging of the vessel; or

(2) A provision under which the vessel owner waives any right to receive payment for delays in the discharging of the vessel.

(d) *Mandatory Provisons.* A charter for a cargo listed in subsection (a) shall contain:

(1) A free out provision; and

(2) A demurrage/despatch provision with respect to loading and discharging, said provisions and those related thereto to be in accordance with standard commercial practice.

(e) *Dispute Resolution.* Disputes under this section will be considered under the informal grievance procedure set forth in § 381.6 of this part. If no agreement is reached in accordance with § 381.6, the

Maritime Administration shall have the authority to impose charter provision consistent with this section.

Dated: March 4, 1992.

By Order of the Maritime Administrator.

James E. Saari,

Secretary.

[FR Doc. 92-5397 Filed 3-6-92; 8:45 am]

BILLING CODE 4910-81-M

Notices

Federal Register
Vol. 57, No. 46
Monday, March 9, 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

Soil Conservation Service

Bacon Creek Watershed, KY

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

SUMMARY: Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines CFR part 1500; and the Soil Conservation Service Guidelines (7 CFR part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Bacon Creek Watershed, Whitley County, Kentucky.

FOR FURTHER INFORMATION CONTACT: Billy W. Milliken, State Conservationist, Soil Conservation Service, suite 110, 771 Corporate Drive, Lexington, Kentucky 40503–5479, telephone: 606–224–7360.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Billy W. Milliken, state conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The project concerns a plan to control the serious flooding, soil erosion, sediment deposition, and stream pollution of Bacon Creek. The combined floodwater and sediment problems are estimated to result in $46,300 average annual damage to residential, commercial, industrial, and transportation properties or facilities in the city of Corbin, Kentucky. The planned works of improvement include installation of 7,500 feet of riprap lined flood control channel on Bacon Creek, sediment and debris removal from the channel, culverts, and bridges.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties, a limited number of copies of the FONSI are available to fill single copy requests. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Billy W. Milliken, state conservationist, suite 110, 771 Corporate Drive, Lexington, Kentucky 40503–5479.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register**.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable.)

Freddy Cockrell,

Assistant State Conservationist/Programs

[FR Doc. 92–5369 Filed 3–6–92; 8:45 am]

BILLING CODE 3410–16–M

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

Meeting of the Board

AGENCY: Architectural and Transportation Barriers Compliance Board (ATBCB).

ACTION: Notice of meeting.

SUMMARY: The Architectural and Transportaion Barriers Compliance Board (ATBCB or Access Board) has scheduled its regular business meeetings to take place in Washington, DC on Tuesday and Wednesday, March 10–11, 1992 at the times and locations noted below.

DATES: The schedule of events is as follows:

Tuesday, March 10, 1992

9–4:30 pm—Title II Working Group (closed).

Wednesday, March 11, 1992

9–10 am—Title II Working Group (closed).
10–11:30 am—Planning and Budget Committee.
1–2:30 pm—Executive Committee.
3–5 pm—Board Meeting.

ADDRESSES: Embassy Suites Hotel, Delegate Room, 1250 22nd Street, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: For further information regarding the business meetings, please contact Barbara A. Gilley, Executive Officer, (202) 272–5434 ext 39 (voice/TDD).

SUPPLEMENTARY INFORMATION:

At its business meeting, the Board will consider the following Agenda Items:

- Approval of the minutes of the January 15, 1992 Board meeting.
- Committee Reports.
- Approval of the Fiscal Year 1992 Operating Plan.
- Approval of the Fiscal Year 1993 Budget.
- Proxy Voting.
- Travel and Extraordinary Work Policies for Board Members.
- Title II Working Group Plan of Action (closed).
- American Bankers Association's Petition on Automatic Teller Machines (closed).
- Engraved Signage.
- Complaint Status Report.

Some meetings or items may be closed to the public as indicated above. All meetings are accessible to persons with disabilities. Sign language interpreters and an assistive listening system are available at all meetings.

James J. Raggio,

General Counsel.

[FR Doc. 92–5419 Filed 3–6–92; 8:45 am]

BILLING CODE 8150–01–M

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting to the Nevada Advisory Committee

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that the Nevada Advisory Committee to the Commission will convene at 10 a.m. and adjourn at 12 noon on March 30, 1992, Building A, Corporate Headquarters Facility, Southwest Gas Corporation, 5241 Spring Mountain Road, Las Vegas, Nevada 89193–8510. The purpose of the meeting is to discuss the Committee's on-going project on

police-community relations and to plan future activities.

Persons desiring additional information, or planning a presentation to the Committee, should contact Advisory Committee Chairperson, Margo Piscevich or Philip Montez, Director of the Western Regional Division (213) 894–3437, (TDD 213/894–0508). Hearing impaired persons who will attend the meeting and require the services of a sign language interpreter, should contact the Regional Division office at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, March 2, 1992.

Carol-Lee Hurley,

Chief, Regional Programs Coordination Unit.

[FR Doc. 92–5372 Filed 3–6–92; 8:45 am]

BILLING CODE 6335–01–M

Agenda and Notice of Public Meeting of the Pennsylvania Advisory Committee

Notice is hereby given, pursuant to the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Pennsylvania Advisory Committees to the Commission will be convened at 1 p.m. on Friday, March 27, 1992, in room 10–B of the James A. Byrne Federal Court House, 601 Market Street, Philadelphia, and adjourn at 4 p.m.

The purposes of the meeting are to introduce and orient new members, discuss the status of the agency, and draft details for an informal factfinding meeting regarding implementation of the Americans With Disabilities Act.

Persons desiring additional information, a planning or presentation to the Advisory Committees, should contact Pennsylvania Chairperson Joseph Fisher (215/351–0750) or Eastern Regional Division Director John I. Binkley at (202/523–5264; TDD 202/376–8117). Hearing impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Eastern Regional Division at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, DC, March 2, 1992.

Carol-Lee Hurley, Chief

Reginal Programs Coordination Unit

[FR Doc. 92–5373 Filed 3–6–92; 8:45 am]

BILLING CODE 6335–01–M

DEPARTMENT OF COMMERCE

Agency Information Collection Under Review by the Office of Management and Budget (OMB); Expedited Review

DOC has submitted to OMB for expedited clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). The collection is for the International Trade Administration of DOC.

Title: Survey of the Business Climate in the Gulf Cooperation Council (GCC).

Form Number: Agency—N/A; OMB—0625.

Type of Request: New Collection—Expedited review.

Burden: Estimated 5000 respondents; 2500 burden hours—average minutes per response, 30 minutes.

Needs and Uses: This collection will be conducted at the request of the GCC (Saudi Arabia, Kuwait, United Arab Emirates, Bahrain, Oman, Qatar) to assess the U.S. business community's perception of the business climate and opportunities in the GCC markets. The information will be used as a basis for future negotiations with the GCC to improve business conditions and thereby promote the export of U.S. goods and services to the GCC.

Affected Public: Businesses or other for profit, small businesses or organizations.

Frequency: Once.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Gary Waxman, 395–7340.

A copy of the survey is published below. Any questions can be directed to Edward Michals, DOC Clearance Officer, 202–377–3271, Department of Commerce, room 5327, 14th and Constitution Avenue, NW., Washington, DC 20230.

Written comments for the proposed information collection should be sent to Gary Waxman, OMB Desk Officer, room 3208, New Executive Office Building, Washington, DC 20503.

Dated March 3, 1992.

Edward Michals,

Department Clearance Officer, Office of Management and Organization.

OMB No. 0625———Expires

Survey of the Business Climate in the Gulf Cooperation Council

This report is authorized by law (15 U.S.C. 1512 171 et seq., 15 U.S.C. 171 et seq.). While you are not required to respond, your cooperation is needed to make the results of this evaluation comprehensive, accurate, and timely.

Public reporting burden for this collection of information is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to Reports Clearance Officer, International Trade Administration, rm. 4001, U.S. Dept. of Commerce, Washington, DC 20230, and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Paperwork Reduction Project (0625———), Washington, DC 20503.

Please answer all questions as completely as possible, whether or not you are currently or have ever done business in the markets of the Gulf Cooperation Council (GCC). Also, if you have further comments, please give them in question 11 or on additional pieces of paper.

1. Check the box which best reflects your company's experience in the GCC market.

None [ ] Less than 2 yrs. [ ]
2–5 yrs. [ ] 5–10 yrs. [ ]
10–20 yrs. [ ] More than 20 yrs. [ ]

2. a. What is the approximate value of your company's total domestic and international sales?

b. What is the approximate value of your company's sales to the GCC?

Note In the following questions, you are asked to indicate the countries to which your response applies. The countries are represented by the following symbols

Bahrain—BA; Kuwait—KU; Oman—OM; Qatar—QA; Saudi Arabia—SA; United Arab Emirates—UAE.

3. a. In which of the countries of the Gulf Cooperation Council do you do business? Circle all that apply.

BA KU OM QA SA UAE None

b. If you are not doing business in the GCC, please check status which best applies.

[ ] Have considered doing business in the GCC, but feel the market/climate is not good for your company.
[ ] Currently considering doing business in the GCC.
[ ] Have not considered doing business in the GCC.

4. In what type of business activity are you involved in the GCC? Circle country(ies) for all that apply.

a. Manufacture:

BA KU OM QA SA UAE

b. Provide services:

BA KU OM QA SA UAE

c. Sell U.S. or other foreign products in the GCC:

BA KU OM QA SA UAE

d. Sell domestic products in the GCC:

BA KU OM QA SA UAE

e. Sell outisde the GCC:

BA KU OM QA SA UAE

4. f. Other (please specify and indicate country)

g. Check here if your company has no business activity in the GCC at this time. [ ]

5. Please give the SIC Code for the industry sector(s) in which your company is engaged in each country.

BA _____
KU _____
OM _____
QA _____
SA _____
UAE _____

6. What form(s) of business relationship do you have? Circle country(ies) for all that apply.

a. Direct sales:
BA KU OM QA SA UAE

b. Agent/distributor:
BA KU OM QA SA UAE

c. Joint venture:
BA KU OM QA SA UAE

d. Branch office:
BA KU OM QA SA UAE

e. Other (please specify and indicate country)

f. Check here if your company has no business relationship in the GCC at this time. [ ]

7. Listed below are factors that affect the business climate in the GCC. Some are perceived as beneficial, others as obstacles. Your perception and experience might vary among countries.

Please review the list and rate each factor on a scale of 1–5, where 1 is most negative and 5 is most positive. Please also indicate, by circling the appropriate letter, the importance of each factor (low—L; medium—M; or high—H) to your company's business decisions in the GCC. Finally, circle the country(ies) to which your response applies.

a. Local demand for product/service:
Negative/Positive: 1 2 3 4 5
Importance: L M H
Countries: BA KU OM QA SA UAE

b. Regional demand for your product or service:
Negative/Positive: 1 2 3 4 5
Importance: L M H
Countries: BA KU OM QA SA UAE

c. Regulatory climate/legal system, in general:
Negative/Positive: 1 2 3 4 5
Importance: L M H
Countries: BA KU OM QA SA UAE

c. Availability of foreign exchange:
Negative/Positive: 1 2 3 4 5
Importance: L M H
Countries: BA KU OM QA SA UAE

d. Customs duties/procedures:
Negative/Positive: 1 2 3 4 5
Importance: L M H
Countries: BA KU OM QA SA UAE

e. Availability of agents/distributors:
Negative/Positive: 1 2 3 4 5
Importance: L M H
Countries: BA KU OM QA SA UAE

f. Availability of joint venture partners:
Negative/Positive: 1 2 3 4 5
Importance: L M H
Countries: BA KU OM QA SA UAE

g. Requirement for local partners:
Negative/Positive: 1 2 3 4 5
Importance: L M H
Countries: BA KU OM QA SA UAE

h. Agent/distributor laws/regulations:
Negative/Positive: 1 2 3 4 5
Importance: L M H
Countries: BA KU OM QA SA UAE

i. Joint venture laws/regulations:
Negative/Positive: 1 2 3 4 5
Importance: L M H
Countries: BA KU OM QA SA UAE

j. Availability of capital:
Negative/Positive: 1 2 3 4 5
Importance: L M H
Countries: BA KU OM QA SA UAE

k. Laws on enforceability of interest:
Negative/Positive: 1 2 3 4 5
Importance: L M H
Countries: BA KU OM QA SA UAE

l. Laws on restricting the availability of insurance:
Negative/Positive: 1 2 3 4 5
Importance: L M H
Countries: BA KU OM QA SA UAE

m. Availability of financing for investment:
Negative/Positive: 1 2 3 4 5
Importance: L M H
Countries: BA KU OM QA SA UAE

n. Tax incentives for investment:
Negative/Positive: 1 2 3 4 5
Importance: L M H
Countries: BA KU OM QA SA UAE

o. Other tax laws/regulations and their implementation:
Negative/Positive: 1 2 3 4 5
Importance: L M H
Countries: BA KU OM QA SA UAE

p. Availability of labor:
Negative/Positive: 1 2 3 4 5
Importance: L M H
Countries: BA KU OM QA SA UAE

q. Availability of land:
Negative/Positive: 1 2 3 4 5
Importance: L M H
Countries: BA KU OM QA SA UAE

r. Availability of raw materials:
Negative/Positive: 1 2 3 4 5
Importance: L M H
Countries: BA KU OM QA SA UAE

s. Availability of fuel/utilities:
Negative/Positive: 1 2 3 4 5
Importance: L M H
Countries: BA KU OM QA SA UAE

t. Availability of transportation/telecommunications services:
Negative/Positive: 1 2 3 4 5
Importance: L M H
Countries: BA KU OM QA SA UAE

u. Availability of banking services:
Negative/Positive: 1 2 3 4 5
Importance: L M H
Countries: BA KU OM QA SA UAE

v. Assistance from GCC government ministries/agencies:
Negative/Positive: 1 2 3 4 5
Importance: L M H
Countries: BA KU OM QA SA UAE

w. Quality of life:
Negative/Positive: 1 2 3 4 5
Importance: L M H
Countries: BA KU OM QA SA UAE

x. Free enterprise/entrepreneurial environment:
Negative/Positive: 1 2 3 4 5
Importance: L M H
Countries: BA KU OM QA SA UAE

y. Visa requirements:
Negative/Positive: 1 2 3 4 5
Importance: L M H
Countries: BA KU OM QA SA UAE

z. Effective dispute resolution mechanisms:
Negative/Positive: 1 2 3 4 5
Importance: L M H
Countries: BA KU OM QA SA UAE

aa. Payment processes:
Negative/Positive: 1 2 3 4 5
Importance: L M H
Countries: BA KU OM QA SA UAE

bb. Export documentation requirements:
Negative/Positive: 1 2 3 4 5
Importance: L M H
Countries: BA KU OM QA SA UAE

cc. Protection for patents, copyrights and trademarks:
Negative/Positive: 1 2 3 4 5
Importance: L M H
Countries: BA KU OM QA SA UAE

dd. U.S. or international product standards:
Negative/Positive: 1 2 3 4 5
Importance: L M H
Countries: BA KU OM QA SA UAE

ee. GCC product standards:
Negative/Positive: 1 2 3 4 5
Importance: L M H
Countries: BA KU OM QA SA UAE

ff. Consistency in implementation of local laws/regulations:
Negative/Positive: 1 2 3 4 5
Importance: L M H
Countries: BA KU OM QA SA UAE

gg. Arab Boycott of Israel enforcement practices:
Negative/Positive: 1 2 3 4 5
Importance: L M H
Countries: BA KU OM QA SA UAE

hh. Offset/counter trade requirements:
Negative/Positive: 1 2 3 4 5
Importance: L M H
Countries: BA KU OM QA SA UAE

ii. Availability of commercial and market information:
Negative/Positive: 1 2 3 4 5
Importance: L M H
Countries: BA KU OM QA SA UAE

jj. GCC government policies toward American/other foreign firms:
Negative/Positive: 1 2 3 4 5
Importance: L M H
Countries: BA KU OM QA SA UAE

kk. GCC government policies toward local firms:
Negative/Positive: 1 2 3 4 5
Importance: L M H
Countries: BA KU OM QA SA UAE

ll. War risk:

Negative/Positive: 1 2 3 4 5
Importance: L M H
Countries: BA KU OM QA SA UAE

mm. Other (please specify factor(s) and indicate −/+, importance to your company and country to which it applies). Also please feel free to elaborate, here or at the end of the questionnaire, on any of the above.

8. In the last few years, on a scale of 1–5, do you believe the business climate in the GCC is getting worse, staying the same, or improving?

Getting worse/Staying the same/Improving:
1 2 3 4 5
Countries: BA KU OM QA SA UAE
Please explain.

9. a. Please rank the following regions according to the investment climate. Make the best #1.

GCC _____
Africa _____
Asia/Pacific _____
Western Europe _____
Eastern Europe _____
North America _____
South America _____

b. Please rank the following regions according to the market for your products. Make the best #1.

GCC _____
Africa _____
Asia/Pacific _____
Western Europe _____
Eastern Europe _____
North America _____
South America _____

10. Based on information currently available to you, which industry sector(s) in the GCC offer the best opportunities for U.S. companies to do business? Please circle country(ies) for all that apply and specify industry/product, if possible.

a. Oil and Gas production:
BA KU OM QA SA UAE

b. Oil field service industry:
BA KU OM QA SA UAE

c. Petrochemicals and other downstream hydrocarbon industries:
BA KU OM QA SA UAE

d. Basic industries (e.g., aluminum, steel, building materials):
BA KU OM QA SA UAE

e. Engineering/construction industry:
BA KU OM QA SA UAE

f. High tech industries (e.g., computers, other electronics, telecommunications):
BA KU OM QA SA UAE

g. Consumer goods (e.g., clothing, food, household furnishings and appliances):
BA KU OM QA SA UAE

h. Agriculture/food processing:
BA KU OM QA SA UAE

i. Service industries:
BA KU OM QA SA UAE

j. Defense industries:
BA KU OM QA SA UAE

k. Other. Please specify sector(s) and country(ies).
BA KU OM QA SA UAE

11. Please provide any additional comments and/or expand on your answers to other questions.

[FR Doc. 92–5430 Filed 3–6–92; 8:45 am]
BILLING CODE 3510–22–M

Agency Form Under Review by the Office of Management and Budget (OMB)

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

Agency: Bureau of Economic Analysis.

Title: Defense Research, Development, Test, and Evaluation Index Data Requirements.

Form Number: Not applicable.

OMB Approval Number: 0608–0033.

Type of Request: Extension of the expiration date of a currently approved collection.

Burden: 700 hours.

Number of Respondents: 100.

Avg. Hours Per Response: 7 hours.

Needs and Uses: The survey collects data for use in estimating constant-dollar purchases of contractual research and development by the Department of Defense. These estimates are used in the compilation of the gross domestic product of the United States.

Affected Public: Businesses or other for–profit institutions.

Frequency: Quarterly.

Respondent's Obligation: Voluntary

OMB Desk Officer: Paul Bugg, (202) 395–3093.

Copies of the above information collection proposal can be obtained by calling or writing Edward Michals, DOC Forms Clearance Officer, (202) 377–3271, Department of Commerce, room 5312, 14th and Constitution Avenue, NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to Mr. Paul Bugg, OMB Desk Officer, room 3228, New Executive Office Building, Washington, DC 20503.

Dated: March 5, 1992.

Edward Michals,

Departmental Forms Clearance Officer, Office of Management and Organization.

[FR Doc. 92–5429 Filed 3–6–92; 8:45 am]
BILLING CODE 3510–CW

Foreign-Trade Zones Board

[Docket 5–92]

Proposed Foreign-Trade Zone—Butte-Silver Bow, MT; Application Filed

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the City and County of Butte-Silver Bow, Montana, a Montana public corporation, requesting authority to establish a general-purpose foreign-trade zone in Butte-Silver Bow, Montana, within the Butte Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally filed on February 27, 1992. The applicant is authorized to make the proposal under Section 30–15–101 of the Montana Code Annotated.

The proposed foreign-trade zone would be located at the Butte Industrial Park (104 acres) on South Harrison Avenue, Butte. A major portion of the park is owned by the Port of Montana, the Butte Local Development Corporation, and the Montana College of Mineral Science and Technology. Certain parcels have been sold to individual business firms.

The application contains evidence of the need for zone services in the Butte-Silver Bow area. Several firms have indicated an interest in using zone procedures for warehousing/distribution of such items as carbon electrodes, electronic and mechanical subassemblies and finished survey instruments. Specific manufacturing approvals are not being sought at this time. Requests would be made to the Board on a case-by-case basis.

In accordance with the Board's regulations (as revised, 56 FR 50790–50808, 10–8–91), a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

Public comment on the application is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is May 8, 1992. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to May 25, 1992).

While no public hearing has been scheduled for the FTZ Board, consideration will be given to such a hearing during the review.

A copy of the application and accompanying exhibits will be available

during this time for public inspection at the following locations:

Butte Public Library, 226 West Broadway, Butte, Montana 59701.
Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, room 3716, 14th & Pennsylvania Avenue NW., Washington, DC 20230.

Dated: March 3, 1992.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 92-5421 Filed 3-6-92; 8:45 am]

BILLING CODE 3510-DS-M

[Docket 4-92]

Foreign-Trade Zone 183—Austin, TX; Application for Subzone Dell Computer Corp. Personal Computer Plant

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Foreign Trade Zone of Central Texas, Inc., grantee of FTZ 183, requesting special-purpose subzone status at the personal computer manufacturing plant of Dell Computer Corporation (Dell) located in the City of Austin, Travis County, Texas. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally filed on March 2, 1992.

Dell is an international producer of personal computers (PCs) and related products with annual sales of over $850 million. It has plants in the U.S. and the U.K.

Dell's Austin facility (40 acres) is located in the Braker Center Industrial Park at the intersection of Braker Lane and Metric Blvd. The facility employs 1,900 and is used to assemble personal computers, including portables, desktops, workstations, and power line servers. Dell also sells a complete line of personal computer-related products and peripherals including software, printers, monitors, and accessories, manufactured by third parties.

Some 60 percent of the components for PC production are pruchased from abroad including computer processing units, keyboards, disc drives, monitors, printers, power supplies, batteries, AC adapters, modems, mouses, ribbons, manuals, carrying cases, software, portable computer kits, and related computer components and supplies. Currently, one-third of the products are exported.

Zone procedures would exempt Dell from Customs duty payments on the foreign components used in products made for export. On domestic sales, the company would be able to choose the duty rates that apply to the finished products (3.9 percent). The rates on components range from duty-free to 4.7 percent (average—3.8 percent. Foreign merchandise and merchandise to be exported would also be exempt from state and local *ad valorem* taxes. The application indicates that zone savings would help improve the international competitiveness of Dell's Austin plant and increase export sales.

In accordance with the Board's regulations (as revised, 56 FR 50790–50808, 10–8–91), a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

Public comment is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is May 8, 1992. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to May 25, 1992).

A copy of the application and accompanying exhibits will be available for public inspection at each of the following locations:

U.S. Department of Commerce District Office, P.O. Box 12728, suite 1200, 816 Congress Ave., Austin, Texas 78711.
Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, room 3716, 14th Street and Constitution Avenue NW., Washington, DC 20230.

Dated: March 3, 1992.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 92-5420 Filed 3-6-92; 8:45 am]

BILLING CODE 3510-DS-M

International Trade Administration

[A-428-037]

Drycleaning Machinery From Germany; Final Results of Antidumping Duty; Administrative Review in Accordance With Decision Upon Remand

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

ACTION: Notice of final results of antidumping duty administrative review in accordance with decision on remand.

SUMMARY: The Department of Commerce has prepared these revised final results of administrative review pursuant to the remand order from the U.S. Court of International Trade in *American Permac, Inc., Boewe Reinigungstechnik, GmbH, and Boewe Systems & Machinery, Inc.* v. *United States* (Court Nos. 85–08–01148 and 87–05–00653, September 4, 1991).

EFFECTIVE DATE: March 9, 1992.

FOR FURTHER INFORMATION CONTACT: Arthur N. DuBois or Thomas F. Futtner, Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230, telephone: (202) 377–8312/ 3814.

SUPPLEMENTARY INFORMATION:

Background

On September 4, 1991, the U.S. Court of International Trade (the Court), in *American Permac, Inc., Boewe Reinigungstechnik, GmbH, and Boewe Systems & Machinery, Inc.* v. *United States* (Court Nos. 85–08–01148 and 87–05–00653), remanded the final results of the 1980–82 and 1982–84 administrative reviews of the antidumping finding on drycleaning machinery from Germany (August 8, 1985, 50 FR 32154 and April 8, 1987, 52 FR 11299, respectively) to the Department of Commerce (the Department) for reconsideration. One review covered the periods July 1, 1980 through October 31, 1981, and November 1, 1981 through October 31, 1982, and the other covered the periods November 1, 1982 through October 31, 1983, and November 1, 1983, through October 31, 1984. Boewe withdrew its objections to our results for the final period; therefore, we made changes only to the results for the first three periods.

In accordance with the Court's opinion, the Department reconsidered the plaintiffs' claim for adjustments to foreign market value for differences in the levels of trade involved in comparisons of home market and U.S. sales and the plaintiffs' claim that the Department used incorrect exchange rates in exporter's sales price (ESP) comparisons. We submitted a draft of these results to the respondent for comments and corrected certain clerical errors.

In accordance with the remand order, the Department treated the level-of-trade (LOT) adjustment as follows:

1. We quantified the LOT adjustment as the sum of bad debt, service, and sales office expenses.

2. We treated all sales in the home market as sales to end-users; therefore, we eliminated the distinction between home market sales made by independent agents and those made by Boewe's own sales agents. In our comparisons of all U.S. sales made to distributors, we made the level-of-trade adjustment to FMV.

3. For ESP transactions, for the purpose of currency conversions, we used the rate of exchange in effect on the date of export.

Amended Final Results of Review

As a result of this redetermination and review of the comments received, we determine the weighted-average dumping margins for Boewe during the periods July 1980 through October 31, 1984 to be as follows:

Review period	Margin percent
1980–81	9.05
1981–82	0.19
1982–83	3.24
1983–84	0.40

The Department will instruct the Customs Service to 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.

This amendment to final results of antidumping duty administrative review notice is in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.22 of the Commerce Regulations (19 CFR 353.22).

Dated: March 3, 1992.

Marjorie A. Chorlins,

Acting Assistant Secretary for Import Administration.

[FR Doc. 92–5428 Filed 3–6–92; 8:45 am]

BILLING CODE 3510–DS–M

[A–475–802]

Industrial Belts and Components and Parts Thereof, Whether Cured or Uncured, From Italy; Final Results of Antidumping Duty Administrative Review

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

ACTION: Notice of final results of antidumping duty administrative review.

SUMMARY: On June 17, 1991, the Department of Commerce published the preliminary results of its administrative review of the antidumping duty order on industrial belts and components and parts thereof, whether cured or uncured, from Italy (56 FR 27731). The review covers one manufacturer/exporter of the subject merchandise, Pirelli Trasmissioni Industriali, S.p.A., and the February 1, 1989, through May 31, 1990, review period.

Based on our analysis of the comments received and the correction of certain and clerical errors, we have changed the preliminary results. The final margin is listed below in the section "Final Results of Review."

EFFECTIVE DATE: March 9, 1992.

FOR FURTHER INFORMATION CONTACT: Megan Pilaroscia or Laurie Lucksinger, Office of Agreements Compliance, International Trade Administration, U.S Department of Commerce, Washington, DC 20230; telephone (202) 377–3793.

SUPPLEMENTARY INFORMATION:

Background

On July 26, 1990, in accordance with 19 CFR 353.22(c), the Department of Commerce (the Department) initiated an administrative review of the antidumping duty order on industrial belts and components and parts thereof from Italy (55 FR 30490) for the period February 1, 1989, through May 31, 1990. On June 17, 1991, we published the preliminary results of this administrative review (56 FR 27731). We gave interested parties an opportunity to comment on our preliminary results. At the request of the respondent, we held a public hearing on July 31, 1991. The Department has now completed this review in accordance with section 751 of the Tariff Act of 1930, as amended (the Tariff Act).

Scope of the Review

The products covered by this review are shipments of industrial belts and components and parts thereof, whether cured or uncured, from Italy. The covered merchandise consists of V-belts and synchronous industrial belts used for power transmission. These include V-belts and synchronous belts, in part or wholly of rubber or plastic, and containing textile fiber (including glass fiber) or steel wire, cord or strand, and whether in endless (*i.e.*, closed loops) belts, or in belting in lengths or links. This review excludes conveyor belts and automotive belts as well as front engine drive belts found on equipment powered by internal combustion engines, including tracks, tractors, buses and lift trucks.

During the review period, the merchandise was classifiable under Harmonized Tariff System (HTS) subheading 3926.90.55, 3926.90.56, 3926.90.57, 3926.90.59, 3926.90.60, 4010.10.10, 4010.10.50, 4010.91.11, 4010.91.15, 4010.91.19, 4010.91.50, 4010.99.11, 4010.99.15, 4010.99.19, 4010.99.50, 5910.00.10, 5910.00.90 and 7326.20.00. The HTS subheadings are provided for convenience and Customs purposes. The written description remains dispositive.

The review covers the shipments of one manufacturer/exporter of industrial belts from Italy to the United States, Pirelli Trasmissioni Industriali, S.p.A. (Pirelli), and the period February 1, 1989, through May 31, 1990.

Analysis of Comments Received

We invited interested parties to comment on the preliminary results. We received comments from the respondent and rebuttal comments from the petitioner, the Gates Rubber Company (Gates). Based on our analysis of the comments received, we have corrected the following clerical errors: failure to deduct the exporter's sales price (ESP) offset from foreign market value; failure to include comparisons of ESP sales to home market sales of similar merchandise made within the "90/60" contemporaneity window; and failure to include comparisons of purchase price sales to home market sales of identical merchandise.

Comment 1: Pirelli asserts that the Department must exclude sales not subject to this review from the antidumping duty calculation. In its questionnaire response, Pirelli reported all U.S. sales of industrial belts by its U.S. sales subsidiary during the review period. The respondent explained that some of these sales came from pre-existing inventory which was entered prior to February 1, 1989, the date of the affirmative preliminary determination in the less than fair value investigation, and that some were belts manufactured in countries other than Italy. As Pirelli could not tie specific sales to specific customs entries, it conducted an inventory analysis based on its first-in-first-out accounting method to determine when sales of entries subject to the antidumping duty order commenced.

Pirelli claims that the courts have recognized that liability for duties is determined according to the time of entry of merchandise, citing *Cementos Guadalajara, S.A.* v. *United States*, 12 CIT 307, 686 F. Supp. 335 (1988), *aff'd* 879 F.2d 847 (Fed. Cir. 1989) (Cementos); and *Zenith Radio Corp.* v. *United States*, 1 CIT 180, 184, 509 F. Supp. 1282, 1286 (1981); *rev'd and rem'd on other grounds, Zenith Radio Corp.* v. *United States*, 710 F. 2d 806 (Fed. Cir. 1983); *rev'd and rem'd on other grounds, Zenith Radio Corp.* v. *United States*, 764 F.2d 1577 (Fed. Cir. 1985); *aff'd on other grounds, Zenith Radio Corp.* v. *United States*, 823 F.2d 518 (Fed. Cir. 1987) (Zenith). Pirelli states that the sales of belts from pre-existing inventory and belts

manufactured outside of Italy were separately identified on Pirelli's computer tapes, and that, as these sales are not subject to the review, they should be excluded from the Department's dumping analysis.

The petitioner argues that the methodology employed by the Department in its preliminary results was correct and should not be changed for purposes of the final results. Gates asserts that Pirelli is unable to show that sales made during the review period in fact entered prior to the review period.

Department's Position: We agree with respondent that belts manufactured in countries other than Italy are not subject to this review. Beacuse we were able to determine from available information on the record which belts were manufactured elsewhere, we have excluded sales of these belts from the antidumping duty calculation. However, we have analyzed sales of belts identified as "pre-existing" inventory, *i.e.*, subject merchandise which may have entered prior to February 1, 1989. We are not satisfied that Pirelli has established that any sales during the period of review should be excluded because of an early entry date. The methodology employed by Pirelli for this purpose provides no assurance that any sale during the period was, in fact, of merchandise entered before February 1, 1989. In the absence of a satisfactory linkage of sales to entries, we have reviewed all sales with a date of sale that fell within the review period. Pirelli's cites to *Cementos* and *Zenith* are inapposite. These cases merely stated that antidumping and countervailing duties are *imposed* at the time of entry. The cases do not discuss the issue which is relevant here, whether sales can be linked to entries not subject to antidumping duties.

Comment 2: Pirelli asserts that comparisons should be made at the same level of trade. Pirelli states that sales to original equipment manufacturers (OEMs) and to replacement market customers were separately identified in its questionnaire response. The respondent further states that section 353.58 of the Department's regulations explicitly recognizes that, where possible, matching should occur at the same level of trade.

The petitioner asserts that the Department correctly considered all sales to be at the same level of trade. Gates argues that the burden of showing two levels of trade is on the respondent, and that Pirelli did not do this. Gates states that Pirelli did not provide any record evidence to support its contention that sales to OEMs and sales to replacement market customers, both of which are sales to end-users, were made at different levels of trade.

Department's Position: The Department did not find that there were sales at two separate levels of trade in this review. Although Pirelli identified different types of customers in its response, at no time during this segment of the proceeding did Pirelli demonstrate that there were distinct differences between these sales. Therefore, we have calculated weighted-average foreign market value without regard to level of trade and made comparisons to U.S. sales using these weighted-average foreign market values.

Comment 3: Pirelli asserts that cash discounts paid on purchase price sales should be treated as an adjustment to U.S. price. Pirelli cites Final Determination of Sales at Less than Fair Value: Oil Country Tabular Goods from Canada (51 FR 15029, April 22, 1986) (OCTG from Canada) in support of its claim. Pirelli disagrees with the Department's decision to leave cash discounts on U.S. sales in the net U.S. price, deduct cash discounts incurred on home market sales from the foreign market value (FMV), and add U.S. cash discounts to FMV. The respondent states that this method improperly inflates the margins. It argues that the Department should follow its standard methodology and deduct U.S. cash discounts from U.S. price and home market cash discounts from FMV.

Gates asserts that the cash discounts are circumstance of sale adjustments. In a purchase price situation, circumstances of sale adjustments are made to FMV. The petitioner contends, therefore, that the Department correctly adjusted for cash discounts.

Department's Position: We agree with respondent that the cash discount program constitutes an adjustment to price and, therefore, the discount amounts should be deducted from U.S. price (see Final Results of Administrative Review: Iron Construction Castings from Canada (55 FR 460, January 5, 1990), and OCTG from Canada). Contrary to Gates' argument, cash discounts represent reductions in the price paid by the customer; they are not circumstance of sale adjustments. For these final results we have corrected our purchase price calculations accordingly

Comment 4: Pirelli asserts that U.S. packing costs (costs incurred for repacking the subject merchandise in the United States) should be treated as an "addback," by leaving these costs in the U.S. price and adding them to FMV. The respondent claims that the Department's deduction of these costs is inconsistent with the Department's practice and does not allow for an "apples-to-apples" comparison.

Department's Position: Our treatment of repacking costs in the preliminary results was correct. It is the Department's practice to treat expenses incurred for the repacking of subject merchandise in the United States as direct selling expenses, which are deducted from U.S. price (see Final Determination of Sales at Less than Fair Value: Antifriction Bearings from the Federal Republic of Germany (54 FR 18992, May 3, 1989)). In deducting repacking costs, we have deducted from U.S. price all U.S.-incurred expenses to reflect the condition of the good upon entry. We adjusted FMV by adding packing costs incurred in Italy for sales to the United States, and subtracting packing costs incurred in the home market for home market sales, to obtain a packed ex-factory price for our price comparisons. In this way, the Department has achieved an "apples-to-apples" comparison.

Comment 5: Pirelli argues that the Department should make corections of obvious errors which Pirelli discovered in the reported sales data after issuance of the preliminary results. Since there has been no verification in this review, correcting the errors would not deprive the Department of the opportunity to verify the data. Moreover, the Department's decision not to verify resulted in the errors not being discovered sooner. Pirelli also states that the Department's recent administrative decisions in Antifriction Bearings (other than Tapered Roller Bearings) and Parts Thereof, from the Federal Republic of Germany (56 FR 31692, July 11, 1991) support correction of the errors. It is clear from information on the record that there were errors in the submissions and that the new information is accurate.

The petitioner argues that the Department should not accept new information at this stage. Gates notes that the deadline for submission of factual information was the date of the preliminary results and that Pirelli should have submitted the new information prior to that date. Gates asserts that the supposed errors are not merely clerical corrections but are new substantive claims. As there has been no verification, there is no basis to suppose that the revisions are correct. In addition, no supporting information has been provided to justify the respondent's claims. The petitioner asserts that the Department's past decisions do not support acceptance of

the type of new information submitted by Pirelli in its case brief.

Department's Position: We agree that corrections should be made for obvious clerical errors that can be readily identified from information on the administrative record prior to the preliminary results of review. Accordingly, we have made corrections for the final results of review for the incorrect gross unit prices and the incorrect duty amount noted by Pirelli. We did not, however, make corrections Pirelli requested that involved new substantive claims and/or the submission of new factual information after the date of publication of the preliminary results (see 19 CFR 353.31(b)(2)). The Department did not find these additional errors to be clerical errors, as claimed by respondent (see Antifriction Bearings (other than Tapered Roller Bearings) and Parts Thereof, from the Federal Republic of Germany (56 FR 31592, July 11, 1991) — section 15d (Miscellaneous Issues) of the Issues Appendix).

Unmatched Sales

After making the changes to the preliminary results detailed above, we found that we had ESP sales for which we could not identify sales of such or similar merchandise in the home market. Respondent's submissions did not provide model matching data for these ESP sales, although it stated in its September 28, 1990 response that Pirelli had submitted tapes "* * * indicating the matches between industrial belts sold by Pirelli in the United States and those sold in the home market." The response stated further that "(i)n most instances, Pirelli sells belts in the home market which are identical to the belts sold in the United States. When a U.S. sale does not have an identical home market match, the most similar home market match was selected and cost difference information has been reported." Because the response was incomplete with regard to these unmatched ESP sales, we have applied best information available, in accordance with section 776(c) of the Tariff Act. The best information available is the highest weighted-average margin from this proceeding. That margin is 78.69 percent, determined for ESP sales in this segment of the proceeding.

Final Results of the Review

As a result of our review, we determine that the following dumping margin exists:

Manufacturer/ exporter	Review period	Margin (per-cent)
Pirelli Transmissioni Industriali	2/01/89–5/31/90	68.2

The Department will instruct the U.S. Customs Service to assess antidumping duties on all appropriate entries. The Department will issue appraisement instructions directly to the Customs Service. Furthermore, the following deposit requirements will be effective for all shipments of industrial belts and components and parts thereof, whether cured or uncured, from Italy entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of the administrative review provided by section 751(a)(1) of the Tariff Act: (1) The cash deposit rate for Pirelli will be 68.2 percent; and (2) the cash deposit rate for any future entries from all other manufacturers or exporters who are not covered in this administrative review or the original less-than-fair-value investigation and who are unrelated to Pirelli will be 68.2 percent.

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: February 28, 1992.

Marjorie A. Chorlins,

Acting Assistant Secretary for Import Administration.

[FR Doc. 92–5426 Filed 3–6–92; 8:45 am]

BILLING CODE 3510–DS–M

[A–588–807]

Industrial Belts and Components and Parts Thereof From Japan; Preliminary Results of Antidumping Duty Administrative Review

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

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

SUMMARY: In response to requests by both the petitioner and respondent, the Department of Commerce is now conducting an administrative review of the antidumping duty order on industrial belts and components and parts thereof, whether cured or uncured (hereinafter referred to as "industrial belts"), from Japan. The review covers one exporter during the period June 1, 1990 through May 31, 1991.

As a result of the review, the Department has preliminarily determined to assess antidumping duties based on the best information available.

Interested parties are invited to comment on the preliminary results of the administrative review.

EFFECTIVE DATE: March 9, 1992.

FOR FURTHER INFORMATION CONTACT: Charles Vannatta or Art Stern, Office of Agreements Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone (202) 377–3793.

SUPPLEMENTARY INFORMATION:

Background

On June 14, 1989, the Department of Commerce (the Department) published in the **Federal Register** (54 FR 25314) the antidumping duty order on industrial belts from Japan. On June 28, 1991, both the petitioner and respondent requested that we conduct an administrative review of the period June 1, 1990 through May 31, 1991. We published a notice of initiation of the antidumping administrative review on July 19, 1991 (56 FR 33251). The Department is now conducting this administrative review in accordance with section 751 of the Tariff Act of 1930 (the Tariff Act), as amended.

Scope of Review

Imports covered by the review are shipments of industrial belts and components and parts thereof, whether cured or uncured, from Japan. These products include V-belts, synchronous belts, and other industrial belts, in part or wholly of rubber or plastic, and containing textile fiber (including glass fiber) or steel wire, cord or strand, and whether in endless (i.e., closed loops) belts, or in belting in lengths or links. This review excludes conveyor belts and automotive belts as well as front engine drive belts found on equipment powered by internal combustion engines, including truck, tractors, buses, and lift trucks.

During the period of review, the merchandise was classifiable under Harmonized Tariff System (HTS) item numbers 3926.90.55, 3926.90.56, 3926.90.57, 3926.90.59, 3926.90.60, 4010.10.10, 4010.10.50, 4010.91.11, 4010.91.15, 4010.91.19, 4010.91.50, 4010.99.11, 4010.99.15, 4010.99.19, 4010.99.50, 5910.00.10, 5010.00.90, and 7326.20.00. The HTS item numbers are provided for convenience and Customs purposes. The written description remains dispositive.

The review covers the shipments of one manufacturer and exporter of industrial belts from Japan to the United States, Mitsuboshi Belting Limited

(MBL), and the period June 1, 1990 through May 31, 1991.

Preliminary Results of the Review

Because MBL did not respond to the Department's questionnaire, the Department has preliminarily determined to use the best information available. The best information available is the rate from the investigation of sales at less-than-fair-value. This rate is 93.16 percent (June 14, 1989, 54 FR 25314).

The Department shall determine, and the U.S. Customs Service shall assess, antidumping duties on all appropriate entries. The Department will issue appraisement instructions directly to the Customs Service.

Parties to the proceeding may request disclosure within five days of the date of publication of this notice. Any interested parties may request a hearing within 10 days of publication. Any hearing, if requested, will be held 44 days after the date of publication of this preliminary notice or the first workday thereafter. Case briefs and/or written comments from interested parties may be submitted not later than 30 days after the date of publication. Rebuttal briefs and rebuttals to written comments, limited to issues raised in the case briefs and comments, may be filed not later than 37 days after the date of publication. The Department will publish final results of this administrative review, including the results of its analysis of issues raised in any such written comments or at a hearing.

Furthermore, the following deposit requirements will be effective for all shipments of the subject merchandise, entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(1) of the Tariff Act: (1) The cash deposit rate for MBL will be that rate established in the final results of this administrative review; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will be the "all other" rate established in the final results of this administrative review.

These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

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 section 353.22 of the Commerce Department's regulations (19 CFR 353.22).

Dated: February 28, 1992.

Marjorie A. Chorlins,

Acting Assistant Secretary for Import Administration.

[FR Doc. 92-5425 Filed 3-6-92; 8:45 am]

BILLING CODE 3510-DS-M

[A-580-803]

Certain Small Business Telephone Systems and Subassemblies Thereof From Korea; Final Results of Antidumping Duty Administrative Review

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

ACTION: Notice of final results of antidumping duty administrative review.

SUMMARY: On November 13, 1991, the Department of Commerce published the preliminary results of its administrative review of the antidumping duty order on certain small business telephone systems and subassemblies thereof from Korea. The review covers one manufacturer/exporter of this merchandise to the United States for the period August 3, 1989, through January 31, 1991.

We gave interested parties an opportunity to comment on the preliminary results. At the request of the petitioner, American Telephone and Telegraph (AT&T), we held a public hearing on January 9, 1992. Based on our analysis of comments received, issues raised at the public hearing, and the correction of clerical errors, the final results of review differ from the preliminary results of review.

EFFECTIVE DATE: March 9, 1992.

FOR FURTHER INFORMATION CONTACT: Timothy A. Volker or Thomas F. Futtner, Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone (202) 377-8120.

SUPPLEMENTARY INFORMATION:

Background

On November 13, 1991, the Department of Commerce (the Department) published in the **Federal Register** (56 FR 57611) the preliminary results of its administrative review of the antidumping duty order on certain small business telephone systems and subassemblies thereof from Korea (55 FR 4215, February 7, 1990). The Department has now completed that administrative review in accordance with section 751 of the Tariff Act of 1930 (the Tariff Act) and 19 CFR 353.22 (1991).

Scope of the Review

Imports covered by the review are shipments of certain small business telephone systems and subassemblies thereof (SBTS), currently classifiable under Harmonized Tariff Schedule item numbers 8517.30.2000, 8517.30.2500, 8517.30.3000, 8517.10.0020, 8517.10.0040, 8517.10.0050, 8517.10.0070, 8517.10.0080, 8517.90.1000, 8517.90.1500, 8517.90.3000, 8518.30.1000, 8504.40.0004, 8504.40.0008, 8504.40.0010, 8517.81.0010, 8517.81.0020, 8517.90.4000, and 8504.40.0015.

Certain small business telephone systems and subassemblies thereof are telephone systems, whether complete or incomplete, assembled of unassembled, with intercom or internal calling capability and total non-blocking port capacities of between two and 256 ports, and discrete subassemblies designed for use in such systems. A subassembly is "designed" for use in a small business telephone system if it functions to its full capability only when operated as part of a small business telephone system. These subassemblies are defined as follows:

(1) Telephone sets and consoles, consisting of proprietary, corded telephone sets or consoles. A console has the ability to perform certain functions including: answer all lines in the system; monitor the status of other phone sets; and transfer calls. The term "telephone sets and consoles" is defined to include any combination of two or more of the following items, when imported or shipped in the same container, with or without additional apparatus: housing; hand set; cord (line or hand set); power supply; telephone set circuit cards; console circuit cards.

(2) Control and switching equipment, whether denominated as a key service

unit, control unit, or cabinet/switch. "Control and switching equipment" is defined to include the units described in the preceding sentence which consist of one or more circuit cards or modules (including backplane circuit cards) and one or more of the following items, when imported or shipped in the same container as the circuit cards or modules, with or without additional apparatus: connectors to accept circuit cards or modules; building wiring.

(3) Circuit cards and modules, including power supplies. These may be incorporated into control and switching equipment or telephone sets and consoles, or they may be imported or shipped separately. A power supply converts or divides input power of not more than 2400 watts into output power of not more than 1800 watts supplying DC power of approximately 5 volts, 24 volts, and 48 volts, as well as 90-volt AC ringing capability.

The following merchandise has been excluded from the scope of this antidumping duty order: (1) Nonproprietary industry-standard ("tip/ring") telephone sets and other subassemblies that are not specifically designed for use in a covered system, even though a system may be adapted to use such nonproprietary equipment to provide some system functions; (2) telephone answering machines or facsimile machines integrated with telephone sets; and (3) adjunct software used on external data processing equipment.

Analysis of Comments Received

We gave interested parties an opportunity to comment on the preliminary results as provided by § 353.22(c) of the Commerce Regulations. We received comments from one respondent, Samsung, and AT&T, and, at the request of AT&T, held a public hearing on January 9, 1992.

We have corrected any clerical errors noted by both parties, and have addressed them specifically in this notice.

Comment 1: Petitioner contends that the Department is required by 19 U.S.C. 1677e(b)(3) to conduct a verification of Samsung since no verification was conducted during two previous administrative reviews and because "good cause" for verification exists. Petitioner contends that "(d)iscrepancies found in previous verifications, together with apparent inconsistencies and gaps in the data in Samsung's current response" provide "good cause" for verification. Petitioner's case brief December 13, 1991, at 3–4.

Samsung contends that since this is the first administative review, there could not have been verifications during two previous administrative reviews. Moreover, Samsung contends that petitioner has not shown "good cause" for verification because Samsung did not fail its verification in the original less-than-fair-value investigation and instead had been found to have been cooperative in providing information requested by the Department, and had provided data with only minor clerical errors.

Department's Position: We disagree with petitioner and agree with Samsung. Section 776(b) (3) of the Tariff Act Provides that verification is required only if requested in a timely fashion by an interested party and if no verification was conducted during the two immediately peceeding reviews and determinations, unless good cause exists to conduct a review. Petitioner claims that the Department is required to conduct a verification because petitioner submitted a timely request and no verification was conducted during the two preceding reviews. There have not been two immediately preceding reviews and determinations since this is the first administrative review in this proceeding. Therefore, although petitioner made a timely request, verification is not required. See Comment 1, Final Results of Antidumping Duty Administrative Review, Iron Construction Castings from Canada (56 FR 23274, 23275, May 21, 1992.) Nevertheless, parties can claim exception to this rule if they can show "good cause." See the Department's response to petitioner's Comment 1, Final Results of Antidumping Duty Adminstrative Review; Certain Iron Construction Castings from India (55 FR 40697, 50698, October 4, 1990). In reaching the decison not to verify Samsung's response, the Department considered the substantial amount of detail and documentation provided as part and in support of Samsung's questionnaire response. Petitioner did not demonstrate "good cause" for verification, such as a failed verification in the less-than-fair-value investigation. See Comment 1, Final Results of Antidumping Duty Administrative Review, Iron Construction Castings from Canada (56 FR 23274, 23275, May 21, 1991.) Furthermore, although petitioner cites "discrepancies" noted during the verification in the original less-than-fair-value investigation of Samsung, we do not find the "discrepancies" identified by petitioner in this review to constitute "good cause."

Comment 2: Petitioner contends that Samsung's claimed advertising expenses must be rejected because Samsung failed to allocate those expenses appropriately. Samsung asserts that its expense ledgers do not permit model-specific identification of advertising expenses and that the company has accordingly followed the Department's questionnaire instructions for allocating advertising expenses to specific models.

Department's Position: We agree with Samsung. Although we prefer model-specific identification of advertising expenses, we will accept the submission of advertising expenses on a product-line basis if that is how the expenses are maintained in the respondent's accounting records and the respondent cannot easily provide actual model-specific information. Because Samsung's accounting records maintain advertising expenses on a product-line basis, we believe Samsung's methodology for allocating these expenses to be both reasonable and consistent with our instructions in the questionnaire. Accordingly, we have deducted advertising expenses from foreign market value (FMV).

Comment 3: Petitioner contends that the Department should treat Samsung's home market freight expenses incurred in shipping merchandise from the factory to regional warehouses as indirect expenses because such expenses were incurred prior to sale. Samsung contends that the Department correctly deducted home market inland freight expense from home market price since the Department no longer treats "pre-sale" movement expenses as indirect expenses.

Department's Position: We agree with Samsung. Although 19 U.S.C. 1677(d)(2)(A) requires the Department to deduct all inland freight expenses incurred on U.S. sales in order to establish the ex-factory price for sales comparison purposes, there is no explicit provision for deducting home market inland freight expenses from FMV. Previously, the Department attempted to adjust FMV for home market inland freight expenses under the circumstances-of-sale adjustment provision in 19 U.S.C. 1677(a)(4)(B).

This approach, however, denied many respondents' claims for pre-sale inland freight expenses because they were unable to directly tie such expenses to specific sales. By denying an adjustment for pre-sale inland freight expenses to home market price, the Department would compare an ex-factory price in the United States to an ex-warehouse price in the home market. By deducting home market pre-sale inland freight expenses from FMV, we are able to compare U.S. ex-factory prices with their counterpart in the home market. See Comment 18, Tapered Roller

Bearings, and Parts Thereof, Finished and Unfinished, From Japan; Final Results of Antidumping Duty Administrative Review(57 FR 4960, 4967, February 11, 1992). Accordingly, we have deducted the entire amount of home market inland freight expenses from FMV.

Comment 4: Petitioner contends that the Department should use an alternative methodology to calculate Samsung's U.S. freight charges. Samsung contends that the Department was correct to use the methodology Samsung reported, and that the alternative methodology suggested by the petitioner would result in virtually the same U.S. freight expense.

Department's Position: We agree with Samsung. Samsung's U.S. freight costs were incurred in ways not directly attributable to the weight and/or volume of specific products. Accordingly, Samsung allocated freight charges to particular U.S. models on the basis of sales value, not spatial volume.

Samsung contends that it used relative sales value as its basis for allocating freight expenses because it believes that to be the most reliable methodology under the circumstances. While acknowledging that freight charges could be allocated by relative actual volumes as suggested by petitioner, Samsung contends that information it submitted in its December 20, 1991, case brief demonstrates that its methodology leads to substantially the same results as the methodology suggested by petitioner. Based on the information Samsung submitted in its case brief, as well as the fact that Samsung is not charged for freight on a keyphone-specific basis, we believe that allocating freight charges by sales value is reasonable. See Comment 8, Roller Chain, Other Than Bicycle, From Japan; Final Results of Antidumping Duty Administrative Review and Intent To Revoke in Part (54 FR 3099, 3100, January 23, 1989). Accordingly, we have accepted Samsung's reported U.S. freight expenses.

Comment 5: Petitioner contends that the Department's methodology in making an adjustment for value-added tax (VAT) is incorrect because it eliminates the absolute difference between the amount of tax in each market, thus resulting in a circumstance-of-sale adjustment. Petitioner asserts that the correct methodology is to add the amount of VAT to home market price and then to add to the U.S. price the lesser of the VAT applicable to home market price or the amount of VAT that would have been assessed but was forgiven on exportation. Furthermore, petitioner contends that VAT should not be added to constructed value (CV). Samsung contends that the Department is justified in using the VAT methodology it did but agrees with petitioner that VAT should not be added to CV.

Department's Position: We agree with Samsung. We added an imputed VAT to USP under section 772(d)(1)(c) of the Tariff Act. We calculated the addition to USP by applying the HM tax rate to the net U.S. price after all other adjustments were made. We imposed no limitation on the imputed tax added to USP on the basis of the incidence of the HM tax because the statute requires no such limitation. No VAT was added to USP where FMV was based on CV, because section 773(e) of the Tariff Act does not provide for the addition of any tax to CV.

Because all HM sales were reported net of VAT, we added the same VAT amount to FMV as that calculated for USP. This is equivalent to calculating the actual HM tax, and then performing a circumstance-of-sale adjustment to FMV to eliminate the absolute difference between the amount of tax in each market. We are not following *Zenith* v. *United States*, 633 F.Supp. 1382 (CIT 1986) (*Zenith*) and its progeny with respect to the circumstance-of-sale issue because we disagree and such voluntary acquiescence would deprive the Department of its right to appeal this issue in this proceeding. We are relying on the Department's broad statutory authority to make adjustments for such differences in the circumstances of sale. See Section 14, Comment 1, Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof From the Federal Republic of Germany; Final Results of Antidumping Administrative Review (56 FR 31692, 31729, July 11, 1991).

Comment 6: Petitioner contends that the Department should recalculate Samsung's research and development (R&D) expenses. Samsung contends that its accounting records do not record model-specific R&D expenses. Accordingly, Samsung maintains that the R&D expenses it reported, and which were subsequently used by the Department in its analysis, are appropriate.

Department's Position: We agree with Samsung. The methodology used by Samsung in its questionnaire response for reporting R&D is consistent with the methodology used by Samsung, and verified by the Department, in the Less-than-fair-value investigation. Accordingly, although we recognize that there are potentially several reasonable methodologies for allocating R&D expenses, we do not believe that Samsung's methodology is inappropriate.

Comment 7: Citing the Questionnaire issued in the 1990–1991 administrative review of the antifriction bearings orders, petitioner asserts that the Department should have collected sales data both 90 days prior to the period of review and 60 days following the period of review. Petitioner contends that, at a minimum, the Department should remove the statement in Samsung's computer program which prevents data from outside the period of review from being analyzed. Samsung contends that the Department did not require it to submit sales outside the period of review and even if it had, such sales would not affect the model matches.

Department's Position: Section 773(a)(1) of the Tariff Act provides that FMV is the price at the "time such merchandise is first sold within the United States." We have consistently interpreted this as requiring that price comparisons based on reasonably contemporaneous sales of such or similar merchandise in the U.S. and foreign markets. When there are no home market sales made in the same month as the U.S. sale, we try to find home market sales as close in time to the U.S. sale as possible. A contemporaneity guideline has been developed in which we first attempt to use a home market sale occurring up to three months prior to and, if one cannot be identified, no more than two months after the month of the U.S. sale. See our response to Comment 1 in Final Results of Antidumping Duty Administrative Review: Certain Forged Steel Crankshafts from the United Kingdom. (56 FR 5975, 5976, February 14, 1991.)

Although it has become our practice to require respondents to report sales outside the period of review so that a so-called 90/60-day analysis can be performed on sales transactions which occurred at both the beginning and the end of the period of review, the questionnaire we issued to Samsung did not specifically require the company to report this information. We conducted a 90/60-day analysis of the home market models sold during the period of review. In those few situations in which Samsung did not have sales of such or similar home market merchandise, the company provided CV information.

In its certified December 20, 1991, rebuttal brief, Samsung asserted that although it would be willing to submit home market sales for the three-month period before and the two-month period after the period of review, the use of this information would not affect the model matches used in the preliminary results.

After reviewing all of Samsung's CV-based sales which occurred within 90 days of the beginning and 60 days of the end of the review, we found that for every model based on CV during these periods, CV was used for that same model throughout the entire period of review. In light of this, as well as the fact that, despite having had access under administrative protective order to the sales data submitted by Samsung, petitioner did not suggest that we collect the additional data until the filing of its case brief, we have determined that collection of additional sales data does not warrant delaying the completion of this administration review.

Comment 8: Samsung contends that the Department should not compare U.S. sales to distributors with home market sales to end-users. Petitioner contends that since Samsung has provided no evidence to demonstrate that sales to end-users should be excluded from the Department's analysis, such sales should be included.

Department's Position: We agree with Samsung. According to 19 CFR 353.58, "[t]he Secretary normally will calculate foreign market value and United States price based on sales at the same commercial level of trade." Samsung home market sales during the period of review were to both dealers and end-users; its U.S. sales were exclusively to distributors. Accordingly, for the final results we have compared Samsung's U.S. sales to distributors with its home market sales to dealers. In those cases where there were no comparable home market sales to dealers, we used home market sales to end-users for the purpose of comparison.

Comment 9: Samsung contends that the Department should deduct its reported technical service expense from FMV as a direct selling expense. Petitioner argues that the Department correctly considered this expense to be an indirect selling expense and should not allow a deduction.

Department's Position: We agree with petitioner. According to the questionnaire we issued Samsung, and in keeping with our practice, "we will only consider those [technical service expenses] that you can directly relate to sales of the subject merchandise." As in the less-than-fair-value investigation, in which we disallowed Samsung's claimed technical service expenses, Samsung has not been able to identify the amount expended for technical services on a sale by sale, or even model-specific, basis. Accordingly, we have disallowed Samsung's claim to deduct technical service expenses from FMV.

Final Results of the Review

As a result of comments received, we have revised our preliminary results for Samsung, and we determine the margin to be:

Manufacturer exporter	*Time period*	Margin (percent)
Samsung Electronics Co., Ltd	08/03/89–1/31/91	0.02

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. Individual differences between United States price and foreign market value may vary from the percentage stated above. Upon completion of this review, the Department will issue appraisement instructions directly to the Customs Service.

Furthermore, the following deposit requirements will be effective upon publication of this notice of final results of administrative review for all shipments of small business telephone systems and subassemblies thereof from Korea 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) Because Samsung's margin is *de minimis*, no cash deposit will be required for Samsung; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value investigation, but the manuacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) no cash deposits will be required for all other manufacturers or exporters.

These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

This notice also reserves as a final reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Dated: March 3, 1992.

Alan M. Dunn,

Assistant Secretary for Import Administration.

[FR Doc. 92–5424 Filed 3–6–92; 8:45 am]

BILLING CODE 3510–DS–M

[A–533–502]

Certain Welded Carbon Steel Standard Pipe and Tube From India; Preliminary Results of Antidumping Duty Administrative Review

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

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

SUMMARY: In response to a request by petitioner, the Department of Commerce is conducting an administrative review of the antidumping duty order on certain welded carbon steel standard pipe and tube from India. The review covers one exporter for the period from May 1, 1990 through April 30, 1991. As a result of this review, the Department has preliminarily determined that dumping margins exist with respect to this exporter. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: March 9, 1992.

FOR FURTHER INFORMATION: Contact Jim Rice or Wendy Frankel, Office of Agreements Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, telephone (202) 377–3793.

SUPPLEMENTARY INFORMATION: On May 12, 1986, the Department of Commerce (the Department) published in the **Federal Register** an antidumping duty order on certain welded carbon steel standard pipe and tube from India (51 FR 17384). On May 21, 1991, the Department published in the **Federal Register** a notice of opportunity to request an administrative review for the period May 1, 1990 through April 30, 1991 (56 FR 23271). Subsequent to the publication of the notice of opportunity, the Standard Pipe Subcommittee of the Committee on Pipe and Tube Imports and its individual members requested that the Department conduct an administrative review covering Tata Iron and Steel Co., Ltd. (TISCO). On June 18, 1991, the Department published a notice of initiation (56 FR 27943). The Department is now conducting this review in accordance with section 751 of

the Tariff Act of 1930, as amended (the Act).

Scope of the Review

Imports covered by this review are shipments of welded carbon steel pipes and tubes with an outside diameter of 0.375 inch or more but not over 16 inches. Thse products are commonly referred to in the industry as "standard pipe" and are produced to various American Society for Testing Materials (ASTM) specifications, most notably A–53, A–120, or A–135. Until January 1, 1989, such merchandise was classifiable under item numbers 610.3231, 610.3234, 610,3242, 610.3243, 610.3252, 610.3254, 610.3256, 610.3258, adn 610.4925 of the Tariff Schedule of the United States Annotated (TSUSA). This merchandise is currently classifiable under Harmonized Tariff Schedule (HTS) item numbers 7306.1000, 7306.30.5025, 7306.30.5032, 7306.30.5040, 7306.30.5055, 7306.30.5085, and 7306.30.5040. As with the TSUSA numbers, the HTS numbers are provided for convenience and customs purposes. The written description remains dispositive.

Verification

In accordance with section 776(b)(3) of the Act, the Department conducted a verification of the questionnaire responses submitted by TISCO at the company's headquarters in Calcutta, India, from December 9 through December 13, 1991. We used standard verification procedures, including examination of accounting records and other documents containing relevant information.

During verification, we found minor discrepancies in TISCO's response. In particular, TISCO did not accurately calculate its claimed adjustment for a difference in cost reflecting the difference in physical merchandise between ASTM and Indian Standard (IS) pipe, nor did it report the correct date of sale information on all its U.S. sales. These, and other minor errors, were corrected at verification and accepted by the Department.

United States Price

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

We added to purchase price certain import duties which were rebated, or not collected, by reason of the exportation of the merchandise to the United States, in accordance with section 772(d)(1)(B) of the Act.

Foreign Market Value

In accordance with section 773(a) of the Act, we calculated foreign market value based on delivered packed prices of IS pipe to unrelated purchasers in India at the same commercial level of trade as U.S. customers, *i.e.*, wholesalers and distributors. Although some of the standard pipe TISCO sold in India was identical to the merchandise sold in the United States, which conforms to ASTM specifications, it was determined in the previous review that TISCO's home-market sales of ASTM pipe were "not in the ordinary course of trade for home consumption" within the meaning of section 773(a)(1)(A) of the Act. See Final Results of Antidumping Duty Administrative Review, Certain Welded Carbon Steel Standard Pipes and Tubes from India (56 FR 64753). No conclusive evidence was presented at verification which would cause the Department to alter its position on this issue.

The Department deducted cash discounts, where appropriate, and adjusted foreign market value for differences in packing costs between the two markets. In accordance with section 773(a)(4)(C) of the Act and § 353.57 of our regulations (19 CFR 353.57), we also adjusted foreign market value to account for cost differences attributable to differences in the physical characteristics of the merchandise reflecting ASTM and IS characteristics. We made a similar adjustment where there was no product in the home market with the same end-type as the product sold in the United States.

Preliminary Results of the Review

As a result of our comparison of the United States price to foreign market value, we preliminarily determine that the following dumping margin exists:

Producer	Period of review	Margin
Tata Iron and Steel Co.	05/01/90–04/30/91	67.99

Parties to the proceeding may request disclosure within 5 days of the date of publication of this notice. Interested parties may request a hearing within 10 days of the date of publication of this notice and submit written comments on these preliminary results within 30 days of the date of publication of this notice in the **Federal Register**. We will hold a hearing, if requested, as early as is convenient for the parties but no later than 44 days after the date of publication, or the first business day thereafter. Interested parties may submit case briefs no later than 14 days before the date of the hearing or the first business day thereafter. Rebuttal briefs and rebuttal comments, limited to issues raised in the initial round of comments, may be filed no later than 7 days after submission of the initial round of comments or the first business day thereafter. The Department will publish the final results of this administrative review, including an analysis of all issues raised in any written comments or hearing.

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. Individual differences between United States price and foreign market value may vary from the percentage stated above. The Department will issue appraisement instructions directly to the Customs Service.

Furthermore, the following deposit requirements will be effective for all shipments of the subject merchandise, entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(1) of the Act: (1) The cash deposit rate for the reviewed company will be that rate established in the final results of this administrative review; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will be the "all other" rate established in the final results of this administrative review. This rate represents the highest rate for any firm with shipments in this administrative review, other than those firms receiving a rate based entirely on best information available. These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping

duties occurred and the subsequent assessment of double antidumping duties.

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

Dated: February 28, 1992.

Marjorie A. Chorlins,

Acting Assistant Secretary for Import Administration.

[FR Doc. 92-5427 Filed 3-6-92; 8:45 am]

BILLING CODE 3510-DS-M

[C-517-501]

Carbon Steel Wire Rod From Saudi Arabia; Final Results of Countervailing Duty Administrative Review

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

ACTION: Notice of final results of countervailing duty administrative review.

SUMMARY: The Department of Commerce has completed an administrative review of the countervailing duty order on carbon steel wire rod from Saudi Ariabia. We determine the total bounty or grant to be 0.01 percent *ad valorem* for the period of January 1, 1990 through December 31, 1990. In accordance with 19 CFR 355.7, any rate less than 0.50 percent *ad valorem* is *de minimis.*

EFFECTIVE DATE: March 9, 1992.

FOR FURTHER INFORMATION CONTACT: Philip Pia or Michael Rollin, Office of Countervailing Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-2786.

SUPPLEMENTARY INFORMATION:

Background

On December 26, 1991, the Department of Commerce (the Department) published in the **Federal Register** (56 FR 66847) the preliminary results of its administrative review of the countervailing duty order on carbon steel wire rod from Saudi Arabia (February 3, 1986; 51 FR 4206). The Department has now completed this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Tariff Act).

Scope of Review

Imports covered by these reviews are shipments of Saudi carbon steel wire rod. Carbon steel wire rod is a coiled, semi-finished, hot-rolled carbon steel product of approximately round solid cross section, not under 0.20 inch nor over 0.74 inch in diameter, tempered or not tempered, treated or not treated, not manufactured or partly manufactured, and valued over or under 4 cents per pound. Such merchandise is classifiable under item numbers 7213.20.00, 7213.31.30, 7213.31.60, 7213.39.00, 7213.41.30, 7213.41.60, 7213.49.00 and 7213.50.00 of the *Harmonized Tariff Schedule* (HTS). The HTS item numbers are provided for convenience and Customs purposes. The written description remains dispositive.

The review covers the period January 1, 1990 through December 31, 1990 and four programs: (1) Public Investment Fund loan to HADEED, (2) SABIC's transfer of SULB shares to HADEED, (3) preferential provision of equipment of HADEED, and (4) income tax holiday for joint venture projets in Saudia Arabia. The Saudi Iron and Steel Company (HADEED) was the sole producer and/or exporter of carbon steel wire rod to the United States during the review period.

Analysis of Comments Received

We gave interested parties an opportunity to comment on the preliminary results. We received comments from the respondent (HADEED), and the petitioners.

Comment 1: The respondent argues that the Public Investment Fund (PIF) loan program and the Saudi Industrial Development Fund (SIDF) loan program are "integrally linked" as defined in section 355.43(b)(6) of the Department's proposed regulations; see, Countervailing Duties; Notice of Proposed Rulemaking and Request for Public Comments, 54 FR 23366, (May 31, 1989). Since PIF and SIDF are integrally linked, they should be considered together in determining whether loans provided by these two entities are limited to a specific enterprise or industry, or group of enterprises or industries. SIDF and PIF qualify for linkage under each factor identified in the Department's proposed regulations. These factors are (1) evidence of a government policy to treat industries equally, (2) the purposes of the programs as stated in their enabling legislation, (3) the administration of the programs, (4) the manner of funding the programs, and (5) "other factors."

The information on the record shows a Saudi government policy to treat industries equally. PIF and SIDF provide identical benefits—low-cost, long-term construction loans—on identical terms to a wide variety of industries. PIF and SIDF are two of five Specialized Credit Institutioins that the Saudi government created to develop and diversify the Saudi economy. The PIF and SIDF share a common purpose as the only sources of low-cost financing for the industrial and manufacturing sector. PIF loans are available to companies with some government equity, and are suited for the types of large projects that the Saudi government would be most likely to undertake. SIDF loans, on the other hand, are available to companies with some private Saudi ownership and are best suited for small and medium-sized projects. Between them, the two programs address the borrowing needs of the entire range of Saudi industries.

PIF and SIDF share a common purpose, based on statements in each entity's enabling legislation. PIF was created "to finance investment in the productive projects of a commercial nature." Similarly, SIDF was created "to support industrial development in the private sector of the Kingdom's economy." Both programs are aimed at financing development in the Saudi industrial and manufacturing sector.

PIF and SIDF are administered in a comparable manner through SAMA (the Saudi Central Bank) and the Ministry of Finance and National Economy. Both PIF and SIDF are administered by boards of directors with a common chairman, the Minister of Finance and National Economy, with the remaining members drawn from SAMA and other Saudi government agencies.

PIF and SIDF were orginally funded through the Ministry of Finance and National Economy. Currently, both programs are self-sufficient. SAMA produces a consolidated balance sheet showing assets and liabilities of PIF and SIDF jointly. All information regarding budget allocations, disbursements and repayments of PIF and SIDF are published as consolidated statements.

Other factors integrally linking PIF and SIDF include the fact that there are no *de jure* limitations on the types of industries eligible to receive loans under either fund. The lending practices and histories of both funds are similar. The maximun loan amount is SR 500 million for PIF and SR 400 million for SIDF. The maximum loan period for both PIF and SIDF is 15 years. The PIF requires Saudi government equity participation in a project in order to obtain funds. Similarly, SIDF requires at least 25 percent equity contribution from private Saudi sources in order to obtain funds.

Thus, in light of the factors described above, respondent argues that the Department has a compelling case for finding integral linkage between PIF and SIDF. The programs are part of the same overall government lending policy, they are intended to be complementary and to achieve the same purpose, they are

administered and funded through the same governmental agency, and they provide similar benefits to the same sector of the Saudi economy. Based on a finding of integral linkage, the Department should consider PIF and SIDF programs together and find that neither is specifically provided and therefore countervailable.

The petitioner argues the Department has rejected respondent's argument regarding integral linkage in the previous three reviews (see, Final Results of Countervailing Duty Administrative Review; Carbon Steel Wire Rod from Saudi Arabia, 56 FR 26652, June 10, 1991; and, Final Results of Countervailing Duty Administrative Reviews; Carbon Steel Wire Rod from Saudi Arabia, 56 FR 48158, September 24, 1991). The unique aspects of the PIF program cannot be hidden by lumping it together with other Saudi government financing programs such as SIDF, which were established for other reasons. Nothing the Saudi government does in providing other loans through separate programs detracts from PIF's specificity.

Department's Position: Any conclusion regarding the roles of PIF and SIDF in a broader Saudi governmental policy initiative can only be reached by considering the historical and practical development of each program up to the time the loan in question was contracted. Documented information on the inception of the programs that explicitly ties PIF and SIDF as complementary parts of an overarching governmental policy directive has not been presented by the respondent despite the Department's repeated requests. Therefore, since the factual information on the record relevant to the establishment and development of PIF and SIDF is insufficient to demonstrate integral linkage, we will continue to consider each program separately.

Comment 2: The respondent contends that it is unreasonable for the Department to demand any more factual proof of integral linkage than what HADEED has provided. All known existing evidence has been presented. For reasons relating primarily to the nature of record-keeping during the early stages of Saudi Arabia's industrialization process, better evidence appears not to exist. The Department is not justified in treating evidence of linkage at inception as a criterion for finding integral linkage. Such a criterion is not even explicitly listed in the Department's proposed regulation. Furthermore, the Department's insistence on proof of such additional factors violates prescribed rules of procedure by using factors purporting to be guidance as a final rule determining substantive rights. The Court of International Trade has held that the Department must follow the minimal "notice and comment" procedures embodied in the Administrative Procedures Act (APA) before promulgating final rules. Ipsco, Inc. v. United Sttes, 687 F. Supp. 614 (C.I.T. 1988).

Department's Position: With regard to the question of "integral linkage," the Department has in these reviews consistently focused its attention on the relationship between the programs in question and "an overall government policy or national development plan." See, Final Results of Countervailing Duty Administrative Reviews; Carbon Steel Wire Rod from Saudi Arabia, 56 FR 48158, September 24, 1991). This position was also followed in the Final Affirmative Countervailing Duty Determination; Certain Fresh Cut Flowers from the Netherlands (52 FR 3301, February 3, 1987) wherein the Department would not find integral linkage because "the government was unable to document the inclusion of [the programs] as part of an overall national energy program. * * *" *Id* at 3309.

In requiring that this relationship be explicit at the inception(s) of the programs, the Department violates no statutory or regulatory provision. Even if one turns to the Department's proposed regulations, the decision herein is fully supported. 19 CFR 355.43(b)(6) of the proposed regulations tells us that when deciding an integral linkage question the Secretary will examine "evidence of a government policy to treat industries equally." This broad instruction is included on a list that explicitly advises parties that the Department will consider the factors on the list together with "other factors." Thus, it is within the Department's discretion to explicate each factor listed in the proposed regulation, and to do so in accordance with Departmental precedent. This is precisely what the Department has done with the second factor listed in the proposed regulation.

Comment 3: The respondent argues that, contrary to the Department's preliminary results, PIF loans are not limited to a specific group of enterprises, and therefore, they are not countervailable. HADEED contends that the Department's preliminary determination that the Saudi government, through PIF, provides loans to "a specific enterprise or industry or group of enterprises or industries" within the meaning of section 1677(5)(B), is incorrect. The basis for the Department's determination is the erroneous assumption that only six companies have effectively benefited from the program. In reality, 24 companies in a wide variety of industries have received PIF financing. The 18 companies that are at least 50 percent-owned by either SABIC or PETROMIN should be treated as separate entities. The Department has, in effect, found that there is an intercorporate transfer of benefits based solely on corporate relationships with SABIC or PETROMIN. Such an application of the specificity test based on a commonality of shareholders is without precedent and contravenes the Department's established policy not to assume automatic transfer of benefits based on related party status. Respondents cite the following cases in defense of their argument: Industrial Phosphoric Acid from Israel, 52 FR 25447 (July 7, 1987); Operators for Jalousie and Awning Windows from El Salvador, 51 FR 41516 (November 17, 1986); Low-Fuming Brazing Copper Rod and Wire from New Zealand, 50 FR 31638 (August 5, 1985); and Carbon Steel Structural Shapes from Luxembourg, 47 FR 39364 (September 7, 1982).

The petitioner contends that PIF provides benefits almost exclusively to the projects undertaken by a few companies with controlling government ownership and therefore constitute a specific group of enterprises in Saudi Arabia.

Department's Position: We disagree with respondent. We have considered and rejected respondent's argument in the original investigation, and in the subsequent three reviews (see, Final Affirmative Countervailing Duty Determination and Countervailing Duty Order; Carbon Steel Wire Rod from Saudi Arabia, 51 FR 4206, February 3, 1986; Final Results of Countervailing Duty Administrative Review; Carbon Steel Wire Rod from Saudi Arabia, 56 FR 26652, June 10, 1991; and, Final Results of Countervailing Duty Administrative Reviews; Carbon Steel Wire Rod from Saudi Arabia, 56 FR 48158, September 24, 1991, respectively). We determined that the loan in question was part of a *de facto* specific program, and respondent has presented no new evidence that would disturb this conclusion (other than that pertaining to "integral linkage"). Furthermore, the Court of International Trade has found that Commerce "reasonably applied the Specificity test" and has concluded that Commerce's determination that the Saudi government provides PIF loans to a specific group of enterprises is in accordance with law. See, *Saudi Iron*

and Steel Co. v. *United States*, 675 F. Supp. 1362 (C.I.T. 1987).

Comment 4: Petitioners contend that the Department's use of a composite benchmark incorporating a short-term interest rate is incorrect. In calculating the benchmark, the Department relied on the erroneous assumption that HADEED could have obtained the SIDF's maximum loan limit of fifty percent of the project's total cost. In fact, the maximum amount HADEED could have obtained from SIDF was SR400 million, significantly less than fifty percent of the project's total cost.

Department's Position: We disagree. We have considered and rejected this argument in a previous review. See, Final Results of Countervailing Duty Administrative Review; Carbon Steel Wire Rod from Saudi Arabia, 56 FR 26652, June 10, 1991. Our methodology remains unchanged from the original investigation. Since the PIF loan covered 60 percent of HADEED's total project costs, for our benchmark we assumed that HADEED could have financed 50 percent of its total project costs with a SIDF loan (the maximum eligibility for a company with at least 50 percent Saudi ownership) and the remaining 10 percent of project costs with a Saudi commercial bank loan. The commercial bank portion of the benchmark was based on the average Saudi Interbank Offering Rate (SIBOR) for 1990, plus the normal one percent spread that is common for commercial borrowings from private Saudi banks.

Final Results of Review

After reviewing all of the comments received, we determine the total bounty or grant to be 0.01 percent *ad valorem* for the period January 1, 1990 through December 31, 1990. In accordance with 19 CFR 355.7, any rate less than 0.50 percent *ad valorem* is *de minimis*.

Therefore, the Department will instruct the Customs Service to liquidate, without regard to countervailing duties, all shipments of this merchandise exported on or after January 1, 1990 and exported on or before December 31, 1990.

The Department will also instruct the Customs Service to waive cash deposits of estimated countervailing duties on all shipments of this merchandise entered, or withdrawn from warehouse, for consumption, on or after the date of publication of these final results of administrative review. The waiving of cash deposits of estimated countervailing duties shall remain in effect until publication of the final results of the next administrative review. This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and 19 CFR 355.22.

Dated: March 2, 1992.

Marjorie A. Chorlins,

Acting Assistant Secretary for Import Administration.

[FR Doc. 92-5422 Filed 3-6-92; 8:45 am]

BILLING CODE 3510-DS-M

[C-122-819]

Notice of Initiation of Countervailing Duty Investigation: Portable Seismographs from Canada

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

EFFECTIVE DATE: March 9, 1992.

FOR FURTHER INFORMATION CONTACT: Vincent Kane or Gary Bettger, Office of Countervailing Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 377-2815 and (202) 377-2239, respectively.

INITIATION:

The Petition

On February 12, 1992, we received a petition in proper form from GeoSonics Inc., on behalf of the U.S. industry producing portable seismographs. In accordance with 19 CFR 355.12 (1991), petitioner alleges that manufacturers, producers, or exporters of portable seismographs in Canada receive subsidies within the meaning of section 701 of the Tariff Act of 1930, as amended (the Act). Petitioner names the following programs as possible sources of subsidies for Canadian producers of portable seismographs: Industrial and Regional Development Program (IRDP); General Development Agreements (GDA) and Economic and Regional Development Agreements (ERDA); Ontario Development Corporation (ODC) Export Support Loans; Program for Export Market Development (PEMD) and promotional Projects Program (PPP); Export Credit Financing; Certain Investment Tax Credits (ITC); and Other Research and Development Grants and/or Subsidies. Because Canada is a "country under the Agreement" within the meaning of section 701(b) of the Act, Title VII of the Act applies to this investigation, and the U.S. International Trade Commission (ITC) is required to determine whether imports of the subject merchandise from Canada materially injure, or threaten material injury to, the U.S. industry.

Petitioner has stated that it has standing to file the petition because it is an interested party as defined under 19 CFR 355.2(i), and because it has filed the petition on behalf of the U.S. industry manufacturing the product subject to this investigation. If any interested party, as described in 19 CFR 355.2(i) (3), (4), (5), or (6), wishes to register support for, or opposition to, this petition, please file written notification with the Assistant Secretary for Import Administration.

Initiation of Investigation

Under 19 CFR 355.13(a) the Department must determine, within 20 days after a petition is filed, whether the petition properly alleges the basis on which a countervailing duty may be imposed under section 701(a) of the Act, and whether the petition contains information reasonably available to the petitioner support the allegations. We have examined the petition on portable seismographs from Canada and have found that it meets these requirements. Therefore, we are initiating a countervailing duty investigation to determine whether Canadian manufacturers, producers, or exporters of portable seismographs receive subsidies. In accordance with 19 CFR 355.13(b), we also are notifying the ITC of this action.

Scope of Investigation

The products covered by this investigation are portable seismographs from Canada. Portable seismographs are used by the mining, construction, and blasting industries to measure the ground and air vibrations produced by man-made blasting. A portable seismograph measures the basic components of man-made ground and air vibrations in compliance with seismograph standards established by the U.S. Bureau of Mines. The basic components and ranges of measurement are: Ground peak particle velocity (.02 to 10 inches per second); ground motion frequency (2 to 200 Hz); direction of motion (3 orthogonal axis (L,T,V)); airblast level (100 to 140 dBL); airblast overpressure (1/10,000 to 1/100 psi); and airblast frequency (2 to 200 Hz). Earthquake, nuclear, and reflection/refraction seismographs are not included in the scope of this investigation. Portable seismographs are currently provided for in subheading 9015.80.6900 of the *Harmonized Tariff Schedule* (HTS). Although the HTS subheadings are provided for convenience and customs purposes, our written description of the scope of this proceeding is dispositive.

ITC Notification

Section 702(d) of the Act requires us to notify the ITC of this action and to provide it with the information we used to arrive at this determination. We will notify the ITC and make available to it all non-privileged and non-proprietary information. We will also allow the ITC access to all privileged and business proprietary information in the Department's files, provided the ITC confirms in writing that it will not disclose such information either publicly or under administrative protective order, without the written consent of the Deputy Assistant Secretary for Investigations, Import Administration.

Preliminary Determination by the ITC

The ITC will determine by March 30, 1992, whether there is a reasonable indication that imports of portable seismographs from Canada are materially injuring, or threaten material injury to, a U.S. industry. If its determination is negative, the investigation will be terminated. If affirmative, the Department will make a preliminary determination on or before May 7, 1992, unless the investigation is terminated pursuant to 19 CFR 355.17 or the preliminary determination is extended pursuant to 19 CFR 355.15.

This notice is published pursuant to 702(c)(2) of the Act.

Dated: March 3, 1992.

Alan M. Dunn,

Assistant Secretary for Import Administration.

[FR Doc. 92–5423 Filed 3–6–92; 8:45 am]

BILLING CODE 3510–DS–M

Minority Business Development Agency

Business Development Center Applications: San Jose, CA

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice.

SUMMARY: In accordance with Executive Order 11625, the Minority Business Development Agency (MBDA) is soliciting competitive applications under its Minority Business Development Center (MBDC) Program to operate an MBDC for approximately a 3-year period, subject to Agency priorities, recipient performance, and the availability of funds. The cost of performance for the first budget period (12 months) is estimated at $276,250 in Federal funds and a minimum of $48,750 in non-Federal (cost sharing) contributions. Cost-Sharing contributions may be in the form of cash contributions, client fees, in-kind contributions or combinations thereof. The period of performance will be from August 1, 1992 to July 31, 1993. The MBDC will operate in the San Jose, California Geographic Service Area.

The award number for this MBDC will be 09–10–92008–01.

The funding instrument for the MBDC will be a cooperative agreement. Competition is open to individuals, non-profit and for-profit organizations, state and local governments, American Indian Tribes and educational institutions.

The MBDC program is designed to provide business development services to the minority business community for the establishment and operation of viable minority businesses. To this end, MBDA funds organizations that can identify and coordinate public and private sector resources on behalf of minority individuals and firms; offer a full range of management and technical assistance; and serve as a conduit of information and assistance regarding minority business.

Applications will be evaluated initially by regional staff on the following criteria: The experience and capabilities of the firm and its staff in addressing the needs of the business community in general and, specifically, the special needs of minority businesses, individuals and organizations (50 points); the resources available to the firm in providing business development services (10 points); the firm's approach (techniques and methodologies) to performing the work requirements included in the application (20 points); and the firm's estimated cost for providing such assistance (20 points). An application must receive at least 70% of the points assigned to any one evaluation criteria category to be considered programmatically acceptable and responsive. The selection of an application for further processing by MBDA will be made by the Director based on a determination of the application most likely to further the purpose of the MBDC program. The application will then be forwarded to the Department for final processing and approval, if appropriate. The Director will consider past performance of the applicant on previous Federal awards.

MBDCs shall be required to contribute at least 15% of the total project cost through non-Federal contributions. To assist them in this effort, MBDCs may charge client fees for management and technical assistance (M&TA) rendered. Based on a standard rate of $50.00 per hour, MBDCs will charge client fees at 20% of the total cost for firms with gross sales of $500,000 or less, and 35% of the total cost for firms with gross sales of over $500,000.

MBDCs performing satisfactorily may continue to operate after the initial competitive year for up to 2 additional budget periods. MBDCs with year-to-date "commendable" and "excellent" performance ratings may continue to be funded for up to 3 or 4 additional budget periods, respectively. Under no circumstances shall an MBDC be funded for more than 5 consecutive budget periods without competition. Periodic reviews culminating in year-to-date quantitative and qualitative evaluations will be conducted to determine if funding for the project should continue. Continued funding will be at the discretion of MBDA based on such factors as an MBDC's performance, the availability of funds and Agency priorities.

Awards under this program shall be subject to all Federal and Departmental regulations, policies, and procedures applicable to Federal assistance awards.

In accordance with OMB Circular A–129, "Managing Federal Credit Programs," applicants who have an outstanding account receivable with the Federal Government may not be considered for funding until these debts have been paid or arrangements satisfactory to the Department of Commerce are made to pay the debt.

Applicants are subject to Governmentwide Debarment and Suspension (Nonprocurement) requirements as states in 15 CFR part 26.

The Departmental Grants Officer may terminate any grant/cooperative agreement in whole or in part at any time before the date of completion whenever it is determined that the MBDC has failed to comply with the conditions of the grant/cooperative agreement. Examples of some of the conditions which can cause termination are failure to meet cost-sharing requirements; unsatisfactory performance of MBDC work requirements; and reporting inaccurate or inflated claims of client assistance or client certification. Such inaccurate or inflated claims may be deemed illegal and punishable by law. False information on the application can be grounds for denying or terminating funding.

On November 18, 1988, Congress enacted the Drug-Free Workplace Act of 1988 (Pub. L. 100–690, title V, subtitle D). The statute requires contractors and grantees of Federal agencies to certify that they will provide a drug-free workplace. Pursuant to these requirements, the applicable certification form must be completed by

each applicant as a precondition for receiving Federal grant or cooperative agreement awards.

15 CFR part 28 is applicable and prohibits recipients of Federal contracts, grants, and cooperative agreements from using appropriated funds for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a specific contract, grant, or cooperative agreement. Form CD–511, "Certifications Regarding Debarment, Suspension and Other Responsibility Matters; Drug-Free Workplace Requirements and Lobbying" and, when applicable, the SF–LLL, "Disclosure of Lobbying activities," are required.

Closing Date: The closing date for submitting an application is April 20, 1992. Applications must be postmarked on or before April 20, 1992.

Proposals will be reviewed by the Dallas Regional Office. The mailing address for submission is: Dallas Regional Office, Minority Business Development Agency, U.S. Department of Commerce, 1100 Commerce Street, room 7B23, Dallas, Texas 75242, 214/767–8001.

A pre-application conference to assist all interested applicants will be held at the following address and time: San Francisco Regional Office, Minority Business Development Agency, U.S. Department of Commerce, 221 Main Street, room 1280, San Francisco, California 94105, March 31, 1992 at 10 a.m.

FOR FURTHER INFORMATION CONTACT: Xavier Mena, Regional Director, San Francisco Regional Office at 415/744–3001.

SUPPLEMENTARY INFORMATION: Anticipated processing time of this award is 120 days. Executive Order 12372, "Intergovernmental Review of Federal Programs," is not applicable to this program. Questions concerning the preceding information, copies of application kits and applicable regulations can be obtained from the San Francisco Regional Office.

11.800 Minority Business Development (Catalog of Federal Domestic Assistance)

Dated: March 3, 1992.

Xavier Mena,

Regional Director, San Francisco Regional Office.

[FR Doc. 92–5366 Filed 3–6–92; 8:45 am]

BILLING CODE 3510–21–M

Business Development Center Applications: San Francisco, California

AGENCY: Minority Business Development Agency.

ACTION: Notice.

SUMMARY: In accordance with Executive Order 11625, the Minority Business Development Agency (MBDA) is soliciting competitive applications under its Minority Business Development Center (MBDC) Program to operate an MBDC for approximately a 3-year period, subject to Agency priorities, recipient performance, and the availability of funds. The cost of performance for the first budget period (12 monthe) is estimated at $553,000 in Federal funds and a minimum of $97,588 in non-Federal (cost sharing) contributions. Cost-Sharing contributions may be in the form of cash contributions, client fees, in-kind contributions or combinations thereof. The period of performance will be from August 1, 1992 to July 31, 1993. The MBDC will operate in the San Francisco, California Geographic Service Area.

The award number for this MBDC will be 09–10–92009–01.

The funding instrument for the MBDC will be a cooperative agreement. Competition is open to individuals, non-profit and for-profit organizations, state and local governments, American Indian Tribes and educational institutions.

The MBDC program is designed to provide business development services to the minority business community for the establishment and operation of viable minority businesses. To this end, MBDA funds organizations that can identify and coordinate public and private sector resources on behalf of minority individuals and firms; offer a full range of management and technical assistance; and serve as a conduit of information and assistance regarding minority business.

Applications will be evaluated initially by regional staff on the following criteria: the experience and capabilitites of the firm and its staff in addressing the needs of the business community in general and, specifically, the special needs of minority businesses, individuals and organizations (50 points); the resources available to the firm in providing business development services (10 points); the firm's approach (techniques and methodologies) to performing the work requirements included in the application (20 points); and the firm's estimated cost for providing such assistance (20 points). An application must receive at least 70% of the points assigned to any one evaluation criteria category to be considered programmatically acceptable and responsive. The selection of an application for further processing by MBDA will be made by the Director based on a determination of the application most likely to further the purpose of the MBDC program. The application will then be forwarded to the Department for final processing and approval, if appropriate. The Director will consider past performance of the applicant on previous Federal awards.

MBDCs shall be required to contribute at least 15% of the total project cost through non-Federal contributions. To assist them in this effort, MBDCs may charge client fees for management and technical assistance (M&TA) rendered. Based on a standard rate of $50.00 per hour, MBDCs will charge client fees at 20% of the total cost for firms with gross sales of $500,000 or less, and 35% of the total cost for firms with gross sales of over $500,000.

MBDCs performing satisfactorily may continue to operate after the initial competitive year for up to 2 additional budget periods. MBDCs with year-to-date "commendable" and "excellent" performance ratings may continue to be funded for up to 3 or 4 additional budget periods, respectively. Under no circumstances shall an MBDC be funded for more than 5 consecutive budget periods without competition. Periodic reviews culminating in year-to-date quantitative and qualitative evaluations will be conducted to determine if funding for the project should continue. Continued funding will be at the discretion of MBDA based on such factors as MBDC's performance, the availability of funds and Agency priorities.

Awards under this program shall be subject to all Federal and Departmental regulations, policies, and procedures applicable to Federal assistance awards.

In accordance with OMB Circular A–129 "Managing Federal Credit Programs," applicants who have an outstanding account receivable with the Federal Government may not be considered for funding until these debts have been paid or arrangements satisfactory to the Department of Commerce are made to pay the debt.

Applicants are subject to Governmentwide Debarment and Suspension (Nonprocurement) requirements as stated in 15 CFR Part 26.

The Departmental Grants Officer may terminate any grant/cooperative agreement in whole or in part at any time before the date of completion whenever it is determined that the MBDC has failed to comply with the

conditions of the grant/cooperative agreement. Examples of some of the conditions which can cause termination are failure to meet cost-sharing requirements; unsatisfactory performance of MBDC work requirements; and reporting inaccurate or inflated claims of the client assistance or client certification. Such inaccurate or inflated claims may be deemed illegal and punishable by law. False information on the application can be grounds for denying or terminating funding.

On November 18, 1988, Congress enacted the Drug-Free Workplace Act of 1988 (Public Law 100–690, Title V, Subtitle D). The status requires contractors and grantees of Federal agencies to certify that they will provide a drug-free workplace. Pursuant to these requirements, the applicable certification form must be completed by each applicant as a precondition for receiving Federal grant or cooperative agreement awards.

15 CFR Part 28 is applicable and prohibits recipients of Federal contracts, grants, and cooperative agreements from using appropriated funds for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a specific contract, grant, or cooperative agreement. Form CD–511, "Certifications Regarding Debarment, Suspension and Other Responsibility Matters; Drug-Free Workplace Requirements and Lobbying" and, when applicable, the SF–LLL, "Disclosure of Lobbying Activities," are required.

CLOSING DATE: The closing date for submitting an application is April 20, 1992. Applications must be postmarked on or before April 20, 1992.

Proposals will be reviewed by the Dallas Regional Office. The mailing address for submission is: Dallas Regional Office, Minority Business Development Agency, U.S. Department of Commerce, 1100 Commerce Street, room 7B23, Dallas, Texas 75242, 214/767–8001.

A pre-application conference to assist all interested applicants will be held at the following address and time: San Francisco Regional Office, Minority Business Development Agency, U.S. Department of Commerce, 221 Main Street, room 1280, San Francisco, California 94105, March 31, 1992 at 10 a.m.

FOR FURTHER INFORMATION CONTACT: Xavier Mena, Regional Director, San Francisco Regional Office at 415/744–3001.

SUPPLEMENTARY INFORMATION: Anticipated processing time of this award is 120 days. Executive Order 12372, "Intergovernmental Review of Federal Programs," is not applicable to this program. Questions concerning the preceding information, copies of applications kits and applicable regulations can be obtained from the San Francisco Regional Office.

11.800 Minority Business Development (Catalog of Federal Domestic Assistance)

Dated: March 3, 1992.

Xavier Mena,

Regional Director, San Francisco Regional Office.

[FR Doc. 92–5365 Filed 3–6–92; 8:45 a.m.]

BILLING CODE 3510–21–M

Business Development Center Applications: Jacksonville, FL

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice.

SUMMARY: In accordance with Executive Order 11625, the U.S. Department of Commerce's Minority Business Development Agency (MBDA) is soliciting competitive applications under its Minority Business Development Center (MBDC) program to operate an MBDC for approximately a 3-year period, subject to Agency priorities, recipient performance and the availability of funds. The cost of performance for the first budget period (12 months) is $173,250 in Federal funds and a minimum of $30,574 in non-Federal (cost-sharing) contributions. Cost-sharing contributions may be in the form of cash contributions, client fees, in-kind contributions or combinations thereof. The period of performance will be from August 1, 1992 to July 31, 1993. The MBDC will operate in the Jacksonville, Florida geographic service area.

The award number for this MBDC will be 04–10–92008–01.

The funding instrument for the MBDC will be a cooperative agreement. Competition is open to individuals, non-profit and for-profit organizations, State and local governments, American Indian tribes and educational institutions.

The MBDC program is designed to provide business development services to the minority business community for the establishment and operation of viable minority businesses. To this end, MBDA funds organizations that can identify and coordinate public and private sector resources on behalf of minority individuals and firms; offer a full range of management and technical assistance; and serve as a conduit of information and assistance regarding minority business.

Applications will be evaluated initially by regional staff on the following criteria: The experience and capabilities of the firm and its staff in addressing the needs of the business community in general and, specifically, the special needs of minority businesses, individuals and organizations (50 points); the resources available to the firm in providing business development services (10 points); the firm's approach (techniques and methodologies) to performing the work requirements included in the application (20 points); and the firm's estimated cost for providing such assistance (20 points). An application must receive at least 70% of the points assigned to any one evaluation criteria category to be considered programmatically acceptable and responsive. The selection of an application for further processing by MBDA will be made by the Director based on a determination of the application most likely to further the purpose of the MBDC program. The application will then be forwarded to the Department for final processing and approval, if appropriate. The Director will consider past performance of the applicant on previous Federal awards.

MBDCs shall be required to contribute at least 15% of the total project cost through non-Federal contributions. To assist them in this effort, MBDCs may charge client fees for management and technical assistance (M&TA) rendered. Based on a standard rate of $50 per hour, MBDCs will charge client fees at 20% of the total cost for firms with gross sales of $500,000 or less, and 35% of the total cost for firms with gross sales of over $500,000.

MBDCs performing satisfactorily may continue to operate after the initial competitive year for up to 2 additional budget periods. MBDCs with year-to-date "commendable" and "excellent" performance ratings may continue to be funded for up to 3 or 4 additional budget periods, respectively. Under no circumstances shall an MBDC be funded for more than 5 consecutive budget periods without competition. Periodic reviews culminating in year-to-date quantitative and qualitative evaluations will be conducted to determine if funding for the project should continue. Continued funding will be at the discretion of MBDA based on such factors as an MBDC's performance, the availability of funds and Agency priorities.

Awards under this program shall be subject to all Federal and Departmental

regulations, policies, and procedures applicable to Federal assistance awards.

In accordance with OMB Circular A–129 "Managing Federal Credit Programs," applicants who have an outstanding account receivable with the Federal Government may not be considered for funding until these debts have been paid or arrangements, satisfactory to the Department of Commerce, are made to pay the debt.

Applicants are subject to Governmental Debarment and Suspension (Nonprocurement) requirements as stated in 15 CFR Part 26.

The Department Grants Officer may terminate any grant/cooperative agreement in whole or in part at any time before the date of completion whenever it is determined that the MBDC has failed to comply with the conditions of the grant/cooperative agreement. Examples of some of the conditions which can cause termination are failure to meet cost-sharing requirements; unsatisfactory performance of MBDC work requirements; and reporting inaccurate or inflated claims of client assistance or client certification. Such inaccurate or inflated claims may be deemed illegal and punishable by law.

On November 18, 1988, Congress enacted the Drug-Free Workplace Act of 1988 (Pub. L. 100–690, title V subtitle D). The statute requires contractors and grantees of Federal agencies to certify that they will provide a drug-free workplace. Pursuant to these requirements, the applicable certification form must be completed by each applicant as a pre-condition for receiving Federal grant or cooperative agreement awards.

15 CFR, part 28, is applicable and prohibits recipients of Federal contracts, grants, and cooperative agreements from using appropriated funds for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a specific contract, grant or cooperative agreement. Form CD-511, "Certifications Regarding Debarment, Suspension and Other Responsibility Matters; Drug-Free Workplace Requirements and Lobbying" and, when applicable, the SF–LLL, "Disclosure of Lobbying Activities," are required.

CLOSING DATE: The closing date for submitting an application is April 15, 1992. Applicants must be postmarked on or before April 15, 1992. Proposals will be reviewed by the Washington Regional Office. The mailing address for submission of RFA responses is: Washington Regional Office, Minority Business Development Agency, 14th & Constitution Avenue, NW., room 6711, Washington, DC 20230.

A pre-application conference to assist all interested applicants will be held on April 1, 1992, 9 a.m. at the following address: U.S. Department of Commerce, Minority Business Development Agency, 401 West Peachtree Street, NW., room 1930, Atlanta, Georgia 30308.

SUPPLEMENTARY INFORMATION: Anticipated processing time of this award is 120 days. Executive Order 12372, "Intergovernmental Review of Federal Programs," is not applicable to this program. To order a Request for Application (RFA) and to receive additional information, contact: Carlton L. Eccles, Regional Director of the Atlanta Regional Office on (404) 730–3300 or U.S. Department of Commerce, Minority Business Development Agency, 401 West Peachtree Street NW., room 1930, Atlanta, Georgia 30308.

11.800 Minority Business Development (Catalog of Federal Domestic Assistance)

Dated: March 2, 1992.

Carlton L. Eccles,

Regional Director, Atlanta Regional Office.

[FR Doc. 92–5364 Filed 3–6–92; 8:45 am]

BILLING CODE 3510–21–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcement of an Import Restraint Limit for Certain Cotton Textile Products Produced or Manufactured in Panama

March 3, 1992.

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

ACTION: Issuing a directive to the Commissioner of Customs establishing a limit for the new agreement year.

EFFECTIVE DATE: April 1, 1992.

FOR FURTHER INFORMATION CONTACT: Nicole Bivens Collinson, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377–4212. For information on the quota status of this limit, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 566–5810. For information on embargoes and quota re-openings, call (202) 377–3715.

SUPPLEMENTARY INFORMATION:

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

The Memorandum of Understanding (MOU) dated November 6, 1991 between the Governments of the United States and Panama establishes designated consultation levels for Categories 347/348.

In a subsequent MOU dated January 31, 1992, the two governments agreed, among other things, to convert the designated consultation levels to specific limits for the periods April 1, 1992 through March 31, 1993 and April 1, 1993 through March 31, 1994.

In the letter published below, the Chairman of CITA directs the Commissioner of Customs to establish a limit for the period beginning on April 1, 1992 and extending through March 31, 1993.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 56 FR 60101, published on November 27, 1991). Also see 56 FR 65045, published on December 13, 1991.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the January 31, 1992 MOU, but are designed to assist only in the implementation of certain of its provisions.

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

March 3, 1992.

Commissioner of Customs,

Department of the Treasury, Washington, DC 20229.

Dear Commissioner: Under the terms of section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as further extended on July 31, 1991; pursuant to the Memorandum of Understanding dated January 31, 1992, between the Governments of the United States and Panama; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on April 1, 1992, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Categories 347/348, produced or manufactured in Panama and exported during the twelve-month period beginning on April 1, 1992 and extending through March 31, 1993, in excess of 700,000 dozen.

Imports charged to the category limit for the period April 1, 1991 through March 31, 1992 shall be charged against that level of restraint to the extent of any unfilled balance. In the event the limit established for that period has been exhausted by previous entries, such goods shall be subject to the level set forth in this directive.

The limit set forth above is subject to adjustment in the future pursuant to the provisions of the current bilateral agreement between the Governments of the United States and Panama.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 92-5382 Filed 3-6-92; 8:45 am]

BILLING CODE 3510-DR-F

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF Scientific Advisory Board Meeting

The USAF Scientific Advisory Board's Committee on Technology Options for Global Reach—Global Power: 1995–2020 (Support Panel) will meet on 26–27 March 1992, 9 AF, Tactical Air Command, Shaw AFB, SC 29152–5001, 8 a.m. to 5 p.m.

The purpose of this meeting is to receive briefings and gather information for the study.

The meeting will be closed to the public in accordance with section 552b(c) of title 5, United States Code, specifically subparagraphs (1) and (4) thereof.

For further information, contact the Scientific Advisory Board Secretariat at (703) 697–4811.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 92–5386 Filed 3–6–92; 8:45 am]

BILLING CODE 3910-01-M

Department of the Navy

CNO Executive Panel; Meeting

Purusant to the provisions of the Federal Advisory Committee Act (5 U.S.C. app. 2), notice is hereby given that the Chief of Naval Operations (CNO) Executive Panel will meet March 25, 1992, from 9 a.m. to 5 p.m. in Alexandria, Virginia.

The purpose of this meeting is to review maritime environment issues as they impact naval vessel construction and operation and shore establishment environmental protection. The agenda of the meeting will consist of discussions of key issues related to environmental cleanup and protection of naval facilities.

For further information concerning this meeting, contact: Judith A. Holden, Executive Secretary to the CNO Exectutive Panel, 4401 Ford Avenue, room 601, Alexandria, Virginia 22302-0268, Phone (703) 756-1205.

Dated: February 27, 1992.

Wayne T. Baucino,

Lieutenant, JAGC, U.S. Naval Reserve, Alternate Federal Register Liaison Officer.

[FR Doc. 92–5385 Filed 3–6–92; 8:45 am]

BILLING CODE 3810-AE-F

Naval Research Advisory Committee; Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. 2), notice is hereby given that the Naval Research Advisory Committee will meet on April 1 and 2, 1992. The meeting will be held at the Office of the Chief of Naval Research, 800 North Quincy Street, Arlington, VIrginia, and the Atlantic Undersea Test and Evaluation Center, Andros Island, Bahamas and the West Palm Beach, Florida Detachment. The meeting will commence at 8 a.m. and terminate 2:15 p.m. on April 1; and commence at 9:30 a.m. and terminate at 3 p.m. on April 2, 1992. All sessions of the meeting will be closed to the public.

The purpose of the meeting is to provide briefings and demonstrations for the Committee on deep water testing and evaluation being conducted by the Department of the Navy.

The agenda will include briefings, demonstrations and discussions related to new initiatives related to the Science Opportunities Program; the status of on-going studies; deep water test and evaluation techniques through use of acoustic measurements, test and sonar calibrations; accurate underwater, surface and in-air tracking data on ships, submarines, aircraft and weapons; undersea research and development program; and assessments of fleet anti-submarine warfare and operational readiness.

These briefings and discussions will contain classified information that is specifically authorized under criteria established by Executive order to be kept secret in the interest of national defense and are in fact properly classified pursuant to such Executive order. The classified and nonclassified matters to be discussed are so inextricably intertwined as to preclude opening any portion of the meeting. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in section 552b (c)(1) of title 5, United States Code.

For further information concerning this meeting contact: Commander John Hrenko, USN, Office of the Chief of Naval Research, 800 North Quincy Street, Arlington, VA 22217-5000, Telephone Number: (703) 696-4870.

Dated: February 28, 1992.

Wayne T. Baucino,

Lieutenant, U.S. Naval Reserve, Alternate Federal Register Liaison Officer.

[FR Doc. 92–5383 Filed 3–6–92; 8:45 am]

BILLING Code 3810-AE-F

Intent to Grant License

AGENCY: Department of the Navy, DoD.

ACTION: Intent to Grant Exclusive Patent License; Roy L. James.

SUMMARY: The Department of the Navy hereby gives notice of its intent to grant to Roy L. James a revocable, nonassignable, exclusive license to practice the Government-owned invention described in U.S. Patent No. 5,056,760, "T-Slot Sheave", issued October 15, 1991, in the field of plastic sheaves.

Anyone wishing to object to the grant of this license has 60 days from the date of this notice to file written objections along with supporting evidence, if any. Written objections are to be filed with the Office of the Chief of Naval Research (Code OOCCIP), Arlington, Virginia 22217-5000.

FOR FURTHER INFORMATION CONTACT: Mr. R. J. Erickson, Staff Patent Attorney, Office of the Chief of Naval Research (Code OOCCIP), 800 North Quincy Street, Arlington, Virginia 22217-5000, telephone (703) 696-4001.

Dated: February 27, 1992.

Wayne T. Baucino,

Lieutenant, JAGC, U.S. Naval Reserve, Alternate Federal Register Liaison Officer

[FR Doc. 92–5384 Filed 3–6–92; 8:45 am]

BILLING CODE 3810-AE-F

DEPARTMENT OF ENERGY

Office of Fossil Energy

[FE Docket No. 91-68-NG]

Tenaska Gas Co.; Blanket Authorization To Import Natural Gas From Canada

AGENCY: Office of Fossil Energy, Department of Energy

ACTION: Notice of issuance of order granting blanket authorization to import natural gas from Canada.

SUMMARY: The Office of Fossil Energy of the Department of Energy (DOE) gives notice that it has issued an order granting blanket authorization to Tenaska Gas Co. to import up to 43.8 Bcf of natural gas from Canada over a two-year period beginning on the date of first delivery.

A copy of this order is available for inspection and copying in the Office of Fuel Programs Docket Room, 3F-056, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, February 28, 1992.

Charles F. Vacek,

Deputy Assistant Secretary for Fuels Programs, Office of Fossil Energy.

[FR Doc. 92-5437 Filed 3-6-92; 8:45 am]

BILLING CODE 6450-01-M

[FE Docket No. 91-77-NG]

Tenaska Marketing Ventures; Blanket Authorization To Import Natural Gas From Canada

AGENCY: Office of Fossil Energy, Department of Energy.

ACTION: Notice of issuance of order granting blanket authorization to import natural gas from Canada.

SUMMARY: The Office of Fossil Energy of the Department of Energy (DOE) gives notice that it has issued an order granting blanket authorization to Tenaska Marketing Ventures to import up to 73.0 Bcf of natural gas from Canada over a two-year period beginning on the date of first delivery.

A copy of this order is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F-056, Forrestal Building, 1000 Independence Aveune, SW., Washington, DC 20585. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal Holidays.

Issued in Washington, DC, February 28, 1992.

Charles F. Vacek,

Deputy Assistant Secretary for Fuels Programs, Office of Fossil Energy.

[FR Doc. 92-5438 Filed 3-6-92; 8:45 am]

BILLING CODE 6450-01-M

Bonneville Power Administration

Corrected Meeting Date for Proposed Scope of Consideration for Potential 1993 Rate Adjustments

AGENCY: Bonneville Power Administration (BPA), DOE.

ACTION: Notice to correct public meeting date.

SUMMARY: BPA's **Federal Register** Notice (57 FR 6010) of February 19, 1992, incorrectly stated that the public meeting to discuss its proposal to define issues for consideration in the 1993 rate case would be held March 10, 1992. The public meeting is scheduled for March 11, 1992. The times and location of that public meeting are correct.

FOR FURTHER INFORMATION CONTACT: Ms. Shirley Price by telephone at 503-230-4366. Callers outside of Portland, Oregon, may call 800-622-4519.

Issued in Portland, Oregon, on February 27, 1992.

Randall W. Hardy,

Administrator.

[FR Doc. 92-5434 Filed 3-6-92; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket Nos. QF91-59-002, et al.]

Sky River Partnership, et al.; Electric Rate, Small Power Production, and Interlocking Directorate Filings

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

1. Sky River Partnership

February 25, 1992.

[Docket No. QF91-59-002]

On February 6, 1992, Sky River Partnership (Applicant) of P.O. Box 1910, 13000 Jameson Road, Tehachapi, California 93561, submitted for filing an application of recertification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's Regulations. No determination has been made that the submittal constitutes a complete filing.

The small power production facility is located in the Tehachapi Mountains, Kern County, California and consists of 342 wind turbine generators. The original certification was issued on October 9, 1991, 57 FERC ¶ 62,019 (1991). The instant recertification is requested due to an increase in the power production capacity of the facility from 76.95MW to 77.45 MW.

Comment Date: April 8, 1992, in accordance with Standard Paragraph E at the end of this notice.

2. Selkirk Cogen Partners, L.P.

February 25, 1992.

[Docket No. QF89-274-003]

On February 13, 1992, Selkirk Cogen Partners, L.P., a Delaware limited partnership with its principal offices at one Bowdoin Square, Boston, Massachusetts 02114, submitted for filing an application for recertification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's Regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle congeneration facility will be located within the confines of the General Electric Company's Plastic Division Manufacturing Complex in Selkirk, New York and will include Phase I and Phase II of the Selkirk Congeneration project. The Commission previously certified Phase I as a 79.9 MW qualifying cogeneration facility, Selkirk Cogen Partners, L.P., 51 FERC ¶ 61,264 (1990). The integrated facility will include three combustion turbine generators, three supplementary fired heat recovery boilers and one steam turbine generator. Thermal energy recovered from the facility will be sold to General Electric Company's Plastics Division for building heating and industrial processes in the manufacturing of plastics. The integrated net electric power production capacity of the facility will be 363.84 MW. The primary source of energy will be natural gas.

Comment date: April 8, 1992, in accordance with Standard Paragraph E at the end of this notice.

3. Inter-Power of Pennsylvania, Inc.

February 25, 1992.

[Docket No. QF87-632-001]

On February 7, 1992, Inter-Power of Pennsylvania, Inc. tendered for filing an amendment to its filing in this docket. No determination has been made that the submittal constitutes a complete filing.

The amendment modifies the initial application in that it provides additional information regarding fuel use by the facility, increases the capacity of the facility from 83.5 MW to 89.5 MW and provides for the inclusion of twelve

miles of 115KV transmission line. In addition, the facility will now be owned by a limited partnership consisting of Inter-Power of Pennsylvania, Inc., a wholly-owned subsidiary of Constellation Energy, Inc. and a wholly-owned subsidiary of Ahlstrom Development Corporation.

Comment date: April 8, 1992, in accordance with Standard Paragraph E at the end of this notice.

4. Public Service Company of New Mexico

February 25, 1992.

[Docket No. ER91–445–000]

Take notice that on February 11, 1992, Public Service Company of New Mexico (PNM) submitted for filing an Amendment to the Economy Energy Agreement (Agreement) between PNM and the City of Colton, California (Colton). The Agreement was filed on May 20, 1991, and is pending before the Commission in Docket No. ER91–445–000. Under the Agreement PNM and the City of Colton will make economy energy available to one another at rates reflecting current market conditions. The Amendment to the Agreement provides minimum pricing language, an appendix to the Agreement and clarification of share-savings language.

Copies of the filing have been served upon Colton and the New Mexico Public Service Commission.

Comment date: March 6, 1992, in accordance with Standard Paragraph E at the end of this notice.

5. PSI Energy, Inc.

February 25, 1992

[Docket No. ER92–144–000]

Take notice that notice on February 11, 1992 PSI Energy, Inc. (PSI) tendered for filing an Amendment to its October 31, 1991 filing of the Interchange Agreement between PSI and Baltimore Gas and Electric Company (BG&E) in the above captioned docket. The Amendment consists of changes to section 9 of Service Schedule A.

PSI has requested waiver of the Commission's notice requirements to allow an effective date of December 30, 1991 as originally requested.

Copies of the filing were served on the Maryland Public Service Commission.

Comment date: March 6, 1992, in accordance with standard Paragraph E end of this notice.

6. Public Service Company of New Mexico

February 25, 1992.

[Docket No. ER91–446–000]

Take notice that on February 11, 1992, Public Service Company of New Mexico (PNM) submitted for filing an Amendment to the Economy Energy Agreement (Agreement) between PNM and the City of Banning, California (Banning). The Agreement was filed on May 20, 1992, and is pending before the Commission in Docket No. ER91–446–000. Under the Agreement PNM and the City of Banning will make economy energy available to one another at rates reflecting current market conditions. The Amendment to the Agreement provides minimum pricing language, an appendix to the Agreement and clarification of share-savings language.

Copies of the filing have been served upon Banning and the New Mexico Public Service Commission.

Comment date: March 6, 1992, in accordance with Standard Paragraph E at the end of this notice.

7. Southern Indiana Gas and Electric Company

February 26, 1992.

[Docket No. ER92–42–000]

Take notice that on February 10, 1992, Sourthern Indiana Gas and Electric Company tendered for filing an amendment to its October 7, 1991 filing in this docket.

Comment date: March 9, 1992, in accordance with Standard Paragraph E at the end of this notice.

8. Arkansas Power & Light Company

February 26, 1992.

[Docket No. ER92–246–000]

Take notice that Arkansas Power & Light Company (AP&L) tendered for filing on December 30, 1991, a proposed Agreement (Agreement) between AP&L and The City of Campbell, MO (City) and amended this filing on February 20, 1992 to state that the proposed Agreement will increase revenue to AP&L.

Comment date: March 9, 1992, in accordance with Standard Paragraph E at the end of this notice.

9. Kalaeloa Partners, L.P.

February 26, 1992.

[Docket No. QF89–198–001]

On February 21, 1992, Kalaeloa Partners, L.P. (Applicant), filed a petition with the Federal Energy Regulatory Commission for a temporary waiver of the operating and efficiency standards pursuant to § 292.205(c) of the Commission's Regulations. No determination has been made that the submittal constitutes a complete filing.

The 192.2 MW topping-cycle cogeneration facility which is located at the James Campbell Industrial Park in Barbers Point, Oahu, Hawaii consists of two combustion turbine generators and associated heat recovery boilers, and an extraction/condensing steam turbine generator (STG). Steam extracted from the STG is sold to Hawaiian Independent Refinery, Inc. for heating processes at the refinery. The facility uses low sulfur residual fuel oil as its primary energy source.

Applicant states that the temporary waiver is requested due to (1) the unexpected delay of two months in the completion of steam line which delivers the facility's steam to the host (*i.e.*, the refinery) and (2) the limited generation of power during testing and commissioning prior to the start of commercial operation.

Comment date: April 8, 1992, in accordance with Standard Paragraph E at the end of this notice.

10. Canal Electric Company

February 27, 1992.

[Docket No. ER90–245–005]

Take notice that on December 6, 1991, Canal Electric (Canal) submitted for filing a third amendment to the Seabrook Power Contract and a composit conformed copy of the Seabrook Power Contract. Such amendment has been executed pursuant to the Commission's letter order dated November 13, 1991 approving an Offer of Settlement between Canal and the Town of Belmont. Canal is complying with said letter order by revising the Seabrook Power Contract to conform to the language approved in the Offer of Settlement.

Copies of the tendered filing have been served by Canal upon the Commission Staff, the Massachusetts Attorney General, the Town of Belmont and the Department of Public Utilities.

Comment date: March 10, 1992, in accordance with Standard Paragraph E at the end of this notice.

11. New England Power Company

February 27, 1992.

[Docket No. ER92–248–000]

Take notice that New England Power Company (NEP), on February 11, 1992, tendered for filing a Notice of Withdrawal of the amendment to the NEP/Newport Electric Corp. contract submitted in this docket on December 30, 1991.

NEP states that it is withdrawing the amendment because it will not be able to enter into the transaction contemplated under the amendment.

Comment date: March 12, 1992, in accordance with Standard Paragraph E at the end of this notice.

12. Ohio Valley Electric Corporation

February 27, 1992.

[Docket No. ER92-258-000]

Take notice that on February 21, 1992, Ohio Valley Electric Corporation ("OVEC") tendered for filing a modification ("Mod. No. 1") to a Transmission Agreement between Louisville Gas and Electric Company ("Louisville") and OVEC, along with its wholly-owned subsidiary, Indiana-Kentudy Electric Corporation, (together "Transmitting Companies"). Such Transmission Agreement was filed and is under consideration in the pending proceeding referenced above.

Mod. No. 1 changes the rate at which Transmitting Companies would, under the Transmission Agreement, supply to Louisville transmission service over Transmitting Companies' facilities.

Copies of this amendment to OVEC's original filing were served upon all parties on the official service list for this proceeding. Copies were also served upon Louisville, the Public Service Commission of Kentucky and Indiana Michigan Power Company.

Comment date: March 12, 1992, in accordance with Standard Paragraph E at the end of this notice.

13. Central Maine Power Company

February 27, 1992.

[Docket No. ER91-620-000]

Take notice that on February 25, 1992, Central Maine Power Company (CMP) tendered for filing its amended FERC Electric Tariff, 12th Revised Volume No. 1, Wholesale Electric Rates for Other Utilities. This filing is made in response to its Wholesale Customer's letter of January 29, 1992.

This proposed tariff returns the base fuel component of the fuel adjustment clause and the line loss adjustment factor to their levels in the currently effective tariff. Under the proposed tariff, CMP's wholesale rates will be $96,412.57 lower for Period I than under the tariff proposed in CMP's January 10, 1992, response letter and $256,133.44 higher for Period I than under CMP's currently effective tariff.

The proposed tariff will affect CMP's wholesale customers, Kennebunk Light and Power District, Inhabitants of the Town of Madison (Madison Electric Works), and Fox Island Electric Cooperative, Inc. Copies of the filing have been served on CMP's above-named wholesale customers, the Maine Public Utilities Commission and the Public Advocate.

Comment date: March 12, 1992, in accordance with Standard Paragraph E end of this notice.

14. Mississippi Power Company

February 27, 1992.

[Docket No. ER92-295-000]

Take notice that Mississippi Power Company, on January 29, 1992 tendered for filing a proposed change in its FERC Rate Schedule No. 144.

The reason for this change is to extend for two years its Agreements for Transmission Service with Alabama Electric Cooperative, Inc. (Mississippi Power Company, FERC Rate Schedule No. 144).

Copies of the filing were served upon the Alabama Electric Cooperative, Inc. and upon the Mississippi Public Service Commission.

Comment date: March 12, 1992, in accordance with Standard Paragraph E end of this notice.

15. Delmarva Power & Light Company

February 27, 1992.

[Docket No. ER92-321-000]

Take notice that Delmarva Power & Light Company ("Delmarva") on February 10, 1992, tendered for filing proposed Supplement No. 7 to it's FERC Rate Schedule No. 61. This Supplement, filed with the approval and concurrence of the Board of Public Works of Lewes, Delaware (Lewes), is being made to allow Lewes to change their service agreement from the present "Partial Requirements" to one that allows "Parallel Operations" and to operate its generating units up to a maximum level of 2000 kW in parallel with Delmarva to reduce its peak demand on Delmarva's system.

Copies of this filing were served upon the General Manager, Board of Public Works of Lewes, Delaware and the Delaware Public Service Commission.

Comment date: March 12, 1992, in accordance with Standard Paragraph E at the end of this notice.

16. Citizens Power & Light Company

February 27, 1992.

[Docket No. ER89-401-010]

Take notice that on February 7, 1992, Citizens Power & Light Company (Citizens) filed certain information as required by Ordering Paragraph (M) of the Commission's August 8, 1989 order in this proceeding, 48 FERC ¶ 61,210 (1989). Copies of Citizens' informational filing are on file with the Commission and are available for public inspection.

17. Peter F. O'Malley

February 27, 1992.

[Docket No. ID-2674-000]

Take notice that on February 10, 1992, Peter F. O'Malley (Applicant) tendered for filing an application under Section 305(b) of the Federal Power Act to hold the following positions:

Director—Potomac Electric Power Company

Director—Legg Mason, Inc.

Comment date: March 16, 1992, in accordance with Standard Paragraph E at the end of this notice.

18. Central Maine Power Company

February 27, 1992.

[Docket No. ER92-322-000]

Take notice that on February 12, 1992, Central Maine Power Company ("CMP"), tendered for filing a Notice of Cancellation, effective as of April 14, 1992, pertaining to the Transmission Rate Schedule between CMP and Bangor Hydro-Electric Company, effective April 1, 1978 (CMP Rate Schedule FERC No. 57).

CMP has served a copy of the filing on the affected customer and on the Maine Public Utilities Commission.

Comment date: March 12, 1992, in accordance with Standard Paragraph E at the end of this notice.

19. Long Island Lighting Company

February 27, 2992.

[Docket No. ER92-68-000]

Take notice that on February 24, 1992, Long Island Lighting Company (LILCO) tendered for filing an amendment to its earlier filings of October 7, 1991 and November 26, 1991 in this docket. LILCO has requested waiver of the Commission's notice requirements to allow the tariff filings to become effective November 14, 1985.

Copies of this amended filing have been served upon the New York State Public Service Commission, the Power Authority of the State of New York, and the counties of Nassau and Suffolk.

Comment date: March 12, 1992, in accordance with Standard Paragraph E at the end of this notice.

20. Western Massachusetts Electric Company

February 27, 1992.

[Docket No. ER92-067-000]

Take notice that on February 24, 1992, Western Massachusetts Electric Company (WMECO) tendered for filing an amendment to its October 4, 1991 filing for transmission service to New England Power Company.

WMECO states that copies of this amendment to the initial filing have been mailed or delivered to each of the parties.

WMECO further states that the amended filing is in accordance with

Section 35 of the Commission's Regulations.

Comment date: March 12, 1992, in accordance with Standard Paragraph E at the end of this notice.

21. Central Louisiana Electric Company, Inc.

February 27, 1992.

[Docket No. ER90–39–008]

Take notice that on February 21, 1992, Central Louisiana Electric Company, Inc. tendered for filing its refund report in the above-referenced docket.

Comment date: March 12, 1992, in accordance with Standard Paragraph E at the end of this notice.

22. PacifiCorp Electric Operations

February 27, 1992

[Docket No. ER91–494–000]

Take notice that on February 24, 1992, PacifiCorp Electric Operations ("PacifiCorp"), in accordance with the Commission's deficiency letter dated January 23, 1992, tendered an amendment to its filing under Docket No. ER91–494–000.

Copies of this filing amendment have been supplied to Western, the Public Utility Commission of Oregon and the Utah Public Service commission.

Comment date: March 12, 1992, in accordance with Standard Paragraph E at the end of this notice.

23. Florida Power & Light Company

February 27, 1992.

[Docket No. ER92–327–000]

Take notice that on February 20, 1992, tendered for filing an amendment entitled "Amendment Number One to Contract for Interchange Service Between Florida Power & Light Company and Seminole Electric Cooperative, Inc". FPL requests that the amendment be made effective January 1, 1992.

Comment date: March 12, 1992, in accordance with Standard Paragraph E at the end of this notice.

24. Consolidated Edison Company of New York, Inc.

February 27, 1992.

[Docket No. ER92–328–000]

Take notice that on February 24, 1992, Consolidated Edison Company of New York, Inc. ("Con Edison"), in response to a deficiency letter issued in Docket Nos. ER92–52–000 and ER92–56–000, tendered for filing notices of cancellation of two certain agreements to provide transmission service to United Illuminating Company ("UI") and Green Mountain Power Corporation ("GMPC"), which Con Edison has heretofore submitted for filing in said dockets.

The two rate schedules have terminated pursuant to their terms.

Con Edison seeks effective dates of April 30, 1989 and April 30, 1992, respectively, and therefore requests waiver of the Commission's notice requirements.

Con Edison states that copies of this filing have been service by mail upon UI and GMPC.

Comment date: March 12, 1992, in accordance with Standard Paragraph E at the end of this notice.

25. The Washington Water Power Company

February 27, 1992.

[Docket No. ER92–238–000]

Take notice that on February 25, 1992, The Washington Water Power Company (WWP) tendered for filing with the Federal Energy Regulatory Commission pursuant to 18 CFR 35.11 an Amendment 1 to its Agreement For The Purchase and Sale of Firm Capacity between Portland General Electric Company and The Washington Water Power Company. WWP states that the purpose of the amendment is make changes requested by Commission staff. WWP also requests a waiver of the sixty (60) filing requirement in order for the Agreement to have an effective date of March 1, 1992.

A copy of the filing was mailed to Portland General Electric.

Comment date: March 12, 1992, in accordance with Standard Paragraph E at the end of this notice.

26. Onondaga County Resource Recovery Agency, Ogden Martin Systems of Onondaga, Inc.

February 27, 1992.

[Docket No. QF92–85–000]

On February 21, 1992, Onondaga County Resource Recovery Agency of 100 Elwood Davis Road, Syracuse, New York 13212 and Ogden Martin Systems of Onondaga, Inc. of 40 Lane Road, CN 2615, Fairfield, New Jersey 07007–2615 submitted for filing and application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's Regulations. No determination has been made that the submittal constitutes a complete filing.

The small power production facility will be located in the Town of Onondaga, New York. The facility will consist of three mass-burn waterwall boilers and one condensing steam turbine generator. The maximum net electric power production capacity of the facility will be 38 MW. The primary energy source for the facility will be municipal solid waste.

Comment date: April 8, 1992, in accordance with Standard Paragraph E at the end of this notice.

27. Northern States Power Company (Minnesota Company)

February 27, 1992.

[Docket No. ER91–581–000]

Take notice that on February 12, 1992, Northern States Power Company ("NSP") tendered for filing supplemental information which serves as an amendment to NSP's original filing (Docket No. ER91–581–000 filed on August 8, 1991). NSP's original filing consisted of a Transmission Service Letter Agreement dated September 13, 1990, and a Supplemental Agreement dated November 9, 1990, between NSP and Citizens Power and Light Company ("Citizens"). Under both agreements NSP provided interruptible transmission service for Citizens. Service under both agreements has since been terminated.

NSP's filed cost of service analysis was used to determine a maximum permissible rate for the interruptible transmission service. The maximum permissible rate provided recovery of costs over 16 hours/day, and 5 days/week. The two agreements did not contain revenue caps to prevent NSP from over-recovery of its costs in the event transactions occurred in excess of 16 hours/day, or in excess of 5 days/week. The supplemental information provided in NSP's amendment to this filing show NSP's system operating data regarding actual transaction deliveries and revenues under those two agreements. This information indicates that NSP did not over-recover its costs while those two agreements were in effect.

Copies of this amdendment to the filing have been provided Citizens to the State Commission's of Minnesota, North Dakota, South Dakota, Wisconsin, and Michigan.

Comment date: March 10, 1992, in accordance with Standard Paragraph E end of this notice.

28. AES CB Limited Partnership

February 27, 1992.

[Docket No. QF89–126–003]

On February 26, 1992, AES CB Limited Partnership tendered for filing an amendment to its filing in this docket.

The amendment provides additional information pertaining to the economic viability of the cogeneration facility.

Comment date: March 19, 1992, in accordance with Standard Paragraph E at the end of this notice.

29. Hadson Power 11—Southampton

February 27, 1992.

[Docket No. QF88–84–003]

On February 20, 1992, Hadson Power 11—Southampton of 2030 Main Street, Irvine, California 92714, submitted for filing an application for recertification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's Regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility is located in Franklin, Southampton County, Virginia. The Commission previously certified the facility as a qualifying cogeneration facility, Ultra Cogen Systems, Inc., 43 FERC ¶ 62,023 (1988), and recertified the facility as a qualifying cogeneration facility, Hadson Power 11—Southampton, 53 FERC 62,207 (1990). The instant request for recertification is due to change in: (1) Ownership as delineated in notice of self-recertification filed on December 12, 1991, (2) maximum net electric power production capacity from 60.572 MW to 62.64 MW and, (3) request for waiver of the Commission's operating standard with respect to facility's testing period, pursuant to § 292.205(c) of the Commission's Regulations.

Comment date: April 8, 1992, in accordance with Standard Paragraph E at the end of this notice.

30. Second Imperial Geothermal Company

February 27, 1992.

[Docket No. QF92–53–000]

On February 24, 1992, Second Imperial Geothermal Company, tendered for filing an amendment to its filing in this docket. No determination has been made that the submittal constitutes a complete filing.

The amendment provides additional information pertaining to the ownership structure of the facility.

Comment date: March 20, 1992, in accordance with Standard Paragraph E at the end of this notice.

31. Hadson Power 12—Altavista

February 27, 1992.

[Docket No. QF88–94–003]

On February 20, 1992, Hadson Power 12—Altavista of 2030 Main Street, Irvine, California 92714, submitted for filing an application for recertification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's Regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility is located in Altavista, Virginia. The Commission previously certified the facility as a qualifying cogeneration facility, Ultra Cogen Systems, Inc., 43 FERC ¶ 62,072 (1988), and recertified the facility as a qualifying cogeneration facility, Hadson Power 12—Altavista, 53 FERC 62,205 (1990). The instant request for recertification is due to change in: (1) Ownership as delineated in notice of self-recertification filed on December 12, 1991, (2) maximum net electric power production capacity from 60.577 MW to 62.7 MW and, (3) request for waiver of the Commission's operating standard with respect to facility's testing period, pursuant to § 292.205(c) of the Commission's Regulations.

Comment date: April 8, 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. 92–5326 Filed 3–6–92; 8:45 am]

BILLING CODE 6717–01–M

[Project No. 11143–000 Connecticut]

Summit Hydropower Availability of Environmental Assessment

March 2, 1992.

In accordance with the National Enrionmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission's) regulations, 18 CFR part 380 (Order No. 486, 52 FR 47897), the Office of Hydropower Licensing has reviewed the application for a minor license for the proposed Glen Falls Hydroelectric Project located on the Moosup River, near Plainfield, Windham County, Connecticut, and has prepared an Environmental Assessment (EA) for the project. In the EA, the Commission's staff has analyzed the environmental impacts of the proposed project and has concluded that approval of the project, with appropriate mitigation measures, would not constitute a major Federal action significantly affecting the quality of the human environment.

Copies of the EA are available for review in the Public Reference Branch, room 3308, of the Commission's offices at 941 North Capitol Street, NE., Washington, DC 20426.

Lois D. Cashell,

Secretary.

[FR Doc. 92–5327 Filed 3–6–92; 8:45 am]

BILLING CODE 6717–01–M

[Project Nos. 82–016, et al.]

Hydroelectric Applications (Alabama Power Company, et al.; Applications

Take notice that the following hydroelectric applications have been filed with the Commission and are available for public inspection:

1. a. *Type of Application:* Application to Revise Project Boundary Maps.

b. *Project No:* 82–016.

c. *Date Filed:* November 18, 1991.

d. *Applicant:* Alabama Power Company.

e. *Name of Project:* Mitchell Project.

f. *Location:* Coosa County, Alabama.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. Sec. 791(a)–825(r).

h. *Applicant Contact:* Mr. R. M. Akridge, Alabama Power Company, 600 North 18th Street, Post Office Box 2641, Birmingham, AL 35291–0364, (205) 250–1380.

i. *FERC Contact:* Dan Hayes, (202) 219–2660.

j. *Comment Date:* April 10, 1992.

k. *Description of Project:* Alabama Power Company, licensee for the Mitchell Project, has filed an application to revise its project boundary exhibits. The licensee states that survey errors were discovered during an inventory to identify existing leased lots for possible sale. The licensee proposes to realign the project boundary along the 317-foot m.s.l. contour, except for a recreation area required by article 41 of the project license. The licensee states that the revision will not change land use, will correct survey errors in the existing boundary maps, and exclude 35 acres of unneeded property from the project boundary.

1. This notice also consists of the following standard paragraphs: B, C, and D2.

2. a. *Type of Application:* Application to Revise Project Boundary Maps.

b. *Project No:* 349–023.
c. *Date Filed:* November 18, 1991.
d. *Applicant:* Alabama Power Company.
e. *Name of Project:* Martin Dam Project.
f. *Location:* Coosa and Elmore Counties, Alabama.
g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. Sec. 791(a)–825(r).
h. *Applicant Contact:* Mr. R. M. Akridge, Alabama Power Company, 600 North 18th Street, Post Office Box 2641, Birmingham, AL 35291–0364, (205) 250–1380.
i. *FERC Contact:* Dan Hayes, (202) 219–2660.
j. *Comment Date:* April 10, 1992.
k. *Description of Project:* Alabama Power Company, licensee for the Martin Dam Project, has filed an application to revise its project boundary exhibits. The licensee states that survey errors were discovered during an inventory to identify existing leased lots for possible sale. The licensee proposes to realign the project boundary along the 490-foot m.s.l. contour, with a 30-foot buffer zone. The licensee states that the revision will not change land use, will correct survey errors in the existing boundary maps, and exclude 120 acres of unneeded property from the project boundary.
1. This notice also consists of the following standard paragraphs: B, C, and D2.

3. a. *Type of Application:* Application to Revise Project Boundary Maps.
b. *Project No:* 618–029.
c. *Date Filed:* November 18, 1991.
d. *Applicant:* Alabama Power Company.
e. *Name of Project:* Jordan Dam Project.
f. *Location:* Elmore, Chilton and Coosa Counties, Alabama.
g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. Sec. 791(a)–825(r).
h. *Applicant Contact:* Mr. R.M. Akridge, Alabama Power Company, 600 North 18th Street, Post Office Box 2641, Birmingham, AL 35291–0364, (205) 250–1380.
i. *FERC Contact:* Dan Hayes, (202) 219–2660.
j. *Comment Date:* April 10, 1992.
k. *Description of Project:* Alabama Power Company, licensee for the Jordan Dam Project, has filed an application to revise its project boundary exhibits. The licensee states that survey errors were discovered during an inventory to identify existing leased lots for possible sale. The licensee proposes to realign the project boundary along the 252-foot m.s.l. contour, except for a 15-foot horizontal buffer zone required by article 30 of the project license. The licensee states that the revision will not change land use, will correct survey errors in the existing boundary maps, and exclude 29 acres of unneeded property from the project boundary.
1. This notice also consists of the following standard paragraphs: B, C, and D2.

4. a. *Type of Application:* Application to Revise Project Boundary Maps.
b. *Project No:* 2146–055.
c. *Date Filed:* November 18, 1991.
d. *Applicant:* Alabama Power Company.
e. *Name of Project:* Coosa River Project.
f. *Location:* Elmore County, Alabama.
g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. Sec. 791(a)–825(r).
h. *Applicant Contact:* Mr. R. M. Akridge, Alabama Power Company, 600 North 18th Street, Post Office Box 2641, Birmingham, AL 35291–0364, (205) 250–1380.
i. *FERC Contact:* Dan Hayes, (202) 219–2660.
j. *Comment Date:* April 10, 1992.
k. *Description of Project:* Alabama Power Company, licensee for the Coosa River Project, has filed an application to revise its project boundary exhibits for the Lay Development. The licensee states that survey errors were discovered during an inventory to identify existing leased lots for possible sale. The licensee proposes to realign the project boundary along the 397-foot m.s.l. contour. The licensee states that the revision will not change land use, will correct survey errors in the existing boundary maps, and exclude 16 acres of unneeded property from the project boundary.
1. This notice also consists of the following standard paragraphs: B, C, and D2.

5. a. *Type of Application:* Request for Extension of Time to Commence Project Construction.
b. *Project No.:* 3246–016.
c. *Date Filed:* January 16, 1992.
d. *Applicant:* City of Alton, Illinois.
e. *Name of Project:* Melvin Price Lock and Dam.
f. *Location:* In St. Charles County, Missouri, and Madison County, Illinois, on the Mississippi River.
g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. § 806 and Public Law No. 102–240, 105 Stat. 1914, section 1075(b) of the Intermodal Surface Transportation Efficiency Act of 1991.
h. *Applicant Contacts:* Robert Ferbert, City Hall, 101 East Third Street, Alton, IL 62002, (618) 463–3530; Daniel T. Lennon, Esquire, Counsel for City of Alton, Latham and Watkins, 1001 Pennsylvania Avenue, NW., Suite 1300, Washington, DC 20004–2505, (202) 637–2201.
i. *FERC Contact:* Mr. Lynn R. Miles, (202) 219–2671.
j. *Comment Date:* March 25, 1992.
k. *Description of the Request:* The licensee for the subject project has requested a 4-year extension of the license including the deadline for commencement and completion of construction for FERC Project No. 3246. The licensee states that it has diligently pursued the development of the project and has invested over $730,000 on the efforts. The licensee also states that because of the late acquisition of the license, it was unable to meet the October 15, 1991, deadline to commence project construction. The licensee further contends that its efforts were severely impeded by its inability to study the site because a memorandum of agreement governing access to the site and site activities on land administered by the Corps had not been finalized.
1. This notice also consists of the following standard paragraphs: B, C, and D2.

6 a. *Type of Application:* Transfer of License.
b. *Project No.:* 8794–009.
c. *Date Filed:* January 23, 1992.
d. *Applicant:* New Haven Copper Company.
e. *Name of Project:* New Haven Copper Company.
f. *Location:* On the Naugatuck River in New Haven County, Connecticut.
g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. §§ 791(a)–825(r).
h. *Applicant Contact:* John N. Webster, So. New Hampshire Hydroelectric, Development Corporation, P.O. Box 178, So. Berwick, ME 03908, 207–384–5334.
i. *FERC Contact:* Mary Golato (tag) (202) 219–2804.
j. *Comment Date:* April 2, 1992.
k. *Description of Project:* New Haven Copper Company proposes to transfer the New Haven Copper Company Project FERC No. 8794–009 to Southern New Hampshire Hydroelectric Development Corporation. The purpose of the transfer is to facilitate financing and construction of the project.
l. This notice also consists of the following standard paragraphs: B & C.

7 a. *Type of Application:* Amendment of License.
b. *Project No:* 4296–002.
c. *Date Filed:* November 27, 1991.
d. *Applicant:* Seneca Hydro Acquisition Corporation.
e. *Name of Project:* Seneca.

f. *Location:* On the Seneca River in Onondaga County, New York. The project utilizes the existing New York State Dam at Balwinsville, New York.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. § 791(a)–825(r).

h. *Applicant Contact:* Paul V. Nolan, Esq., Counsel for Seneca Hydro Acquisition Corporation, 6219 N. 19th Street, Arlington, VA 22205, (703) 534–5509.

i. *FERC Contact:* Paul Shannon, (202) 219–2866.

j. *Comment Date:* April 1, 1992.

k. *Description of Amendment:* The application for Amendment of Exemption proposes to rehabilitate one of two abandoned turbines within the Seneca Powerhouse. These two abandoned turbines were not authorized in the Order Granting Exemption from Licensing, 18 FERC ¶ 62,227, issued February 17, 1982. Presently, the powerhouse contains five units. Three of the units are operating with a total installed generating capacity of 950–kW and a total hydraulic capacity of 1450 cfs. The rehabilitation of one abandoned turbine will increase the proeject's installed capacity by 150–kW and the hydraulic capacity by 750 cfs.

1. This notice also consists of the following standard paragraphs: B, C, and D2.

8 a. *Type of Filing:* Transfer of License.

b. *Project No.:* 6221–023.

c. *Date Filed:* January 21, 1992.

d. *Applicants:* Weyerhaeuser Company and Black Creek Hydro, Inc.

e. *Name of Project:* Black Creek.

f. *Location:* On Black Creek in King County, Washington.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. § 791(a)–825(r).

h. *Applicant Contacts:* Weyerhaeuser Company: Richard A. Ryon, 7001–396th SE., Snoqualmie, WA 98065; Black Creek Hydro, Inc.: Martin W. Thompson, 19515 North Creek Parkway, Suite 310, Bothell, WA 98011.

i. *Commission Contact:* Mr. James Hunter, (202) 219–2839.

j. *Comment Date:* April 2, 1992.

k. *Description of Proposed Action:* On July 29, 1988, a major license was issued to Weyerhaeuser Company for the construction, operation, and maintenance of the Black Creek Project. Weyerhaeuser Company proposes to transfer its interests and obligations under the license to Black Creek Hydro, Inc. The proposed transfer will not change the operation of the project or the use of project power. Weyerhaeuser Company certifies that it has fully complied with the terms and conditions of the license. Black Creek Hydro, Inc. accepts all the terms and conditions of the license and agrees to be bound thereby to the same extent as if it were the original licensee.

l. This notice also consists of the following standard paragraphs: B and C.

9. a. *Type of Application:* Surrender of Exemption (5MW or less).

b. *Project No:* 7168–004.

c. *Date filed:* September 17, 1991.

d. *Applicant:* Porcupine Reservoir Company.

e. *Name of Project:* Porcupine Reservoir Project.

f. *Location:* On the East Fork Little Bear River in Cache County, Utah near the towns of Logan and Paradise.

g. *Filed Pursuant to:* Federal Power Act, 16 USC 791(a)–825(r).

h. *Applicant Contact:*

Mr. Barnard R. White, President, Porcupine Reservoir Company, Paradise, UT.

Mr. Gary L. Clawson, Porcupine Reservoir Company, Hyrum, UT 84319, (801) 245–6566.

Mr. Allen D. Butler, President, Arizona Micro-Utilities, 3110 S. Rural Rd., suite B, Tempe, AZ 85282, (602) 921–0611.

i. *FERC Contact:* Ms. Deborah Frazier-Stutely (202) 219–2842.

j. *Comment Date:* April 2, 1992.

k. *Description of Proposed Action:* The existing project for which the exemption is being surrendered consists of (1) A 165-foot-high, 600-foot-long earthfill dam; (2) a 220 acre reservoir with a surface area of 14,000 acre-feet at elevation 5384.6 feet msl; (3) an ungated concrete box weir spillway; (4) outlet works consisting of a concrete intake structure with steel trashracks, a 36-inch-diameter steel outlet pipe, a 30-inch-diameter steel pipe, a 24-inch butterfly valve; (5) a 30-inch-diameter, 140-foot-long steel penstock; (6) a powerhouse containing three Wortington pump-type turbine generator units with a total rated capacity of 566 kW; (7) a 2.5-mile-long, 12.5-kV transmission line that connects to a Utah Power and Light Company line.

The exemptee says that, although all the units are operational, the powerhouse does not operate above 55% of the installed capacity and the project does not generate sufficient revenues to warrant continued operation of the project.

1. Purpose of Project: B, C, and D2.

Standard Paragraphs

B. Comments, Protests, or Motions to Intervene: Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

C. Filing and Service of Responsive Documents: Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. An additional copy must be sent to Director, Division of Project Review, Federal Energy Regulatory Commission, room 1027, at the above-mentioned address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

D2. Agency Comments: Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Dated: March 3, 1992, Washington, DC.

Lois D. Cashell,

Secretary.

[FR Doc. 92–5316 Filed 3–6–92; 8:45 am]

BILLING CODE 6717–01–M

Office of Energy Research

Special Research Grant Program Notice 92–8: Global Survey of Carbon Dioxide in the Ocean

AGENCY: Department of Energy (DOE).

ACTION: Notice inviting grant applications.

SUMMARY: The Office of Health and Environmental Research (OHER) of the Department of Energy (DOE) hereby

announces its interest in receiving applications for Special Research Grants to support the second three-year phase of global survey of carbon dioxide (CO_2) in the ocean in conjunction with the World Ocean Circulation Experiment Hydrographic Program (WOCE/HP) Cruises. This notice requests applications for grants to support the acquisition of CO_2 data at sea (dissolved inorganic carbon (C_T) is required and at least one of the following: Partial pressure of CO_2 (pCO_2), pH, or alkalinity must also be measured).

Grant applications must state the number of days at sea per year that the application is intended to support and the associated at-sea costs as supplemental budget information. Applicants should include in the application approaches for controlling and/or minimizing the cost of sea time and shipboard analyses and a detailed discussion of their approach to logistics for at-sea operations. It is anticipated that five to seven grants will be awarded for 3-year period beginning in October 1992. (Some portion of the funds being set aside for this program may be used to support research at DOE laboratories.)

DATES: The tentative schedule for WOCE/HP cruises for FY 1993 and FY 1994 is given below. This schedule is included for planning level of effort only (e.g., planning the number of days at sea per year). Applicants are not encouraged to propose specific cruises as the schedule is likely to change. However, applicants may indicate preferences for specific cruises and/or specific cruises in which they do not wish to participate. Successful applicants will participate in the Ocean CO_2 Science Team meetings that will recommend the scheduling of CO_2 associated measurements on the WOCE cruises.

Section	Ocean	Dates	Vessel (country)
P16A	Pacific	10–11/92	KNORR (USA).
P17A	Pacific	10–11/92	KNORR (USA).
P17E	Pacific	10/92–1/93	KNORR (USA).
P02	Pacific	1993	TBD (JAPAN).
P08	Pacific	1993	SCIENCE I (PRC).
P10	Pacific	1993	MELVILLE (USA).
P11A	Pacific	4–5/93	AURORA AUSTRALIS (AUS).
P11S	Pacific	6/93	FRANKLIN (AUS).
P14N	Pacific	1993	MELVILLE (USA).
P17N	Pacific	1993	MELVILLE (USA).
P19N	Pacific	1–3/93	KNORR (USA).
P19S	Pacific	1–3/93	KNORR (USA).
P21C	Pacific	1993	MELVILLE (USA).
A03	Atlantic	1993	TBD (RUSSIA).
A06	Atlantic	1–2/93	L'ATALANTE (FRANCE).
A10	Atlantic	12/92–1/93	METEOR (GERMANY).
A15	Atlantic	1993	TBD (USA).
A17N	Atlantic	1993	L'ATALANTE (USA).
I01W	Indian	1993	TBD (RUSSIA).
I04	Indian	8/93	MARION DUFRESNE (FRANCE).
I06	Indian	1–2/93	MARION DUFRESNE (FRANCE).
I07A	Indian	1993	FEDEROV (RUSSIA).
I08A	Indian	1993	FEDEROV (RUSSIA).
I09A	Indian	1993	FEDEROV (RUSSIA).

Applications must be received by the Division of Acquisition and Assistance Management (see address section for mailing address) prior to May 12, 1992.

ADDRESSES: Completed applications referencing Program Notice 92–8 should be forwarded to: U.S. Department of Energy, Division of Acquisition and Assistance Management, Office of Energy Research, ER–64, room G–232, Washington DC 20585. The following address must be used when submitting applications by U.S. Postal Service Express, any commercial mail delivery service or when handcarried by the applicant: U.S. Department of Energy, Division of Acquisition and Assistance Management, Office of Energy Research, ER–64/GTN, 1990 Germantown, MD 20874.

FOR FURTHER INFORMATION CONTACT: Michael R. Riches, Environmental Sciences Division, Office of Health and Environmental Research, ER–74, Washington, DC 20585, (301) 903–3264.

SUPPLEMENTARY INFORMATION: One of the major scientific objectives of the Carbon Dioxide Resarch Program is to quantify the uptake of atmospheric CO_2 by the ocean and to make estimates of furture atmospheric concentrations resulting from fossil fuel combustion. The purpose of the global carbon dioxide survey is to provide a data set to characterize the global distribution of CO_2 in the oceans in support of the Joint Global Ocean Flux Study (JGOFS) Program. A global description of CO_2 chemistry will provide essential data for the development of three-dimensional models of the ocean carbon cycle, which are critically needed for predicting future atmospheric CO_2 concentrations.

This notice requests applications for grants to support the acquisition of CO_2 data at sea (dissolved inorganic carbon (C_T) is required and at least one of pCO_2, pH, or alkalinity must also be measured). The application should address the following topics: (1) Total number of days at sea that the scientific approach, human resources and budget will support, (2) personnel and equipment required for the proposed at-sea effort, (3) number of CO_2 analyses that can be conducted per day at sea, (4) estimates of the mobilization/demobilization costs per expedition (excluding costs for travel and freight to and from the research vessel; these should be included as appropriate elsewhere in the budget), and (5) stragegies to cooperate with other laboratories and strategies to control personnel and logistical costs.

Successful applications for grants to make at-sea measurements will provide personnel and equipment to perform accurate measurements of dissolved inorganic carbon (C_T), and at least one of the following other parameters: total alkalinity, carbon dioxide partial pressure (pCO_2), and pH in small-volume water samples (0.5–1.0 liter) aboard WOCE/HP research vessels. The primary technique for measuring C_2 will

be coulometry. Quality control of C_2 measurements at sea will be accomplished with certified aqueous reference materials (CRMs). Successful applicants will be expected to attend a comprehensive training course on CO_2 coulometry and to be familiar with DOE Standard Operating Procedures (SOPs) for handling and analyzing samples at sea. Training, SOPs and CRMs will be provided to successful applicants by DOE prior to the FY 1993 WOCE/HP cruises. Secondary analytical techniques for measuring C_T, alkalinity, pCO_2, and pH, or for automating exisitng measurement techniques, may be proposed as a development task with the ultimate purpose of improving the accuracy and efficiency of CO_2 analyses on later WOCE/HP cruises.

It is essential that the global CO_2 measurements be made simultaneously with the WOCE/HP surveys so that carbon fluxes can be estimated from synoptic hydrographic data. The estimated total number of WOCE Hydrographic stations and sampling opportunities for the next 3-year phase of the global CO_2 survey is as follows:

	Hydrographic stations	Samples
Atlantic Ocean	200	7,000
Pacific Ocean	300	10,000
Indian Ocean	200	7,000
Totals	700	24,000

This level may be modified to reflect the actual level of the WOCE field program.

Funding in FY 1993 and continuation of the Global CO_2 Surveys beyond FY 1983 is contingent upon availability of funds. About $2,000,000 is projected for FY 1993 to fund (1) carbon dioxide measurements on WOCE/HP cruises in FY 1993; (2) CO_2 Science Team activities; (3) training on CO_2 coulometry; and (4) instrumentation support. Activities (2), (3), and (4) will be conducted by DOE laboratories. It is anticipated that five to seven grants will be awarded for a 3–year period beginning in November 1992. Funding for at-sea measurements ((1) above) during FY 1994 and 1995 will depend on the WOCE/HP cruise scheduled and the resources required for scientific and logistical support for CO_2 measurements. It is anticipated that funding could reach a maximum of $3,000,000 per year at some time during the program.

Information about submission of applications, eligibility, limitations, evaluation and selection processes, and other policies and procedures may be found in the OER Application and Guide for the Special Research Grants Program 10 CFR Part 605. The application kit and guide is available from the U.S. Department of Energy, Acquisition and Assistance Management Division, Office of Energy Research, ER–64, Washington, DC 20585. Telephone requests may be made by calling (301) 903–4902. The Catalog of Federal Domestic Assistance Number for this program is 81.049.

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

D.D. Mayhew,

Deputy Director for Management, Office of Energy Research.

[FR Doc. 92–5436 Filed 3–6–92; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket No. RP92–127–000]

Panhandle Eastern Pipe Line Co.; Proposed Changes in FERC Gas Tariff

March 2, 1992.

Take notice that Panhandle Eastern Pipe Line Company (Panhandle) on February 27, 1992, tendered for filing the following revised tariff sheets to its FERC Gas Tariff, Original Volume No. 1:

Original Sheet No. 3–C.20
Original Sheet No. 3–C.21
2nd / 1st / Third / Sheet No. 32–BD
Original Sheet No. 43–20
Original Sheet No. 43–21

Panhandle proposes that these revised tariff sheets become effective March 29, 1992.

Panhandle states that the tariff changes proposed will provide Panhandle with the means of recovering the Trunkline LNG Company (TLC) minimum bill charges which Trunkline Gas Company (Trunkline) filed to recover from Panhandle contemporaneously herewith.

Specifically, Trunkline proposed to direct bill Panhandle a total of $151,359,802.66, which represents Panhandle's allocated share of the net present value of the obligations under TLC's minimum bill. In that filing, Trunkline represented that upon the effectiveness of its tariff sheets, that it would suspend collections in its demand charge of the amount of TLC's minimum bill in the base demand rates of its sales services applicable to Panhandle to be effective during the period of suspension of the collection of TLC minimum bill charges. Upon the commencement of that suspension, Panhandle will reflect the reduced current charges in an appropriate PGA filing.

Panhandle proposes to allocate these costs among its sales customers and its transportation customers served under Rate Schedule PT-Firm whose service is the result of the exercise of conversion opportunities provided by § 284.10 of the Commission's Regulations.

Panhandle states that copies of this filing have been sent to sales customers, transportation customers served under Rate Schedule PT–Firm and affected shippers and to the respective state regulatory commissions.

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 March 9, 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. 92–5334 Filed 3–6–92; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP92–128–000]

Panhandle Eastern Pipe Line Co.; Proposed Changes in FERC Gas Tariff

March 2, 1992.

Take notice that Panhandle Eastern Pipe Line Company (Panhandle) on February 27, 1992, tendered for filing the following tariff sheets to its FERC Gas Tariff, Original Volume No. 1:

Original Sheet No. 3–C.22
Original Sheet No. 43–22

Panhandle proposes that these tariff sheets become effective March 29, 1992.

Panhandle states that the filing flows through to Panhandle's customers the direct bill charges proposed to be recovered by Trunkline Gas Company (Trunkline) from Panhandle in Trunkline's compliance filing of October 9, 1991 in Docket No. RP87–15–030. In that filing, Trunkline filed in compliance with the Commission's directives in its July 22, 1991, "Order On Remand" in Docket No. RP87–15–027 (Phase I), 56 FERC ¶61,095 that: (1) Trunkline's commodity minimum bill be eliminated effective April 22, 1988; and (2)

Trunkline be permitted to include the LNG costs in the demand component of its rates for the period governed by the rates in Trunkline's Docket No. RP87–15, *et al.* Both of these items resulted from court reviews of Docket No. RP87–15 orders.

In order to calculate the amounts due in connection with Trunkline's reclassified demand charge, Panhandle allocated the demand charge amount due to Trunkline among its existing jurisdictional sales customers using the ratios which each of their current individual annualized contract demands bear to their total current annualized contract demands. Because Trunkline's own minimum bill charges to Panhandle during this period would have been recovered via Panhandle's commodity rates, Panhandle allocated the Trunkline minimum commodity bill amounts due to Trunkline among its existing jurisdictional sales customers using the ratios of each customer's projected sales to the aggregate projected sales in Docket No. RP91–229–000.

Panhandle states that copies of this filing have been sent to affected sales customers and to the respective state regulatory commissions.

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 March 9, 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. 92–5335 Filed 3–6–92; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TM92–7–17–000]

Texas Eastern Transmission Corp.; Proposed Changes FERC Gas Tariff

March 2, 1992.

Take notice that Texas Eastern Transmission Corporation (Texas Eastern) on February 27, 1992 tendered for filing as part of its FERC Gas Tariff, Fifth Revised Volume No. 1, six copies of the following tariff sheet:

Forty-third Revised Sheet No. 50.2

Texas Eastern states that this sheet is being filed pursuant to section 4.F of Texas Eastern's Rate Schedules SS–2 and SS–3 to flow through a change in a CNG Transmission Corporation's (CNG) Rate Schedule GSS rate which underlies Texas Eastern's Rate Schedules SS–2 and SS–3.

Texas Eastern states that on February 13, 1992 CNG made a tariff filing in Docket No. RP90–143–010 which revises the Rate Schedule GSS Storage Demand rate effective March 1, 1992.

Texas Eastern states that copies of the filing were served on Texas Eastern's jurisdictional customers and interested state commissions.

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. All such motions or protests should be filed on or before March 9, 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. 92–5336 Filed 3–6–92; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. CP92–361–000, et al.]

Questar Pipeline Co., et al.; Natural Gas Certificate Filings

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

1. Questar Pipeline Co.

[Docket No. CP92–361–000]

February 25, 1992.

Take notice that on February 24, 1992, Questar Pipeline Company (Questar) filed in Docket No. CP92–361–000 an application pursuant to section 7(b) of the Natural Gas Act requesting authority to abandon, effective June 1, 1991, certain interruptible natural-gas exchange services provided to Northwest Pipeline Corporation (Northwest) under Questar's Rate ScheduleX–24 to Original Volume No. 3 of its FERC Gas Tariff, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Questar states that on April 1, 1991, Questar and Northwest entered into a Termination Agreement that canceled the Letter Agreement dated May 23, 1979, as amended, between Questar and Northwest, which was certificated as Rate Schedule X–24, effective June 1, 1991.

Comment date: March 17, 1992, in accordance with Standard Paragraph F at the end of this notice.

2. Questar Pipeline Co.

[Docket No. CP92–363–000]

February 28, 1992.

Take notice that on February 25, 1992, Questar Pipeline Company (Questar) filed in Docket No. CP92–363–000 an application pursuant to section 7(b) of the Natural Gas Act requesting authority to abandon, effective October 1, 1990, certain interruptible natural gas exchange and gathering services involving Northwest Pipeline Corporation (Northwest) under Questar's Rate Schedules X–1 and X–2 to Original Volume No. 3 of its FERC Gas Tariff, all as more fully set forth in the application which is on file with the Commission and open to public inspeciton.

Questar states that on October 1, 1990, Questar and Northwest entered into a Termination Agreement that conceled the July 1, 1958, Gas Transportation and Exchange Agreement (Rate Schedule X–1), and the December 6, 1958, Gas Gathering Agreement (Rate Schedule X–2), between Questar and Northwest. Questar represents that Questar and Northwest mutually agreed to terminate Rate Schedules X–1 and X–2 effective October 1, 1990.

Comment date: March 20, 1992, in accordance with Standard Paragraph F at the end of this notice.

3. Seagull Marketing Services, Inc., et al.

[Docket No. CI86–7–008, *et al.*] [1]

February 28, 1992.

Take notice that each Applicant listed on the Appendix hereto filed an application pursuant to sections 4 and 7 of the Natural Gas Act and the Federal Energy Regulatory Commission's (Commission) regulations thereunder for extension of its blanket limited-term certificate with pregranted abandonment authorizing sales for resale in interstate commerce previously issued by the Commission for a term expiring March 31, 1992, all as more fully set forth in the applications which are

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

on file with the Commission and open for public inspection.

Comment date: March 12, 1992, in accordance with Standard Paragraph J at the end of the notice.

APPENDIX

Docket No.	Date filed	Applicant
CI86-7-008	2-24-92	Seagull Marketing Services, Inc., 1001 Fannin, suite 1700, Houston, Texas 77002.
CI87-734-005	2-24-92	Williams Gas Supply Company, P.O. Box 3102, Tulsa, Oklahoma 74101.
CI87-738-007 [1]	2-24-92	Williams Gas Marketing Company, P.O. Box 3102, Tulsa, Oklahoma 74101.

[1] Applicant also requests that the Commission remove the rate restriction on sales of interruptible sales service (ISS) gas purchased from affiliates.

4. Colorado Interstate Gas Co.

[Docket No. CP92-358-000]

February 26, 1992.

Take notice that on February 20, 1992, Colorado Interstate Gas Company (CIG), Post Office Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP92-358-000 an application pursuant to section 7(b) of the Natural Gas Act for an order granting permission and approval to abandon by sale certain certificated natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

CIG states that it has entered into contracts with Associated Natural Gas, Inc. (ANGI) to sell both the certificated and non-certificated facilities in the natural gas gathering system referred to as Spindle/Wattenburg/Aristocrat Field, Weld County, Colorado. CIG indicates that it would sell the certificated facilities under the terms of a certificated facilities sales agreement dated January 6, 1992. It is stated that the certificated facilities consist of 8.1 miles of 2-inch pipeline, 5.8 miles of 4-inch pipeline, and 7.0 miles of 6-inch pipeline and facilities appurtenant thereto. CIG states that the certificated facilities would be sold at or above their present net book value of $333,429. It is indicated that CIG has already sold the non-certificated facilities to ANGI effective on January 6, 1992. It is also stated that CIG and ANGI have entered into a transitional lease and operating agreement to permit ANGI to operate the certificated facilities pending Commission action on the abandonment application.

Comment date: March 18, 1992, in accordance with Standard Paragraph F at the end of this notice.

5. Sabine Pipe Line Co.

[Docket No. CP92-360-000]

February 26, 1992.

Take notice that on February 24, 1992, Sabine Pipe Line Company (Sabine), 1111 Bagby Street, Houston, Texas 77002, filed in Docket No. CP92-360-000 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon an offshore pipeline lateral, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Sabine requests authorization to abandon 4.9 miles of 12-inch pipeline located in West Cameron, Block 547, Offshore, Louisiana and extending to an interconnect with Stingray Pipeline Company. Sabine states that natural gas produced from West Cameron Block 547 has been depleted and the production platform was removed in 1988.

Comment date: March 18, 1992, in accordance with Standard Paragraph F at the end of this notice.

6. Transcontinental Gas Pipe Line Corp.

[Docket No. CP92-347-000]

February 26, 1992.

Take notice that on February 12, 1992, Transcontinental Gas Pipe Line Corporation (Transco), P. O. Box 1396, Houston, Texas 77251, filed in Docket No. CP92-347-000 an application, pursuant to section 7(b) of the Natural Gas Act, for permission and approval to abandon certain interruptible gas transportation services to Tennessee Gas Pipeline Company (Tennessee), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Transco states that on November 22, 1982, Transco and Tennessee entered in a Service Agreement (Transco's Rate Schedule X-252) whereby Transco receives and transports on an interruptible basis up to 12,000 dekatherms per day of natural gas for Tennessee from Ship Shoal block 246B, and redelivers to Tennessee equivalent quantities at existing interconnections between Transco and Tennessee at Louise in Wharton County, Texas; Crowley in Acadia Parish, Louisiana; Starks in Calcasieu Parish, Louisiana; and Kinder in Allen Parish, Louisiana. It is also stated that such service under Transco's Rate Schedule X-252 was authorized by a Commission order issued January 30, 1984 in Docket No. CP83-520. 26 FERC 62,066 (1984).

It is asserted that the Service Agreement provides that such agreement shall remain in force until November 1, 1985, and from year to year thereafter until canceled by either party upon six months prior written notice to the other party.

Transco maintains that by letter dated January 4, 1991, Transco provided Tennessee written notice of termination of Rate Schedule X-252. In additin, by letter dated May 23, 1991, Tennessee requested successor interruptible transportation service under Transco's blanket certificate. Accordingly, Transco hereby seeks the abandonment of Rate Schedule X-252 effective on the date of a Commission order granting abandonment, and the waiver described below so as to provide replacement interruptible transportation service for Tennessee under Transco's blanket certificate (Rate Schedule IT) effective as of the same date.

It is also stated that effective with the abandonment of service under Transco's Rate Schedule X-252, Transco requests that the Commission authorize Transco to provide Tennessee with replacement interruptible transportation service, under Rate Schedule IT. Transco requests that such replacement interruptible transportation service be available from the receipt points listed herein as well as from other mutually agreeable receipt points in accordance with Transco's Rate Schedule IT and Transco's blanket certificate, to Tennessee's existing delivery points and other mutually agreeable points. Transco requests replacement interruptible transportation service of 12,000 dekatherms per day (the level at which Tennessee currently receives service pursuant to rate Schedule X-252).

Transco requests authority such that the replacement IT service for Tennessee shall maintain the same "grandfathered" priority which the interruptible transportaiton service under Rate Schedule X-252 currently is entitled to under section 28.2 of Transco's General Terms and Conditions.

Transco requests waiver of the General Terms and Conditions of its FERC Gas Tariff to the extent necessary to allow replacement Rate Schedule IT interruptible service for Tennessee to maintain the same "grandfathered" priority as that which existed under Rate Schedule X-252. Transco asserts that because replacement interruptible service pursuant to Transco's Rate Schedule IT is not a new service but

rather is merely the conversion of regulatory authorizations, Transco submits that Tennessee should be able to retain such priority and furthermore, allowing such would result in neither preferential nor unduly discriminatory treatment of any of Transco's customers or potential customers.

Comment date: March 18, 1992, in accordance with Standard Paragraph F at the end of the notice.

7. The Inland Gas Co., Inc.

[Docket No. CP92-356-000]

February 26, 1992.

Take notice that on February 18, 1992, The Inland Gas Company, Inc. (Inland), P.O. Box 1180, Ashland, Kentucky 41105-1180, filed in Docket No. CP92-356-000 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon either in place or by sale to Columbia Gas of Kentucky, Inc. (CKY) and Columbia Natural Resources, Inc. (CNR), all remaining portions of Inland's pipeline system and service obligations in Kentucky, Ohio and West Virginia, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Inland States that it received its original "Grandfather Certificate" in Docket No. CP61-266, 28 FERC 683 (1962), auththorizing Inland to operate production facilities in portions of Kenturky and provide sales service to residential, commercial and industrial customers in Kentucky, Ohio and West Virginia.

According to Inland, its markets have declined to the extent that it no longer provides any service for customers located in Ohio and transports for only one customer located in West Virginia. Additionally, Inland states that its sales service in the state of Kentucky has steadily declined. It is stated that the continued erosion of Inland's gas sales market is such that Inland proposes to either abandon in place or through transfer to affiliated companies its jurisdictional facilities and service obligations.[2]

Specifically, Inland proposes to:

1. Abandon by sale to CKY all of its jurisdictional properties in Carter and Boyd Counties, Kentucky, except the Big Sandy River crossing between Kentucky and West Virginia which will be abandoned in place.

2. Abandon by sale to CKY its 12-inch Ohio River crossing.[3]

3. Assign its present gas contract with Tennessee Gas Pipeline Company (Tennessee) and abandon by transfer its Mavity Measuring Station in Boyd County, Kentucky to CKY. The Mavity Measuring Station is Tennessee's delivery point to Inland.

4. Abandon by sale to CNR approximately 8,000 feet of its Line T-88. (A substantial portion of Inland's Line T-88 was previously abandoned by sale to Magnum Drilling of Ohio, Inc. in Docket No. CP91-1228-000, 56 FERC ¶ 61,169 (1991)).

5. Abandon in place its three miles of West Virginia facilities. Continuing service to Inland's sole jurisdictional customer in West Virginia, American Natural Rubber, will be provided by Mountaineer Gas Company (Mountaineer) through its existing facilities.

In addition to the transfer of jurisdictional facilities, Inland states that it will also transfer to CNR all of its non-jurisdictional production wells and gathering lines located in Johnson, Floyd, Magoffin, Pike, Knott and Perry Counties, Kentucky, and all wells located in Boyd County, Kentucky. It is stated that all of Inland's non-jurisdictional well lines and gathering lines located in Boyd County will be transferred to CKY or CNR. In accepting the transfer of these facilities, Inland submits that each assignee agrees to accept any continuing obligation to provide gas service, either under an existing tariff or pursuant to Kentucky Revised Statute 278.485, to all of Inland's existing customers now being served from the facilities to be transferred or sold.

Inland also requests abandonment authority for the delivery points and service obligations to the following customers:

1. In West Virginia: American Natural Rubber Company.

2. In Ohio: Allied Chemical Corporation, Ashland Oil, Inc. and B.C.R. Paving Company. (These delivery points are in idle service and Allied Chemical and B.C.R. Paving are no longer in business).

3. In Kentucky: Armco Credit Union, Armco Steel Company, L.P., Ashland Leather Company, Ashland Oil, Inc. (two delivery points which are now idle), Ashland Board of Education (two locations now being served by another gas supplier), Big Sandy Diesel, Cardinal Cleaners, Corbin, Ltd., Christ Temple Church, Federal Correctional Institution, General Concrete Co., Hackett Division of Harsco Corporation, Helton Hardware, Holy Family Church and School, Gene Jackson, Johnson's Dairy, Kay's Market, Kentucky Electric Steel Corporation, King's Daughters' Medical Center, Knight's Inn, Masonic Building Company, Meade Station Church of God, Mountain Enterprises, National Mines Service Company (delivery point in idle service), Pine Mountain Asphalt Company, Rental Uniform Service, Ruth Equipment Company, United Parcel Service, U.S. Brick and Air Products and Chemicals, Inc.

4. 734 farm tap customers served pursuant to rights-of-way agreements or Kentucky Revised Statute 278.485. Of the 734, 136 are located on pipeline facilities in the northern part of Inland's operations and will be transferred to either CKY or CNR, which will assume the obligation to serve these customers. The remaining 598 are located on those non-jurisdictional production and gathering lines located in Inland's southern operating area. These facilities will be transferred to CNR. CNR has agreed to continue to provide gas service to these customers as required by state law.

Inland also seeks abandonment authorization of the following certificate authorities: Inland's curtailment plan in Docket No. RP76-3; the blanket certificate in Docket No. CP83-139-000 for certain routine activities; and its blanket transportation certificate in Docket No. CP89-779-000.

In Docket No. RP89-65-000, 50 FERC ¶ 61,374 (1990), Inland states that it has been recouping from its customers the upstream take-or-pay charges of Tennessee which were billed to Inland and which Inland paid to Tennessee in a lump sum. Inland anticipates that under Tennessee's current proposal pending in Docket No. RP91-29-000, *et. al.*,[4] Inland will be entitled to a portion of its lump-sum payment. In light of Tennessee's revised allocation of take-or-pay, Inland states that it may have overcollected take-or-pay reimbursements from its customers. Inland states that it will remain in existence as a corporate entity and will receive any refund owing from Tennessee and refund any overcollection to its customers. At such time as Tennessee has in place a final and unappealable take-or-pay allocation methodology and makes refunds, Inland states that it will pass these refunds through to its former customers to the extent that Inland overcollected from these customers.

[2] Inland states that its facilities located in Ohio and West Virginia will be abandoned in place.

[3] Since the border between Kentucky and Ohio lies at the low water mark on the Ohio side of the river, Inland states that this facility is located in Kentucky.

[4] Inland states that this proceeding was filed in response to the Commission's Order No. 528 establishing revised procedures for recalculating take-or-pay liability.

Finally, as authorized in Docket No. RP89–65–000, Inland states that it has agreed to refund $201,869 of excess accumulated deferred income-taxes created by the reduction in the federal income rates to 34 percent on July 1, 1987. It is stated that this amount was to be refunded in the cost-of-service over a fifteen-year period. Upon approval of this application and acceptance of the abandonment authority by Inland, Inland states that it will pass the remaining excess taxes through to its customers.

Comment date: March 18, 1992, in accordance with Standard Paragraph F at the end of this notice.

8. Transcontinental Gas Pipe Line Corp.

[Docket No. CP92–346–000]

February 26, 1992.

Take notice that on February 12, 1992, Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77251, filed in Docket No. CP92–346–000 an application, pursuant to section 7(b) of the Natural Gas Act, for permission and approval to abandon certain interruptible gas transportation services to Tennessee Gas Pipeline company (Tennessee), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Transco states that on April 21, 1980, Transco and Tennessee entered in a Service Agreement (Transco's Rate Schedule X–231) whereby Transco receives and transports on an interruptible basis up to 20,000 Mcf per day of natural gas for Tennessee from Decade, Louisiana and redelivers to Tennessee equivalent quantities at existing interconnections between Transco and Tennessee at Louise in Wharton County, Texas; Crowley in Acadia Parish, Louisiana; and Kinder in Allen Parish, Louisiana. It is also stated that such service under Transco's Rate Schedule X–231 was authorized by a Commission order issued November 6, 1980, in Docket No. CP80–440. 13 FERC 61,111 (1980).

It is asserted that the Service Agreement provides that such agreement shall remain be for a term of one year and from year to year thereafter until canceled by either party upon 90 days prior written notice to the other party.

Transco maintains that by letter dated January 4, 1991, Transco provided Tennessee written notice of termination of Rate Schedule X–231. In addition, by letter dated May 23, 1991, Tennessee requested successor interruptible transportation service under Transco's blanket certificate. Accordingly, Transco hereby seeks the abandonment of Rate Schedule X–231 effective on the date of a Commission order granting abandonment, and the waiver described below so as to provide replacement interruptible transportation service for Tennessee under Transco's blanket certificate (Rate Schedule IT) effective as of the same date.

It is also stated that effective with the abandonment of service under Transco's Rate Schedule X–231, Transco requests that the Commission authorize Transco to provide Tennessee with replacement interruptible transportation service, under Rate Schedule IT. Transco requests that such replacement interruptible transportation service be available from the receipt points listed herein as well as from other mutually agreeable receipt points in accordance with Transco's Rate Schedule IT and Transco's blanket certificate, to Tennessee's existing delivery points and other mutually agreeable points. Transco requests replacement interruptible transportation service of 20,000 Mcf per day (the level at which Tennessee currently receives service pursuant to Rate Schedule X–231).

Transco requests authority such that the replacement IT service for Tennessee shall maintain the same "grandfathered" priority which the interruptible transportation service under Rate Schedule X–231 currently is entitled to under section 28.2 of Transco's General Terms and Conditions.

Transco request waiver of the General Terms and Conditions of its FERC Gas Tariff to the extent necessary to allow replacement Rate Schedule IT interruptible service for Tennessee to maintain the same "grandfathered" priority as that which existed under Rate Schedule X–231. Transco asserts that because replacement interruptible service pursuant to Transco's Rate Schedule IT is not a new service but rather is merely the conversion of regulatory authorizations, Transco submits that Tennessee should be able to retain such priority and furthermore, allowing such would result in neither preferential nor unduly discriminatory treatment of any of Transco's customers or potential customers.

Comment date: March 18, 1992, in accordance with Standard Paragraph F at the end of this notice.

9. Tennessee Gas Pipeline Co.

[Docket No. CP92–355–000]

February 26, 1992.

Take notice that on February 18, 1992, Tennessee Gas Pipeline Company (Tennessee), P.O. Box 2511, Houston, Texas 77252, filed an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon five interruptible natural gas transportation services which were provided for Transcontinental Gas Pipe Line Corporation under Tennessee's Rate Schedules T–102, T–146, T–148, T–150 and T–160, all as more fully set forth in the application which is on file with the commission and open to public inspection.

Tennessee indicates that by letter dated November 27, 1991, Transco stated that the transportation services rendered under each applicable rate schedule may be abandoned, but because the particular rate schedules are currently in use, Transco requests that each rate schedule be subject to Tennessee's providing an equivalent replacement service. Tennessee would perform such replacement service under its blanket certificate and submits that service provided under the blanket authorization for Transco would incur reduced transportation costs for Transco. Tennessee believes that a waiver of the first-come first-serve provision of Tennessee's tariff would allow Transco to take early advantage of this benefit. As a result, Tennessee is requesting a waiver of such first-come first-serve provision.

No facilities are proposed to be abandoned herein.

Comment date: March 18, 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 file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act

and the Commission's Rules of Practive 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.

J. Any person desiring to be heard or make any protest with reference to said filings should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426 a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, .214). 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 in any proceeding herein must file a petition to intervene in accordance with the Commission's rules.

Under the procedure herein provided for, unless otherwise advised, it will be necessary for the applicant to appear or be represented at the hearing.

Lois D. Cashell,

Secretary.

[FR Doc. 92–5328 Filed 3–6–92; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. JD92–01642T West Virginia–8]

West Virginia Amended NGPA Determination

March 2, 1992.

Take notice that on February 24, 1992, the West Virginia Department of Commerce, Labor and Environmental Resources (West Virginia) amended its notice of determination that was filed in the above-referenced proceeding on November 26, 1991, pursuant to § 271.703(c)(3) of the Commission's regulations. The November 26, 1991 notice determined that the Keener/Injun, Gantz/Fifty-Foot, Gordon, 4th Sand, and 5th Sand intervals, underlying portions of Marion, Monongalia, Preston, and Taylor Counties, West Virginia, qualify as tight formations under section 107(b) of the Natural Gas Policy Act of 1978.

The amended notice of determination reduces the geographical area recommended for tight formation designation as follows:

Sand interval	Corresponding acreage deleted
Keener/Injun	All of Preston County.
Gantz/Fifty-Foot	All of Preston County.
Gordon	All of Preston County.
4th Sand	All of Preston County except the Gladesville Quadrangle portion.
5th Sand	All of Preston County.

The amended notice of determination is available for inspection, except for material which is confidential under 18 CFR 275.206, at the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington DC 20426. Persons objecting to the determination may file a protest, in accordance with 18 CFR, 275.203 and 275.204, within 20 days after the date this notice is issued by the Commission.

Lois D. Cashell,

Secretary.

[FR Doc. 92–5329 Filed 3–6–92; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TM92–5–22–000]

CNG Transmission Corp.; Proposed Changes in FERC Gas Tariff

[March 2, 1992]

Take notice that CNG Transmission Corporation ("CNG"), on February 2, 1992, pursuant to section 4 of the Natural Gas Act, provisions of the Stipulation and Agreement approved by the Commission on October 6, 1989, in Docket Nos. RP88–217–000, *et al.*, § 12.10 of the General Terms and Conditions of CNG's FERC Gas Tariff, and Order Nos. 528 and 528–A, filed six copies of Third Revised Sheet No. 50, to First Revised Volume No. 1 of CNG's FERC Gas Tariff.

The proposed effective date for this tariff sheet is February 1, 1992.

CNG states that the purpose of this filing is to flow through changes in take-or-pay costs allocated to CNG by Texas Gas Transmission Corporation ("Texas Gas"). CNG proposes to reflect the revised allcoation of take-or-pay costs proposed by Texas Gas in its January 16, 1992 filing in Docket No. RP91–61.

CNG states that copies of the filing were served upon CNG's customers as well as interested parties.

Any person desiring to be heard or to protest said filing should file a protest or motion to intervene with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure, 18 CFR 385. 214 and 385.211. All motions or protests should be filed on or before March 9, 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. 92–5331 Filed 3–6–92; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP92–131–000]

K N Energy, Inc.; Filing of Restatement of Base Tariff Rates

March 2, 1992

Take notice that on February 28, 1992, K N Energy, Inc. ("K N") tendered for filing a restatement of Base Tariff Rates on: Eighth Revised Sheet No. 4, Sixth Revised Sheet No. 4A, and Eighth Revised Sheet No. 4B of Fourth Revised Volume No. 1; Third Revised Sheet No. 4 of First Revised Volume No. 1–A of its FERC Gas Tariff to be effective April 1, 1992.

K N states that this filing reflects no changes in the non-gas cost components of its jurisdictional rates, that sales rates have been updated for the cumulative changes in gas purchase costs, and that the filing is being made for the sole purpose of restating and justifying such rates, as required by the thirty-six month review procedures within the Commission's Regulations governing PGA provisions. Accordingly, for this purpose, the filing contains a supporting cost study pursuant to § 154.303(e)(1)(ii) of the Commission's Regulations.

K N states its agreement that this filing will automatically be subject to refund as of April 1, 1992, as required by § 154.303(e)(1)(i) of the Commission's Regulations.

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 of protests should be filed on or before March 9, 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 petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92–5320 Filed 3–6–92; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP92–130–000]

Michigan Gas Storage Co.; Proposed Changes in FERC Gas Tariff

March 2, 1992.

Take notice that on February 28, 1992, Michigan Gas Storage Company ("Storage Company") tendered the following tariff sheets for filing pursuant to Order No. 537 as part of its FERC Gas Tariff Original Volume No. 2, to be effective March 1, 1992:

2nd Revised Sheet No. 1
2nd Revised Sheet No. 55
lst Revised Sheet Nos. 56 and 57

The proposed changes are in response to revisions to 18 CFR 284.102 relating to "on behalf of" transportation service. Storage Company states that copies of the filing were served upon its transportation customers and the Michigan Public Service Commission.

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 18 CFR 385.214 and 385.211. All such motions or protests should be filed on or before March 9, 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 with the Commission. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92–5319 Filed 3–6–92; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TQ92–8–25–000]

Mississippi River Transmission Corp.; Rate Change Filing

March 2, 1992.

Take notice that on February 27, 1992 Mississippi River Transmission Corporation (MRT) tendered for filing Seventy-Fourth Revised Sheet No. 4, and Thirty-Third Sheet No. 4.1 to its FERC Gas Tariff, Second Revised Volume No. 1, to be effective March 1, 1992. MRT states that the purpose of the instant filing is to reflect an out-of-cycle purchase gas cost adjustment (PGA).

MRT states that Seventy-Fourth Revised Sheet No. 4 and Thirty-Third Revised Sheet No. 4.1 reflect an increase of 9.37 cents per MMBtu in the commodity cost of purchased gas from PGA rates filed to be effective March 1, 1992 in Docket No. TQ92–7–25–000. MRT also states that since the January 30, 1992 filing date, MRT has experienced increases in purchase and transportation costs for its system supply that could not have been reflected in that filing under current Commission regulations.

MRT states that a copy of the filing has been mailed to each of MRT's jurisdictional sales customers and to the State Commissions of Arkansas, Missouri, and Illinois.

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 18 CFR 385.214 and 385.211 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before March 9, 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 in the public reference room.

Lois D. Cashell,

Secretary.

[FR Doc. 92–5332 Filed 3–6–92; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TM92–2–27–000]

North Penn Gas Co.; Proposed Changes in FERC Gas Tariff

March 2, 1992.

Take notice that North Penn Gas Company (North Penn) on February 28, 1992 tendered for filing Eleventh Revised Sheet No. 3A to its FERC Gas Tariff First Revised Volume No. 1.

This filing is North Penn's Annual take-or-pay (TOP) surcharge rate adjustment filing proposed to become effective April 1, 1992. North Penn has computed a second annual TOP surcharge rate of $0.1796 per Mcf, which represents an increase of $0.0144 per Mcf.

While North Penn believes that no other waivers are necessary in order to permit this filing to become effective April 1, 1992, as proposed, North Penn respectfully requests waiver of any of the Commission's Rules and Regulations as may be required to permit this filing to become effective April 1, 1992, as proposed.

North Penn states that copies of this letter of transmittal and all enclosures are being mailed to each of North Penn's jurisdictional customers and State Commissions shown on the attached service list.

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 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before March 9, 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. 92–5333 Filed 3–6–92; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. FA90–65–000]

Pipeline Rates; Northern Border Pipeline Co.; Order Establishing Hearing Procedures

Issued March 3, 1992.

On December 6, 1991, the Chief Accountant issued a contested audit report [1] under delegated authority noting Northern Border Pipeline Company's (Northern Border) disagreement with the recommendation of the Division of Audits as discussed in Schedule No. 2. Northern Border was requested to advise whether it would agree to the disposition of the contested matters under the shortened procedures provided for by part 158 of the Commission's Regulations. 18 CFR 158.1, *et seq.*

On January 6, 1992, Northern Border responded that it did not consent to the shortened procedures. Section 158.7 of

[1] 57 FERC ¶ 62,218 (1991).

the Commission's Regulations provides that in case consent to the shortened procedures is not given, the proceeding will be assigned for hearing. Accordingly, the Secretary, under authority delegated by the Commission, will set these matters for hearing.

Any interested person seeking to participate in this docket shall file a protest or a motion to intervene pursuant to Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) no later than 15 days after the date of publication of this order in the **Federal Register.**

It is Ordered:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the Department of Energy Organization Act, the provisions of the Natural Gas Act, particularly sections 4, 5 and 8 thereof, and pursuant to the Commission's Rules of Practice and Procedure (18 CFR, chapter I), a public hearing shall be held concerning the appropriateness of Northern Border's accounting practices as discussed in the audit report.

(B) A presiding Administrative Law Judge, to be designated by the Chief Administrative Law Judge, shall convene a prehearing conference in this proceeding, to be held within 45 days of the date of this order, in a hearing room of the Federal Energy Regulatory Commission, 810 First Street, NE., Washington, DC 20426. The Presiding Judge is authorized to establish procedural dates and to rule on all motions (except motions to dismiss) as provided in the Commission's Rules of Practice and Procedure.

(C) This order shall be promptly published in the **Federal Register.**

Lois D. Cashell,

Secretary.

[FR Doc. 92-5330 Filed 3-6-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP92-125-000]

Panhandle Eastern Pipeline Co.; Proposed Changes in FERC Gas Tariff

March 2, 1992.

Take notice that Panhandle Eastern Pipe Line Company (Panhandle) on February 27, 1992, tendered for filing the following revised tariff sheets to its FERC GAS Tariff, Original Volume No. 1:

Original Sheet No. 3-C.18
Original Sheet No. 3-C.18
1st/2nd/Third/Sheet No. 32-BB
1st/1st/Third/Sheet No. 32-BD
Original Sheet No. 43-18
Original Sheet No. 43-19

Panhandle proposes that these revised tariff sheets become effective March 29, 1992.

Panhandle states that the tariff provisions proposed herein will provide for the recovery by Panhandle of:

(i) $3,907,269.74, the amount of costs which Panhandle's upstream supplier, Trunkline Gas Company (Trunkline) has filed to recover contemporaneously herewith, representing the direct bill to Panhandle and other customers of 50% of the take-or-pay byout and buydown costs which Trunkline has incurred and which were not included in Trunkline's earlier take-or-pay cost recovery filing (Docket No. RP91-54-000); and

(ii) $46,773,862.56, the amount of costs which Trunkline has filed to recover contemporaneously herewith, representing its flow-through of a portion of the take-or-pay buyout and buydown costs sought to be recovered via a direct bill from Trunkline LNG Company (TLC), after that latter company's absorption of 50% of the costs which it incurred to settle take-or-pay and to reform its supply contract.

The costs involved are those costs which Trunkling LNG Company (TLC) incurred in settling take-or-pay claims and reforming its gas supply contract with Sonatrach, the Algerian state-owned oil and gas company and which Trunkline incurred in the resolution of take-or-pay matters with certain of its suppliers.

Panhandle proposes to allocate these costs among its sales customers and customers served under Rate Schedule PT-Firm as a result of the exercise of conversion opportunities afforded by section 284.10 of the Commission's Regulations. The allocation uses the proportion each customer's current annualized contract demand bears to the aggregate of all applicable customers' annualized current contract demands and substitutes projections of commodity volumes of the Rate Schedule SG/SSS customers for their contract demand. This latter basis satisfies the standards which the Commission developed in Order No. 528-A.

Panhandle states that copies of this filing have been sent to the sales customers, transportation customers served under Rate Schedule PT-Firm and to the respective state regulatory commissions.

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 March 9, 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. 92-5318 Filed 3-6-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP92-122-000]

Trunkline LNG Co., Proposed Changes in FERC Gas Tariff

March 2, 1992.

Take notice that Trunkline LNG Company (TLC) on February 27, 1992, tendered for filing proposed changes to its FERC Gas Tariff, Original Volume No. 1, attached to the filing as Appendix A. The subject tariff sheets bear an issue date of February 27, 1992, and a proposd effective date of March 29, 1992.

TLC states that the proposed tariff sheets will permit TLC to recover from Trunkline Gas Company (Trunkline) on a direct bill basis 50% of the cash consideration paid to resolve take-or-pay obligations to the Algerian state-owned oil and gas company, Societé Nationale pour La Recerche, La Production, Le Transport, La Transformation et La Commercialization des Hydrocarbures (Sonatrach).

TLC further states that upon approval of the filing TLC will agree to absorb an amount equal to the amount directly billed hereunder in the same manner as contemplated by the Commission's Order Nos. 500 and 528 *et seq.* "equitable sharing" mechanism.

Trunkline states that copies of the filing were served upon Trunkline's jurisdictional customers and interested state commissions.

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, Union Center Plaza Building, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before March 9, 1992. Protests will be considered by the

Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of Columbia's filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92-5321 Filed 3-6-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP92-123-000]

Trunkline Gas Co.; Proposed Changes in FERC Gas Tariff

March 2, 1992.

Take notice that Trunkline Gas Company (Trunkline) on February 27, 1992, tendered for filing proposed changes to its FERC Gas Tariff, Original Volume No. 1, attached to the filing as Appendix A. The subject tariff sheets bear an issue date of February 27, 1992, and a proposed effective date of March 29, 1992.

Trunkline states that the proposed tariff sheets reflect fixed demand surcharges to effectuate the recovery on a direct bill basis 50% of certain additional take-or-pay settlement and contract reformation costs in accordance with the Commission's Order No. 528 cost-sharing and recovery mechanism. This supplemental fixed take-or-pay charge will be billed in addition to Trunkline's currently effective rates.

Trunkline further states that for purposes of allocating the costs to be recovered hereunder, allocation percentages are developed for each sales customer and each customer served under Rate Schedule PT-Firm whose service is the result of the exercise of conversion opportunities provided by § 284.10 of the Commission's Regulations.

Trunkline states that copies of the filing were served upon Trunkline's jurisdictional customers and interested state commissions.

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, Union Center Plaza Building, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before March 19, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of Columbia's filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92-5322 Filed 3-6-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP92-124-000]

Trunkline Gas Co. Proposed Changes in FERC Gas Tariff

March 2, 1992.

Take notice that Trunkline Gas Company (Trunkline) on February 27, 1992, tendered for filing proposed changes to its FERC Gas Tariff, Original Volume No. 1, attached to the filing as Appendix A. The subject tariff sheets bear an issue date of February 27, 1992, and a proposed effective date of March 29, 1992.

Trunkline states that the proposed tariff sheets provide for the recovery by Trunkline the full amount of costs which Trunkline's upstream supplier, Trunkline LNG Company (TLC) has filed contemporaneously herewith to recover from Trunkline effective on the same date as the tariff sheets filed herein are proposed to become effective.

Trunkline further states that for purposes of allocating the costs to be recovered hereunder, allocation percentages are developed for each sales customer, each customer served under Rate Schedule PT-Firm whose service is the result of the exercise of conversion opportunities provided by § 284.10 Transmission Corporation.

Trunkline states that copies of the filing were served upon Trunkline's jurisdictional customers and interested state commissions.

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, Union Center Plaza Building, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before March 9, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of Columbia's filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92-5223 Filed 3-6-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP92-126-000]

Trunkline Gas Company Proposed Changes in FERC Gas Tariff

March 2, 1992.

Take notice that Trunkline Gas Company (Trunkline) on February 27, 1992, tendered for filing proposed changes to its FERC Gas Tariff, Original Volume No. 1 attached to the filing as Appendix A. The subject tariff sheets bear an issue date of February 27, 1992, and a proposed effective date of March 29, 1992.

Trunkline states that the proposed tariff sheets will change the means of Trunkline's recovery of Trunkline LNG Company's (TLC) Rate Schedule PLNG-1 minimum bill costs by recovering the net present value of debt service and related minimum bill costs for which Trunkline's customers are responsible to Trunkline and TLC.

Trunkline further states that for purposes of allocating the cost to be recovered hereunder, allocation percentages are developed for each sales customer and each customer served under Rate Schedule PT-Firm whose service is the result of the exercise of conversion opportunities provided by § 284.10 of the Commission's Regulations.

Trunkline states that copies of the filing were served upon Trunkline's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Commission, Union Center Plaza Building, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before March 9, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing t become a party must file a motion to intervene. Copies of Columbia's filing

are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92-5325 Filed 3-6-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER92-269-000]

United Illuminating Co.; Filing

March 3, 1992.

Take notice that February 12, 1992, United Illuminating Company tendered for filing an amendment to its January 8, 1992 filing in the above-reference 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 March 13, 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.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 92-5317 Filed 3-6-92; 8:45 am]

BILLING CODE 6717-01-M

Office of Hearings and Appeals

Cases Filed During the Week of January 24 Through January 31, 1992

During the Week of January 24 through January 31, 1992, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, DC 20585.

Dated: March 3, 1992.

Geroge E. Breznay,

Director, Office of Hearings and Appeals.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of January 24 to January 31, 1992]

Date	Name and location of applicant	Case No.	Type of submission
January 27, 1992	University of Utah Salt Lake City, UT	LFA-0179	Appeal of an information request denial. *If granted:* The January 8, 1992, Freedom of Information Request Denial issued by the Office of Basic Energy Sciences, Office of Energy Research, would be rescinded, and the University of Utah would receive access to information pertaining to the background, scope and results of the Department of Energy's investigation of "cold fusion".
January 28, 1992	Cos Newspapers Washington, DC	LFA-0180	Appeal of an information request denial. *If granted:* Cox Newspapers would receive access to documents related to the trip of the Secretary of Energy James Watkins and other Department of Energy employees to Alaska in June and July of 1991.
January 28, 1991	International Technology Corporation Knoxville, TN	LFA-0181	Appeal of an information request denial. *If granted:* The December 30, 1991, Freedom of Information Request Denial issued by the Albuquerque Field Office would be rescinded, and International Technology Corporation would receive access to withheld information regarding the Firm Fixed Unit Prices and Accelerated Unit Prices in a subcontract bid.
January 29,1992	Albuquerque Journal Albuquerque, NM	LFA-0182	Appeal of an information request denial. *If granted:* The January 8, 1992 Freedom of Information Request Denial issued by the Office of Arms Control & Nonproliferation Technology Support would be rescinded, and Albuquerque Journal would receive access to the denied portion of the requested information concerning verification of dismantlement of nuclear weapons.
January 31, 1992	Gulf/Ona Gulf Woodbridge, VA	RR300-127	Request for modification/rescission in the Gulf refund proceeding. *If granted:* The January 3, 1992 Dismissal Letter (Case No. RF300-12955) issued to Ona Gulf would be modified regarding the firm's application for refund submitted in the Gulf Refund Proceeding.
January 31, 1992	Ernest E. Latsha, Inc. Harrisburg, PA	LEE-0035	Exception to the reporting requirement. *If granted:* Ernest E. Latsha, Inc. would not be required to file Form EIA-863, "Petroleum Product Sales."

REFUND APPLICATIONS RECEIVED

[Week of January 24 to January 31, 1992]

Date received	Name of refund proceeding/name of refund applicant	Case No.
01/29/92	Columbus Oil Co	RF323-31.
01/28/92	Anchor Gas & Fuel	RF340-54.
01/28/92	Solar Gas, Inc.	RF340-55.
01/27/92	Ed Avilas Texaco Service	RF321-18414.

REFUND APPLICATIONS RECEIVED—Continued

[Week of January 24 to January 31, 1992]

Date received	Name of refund proceeding/name of refund applicant	Case No.
01/27/92	Enis Jerram	RF341-19.
01/27/92	Larry Moeller	RF342-132.
01/27/92	Ed's Clark Station	RF342-133.
01/24/92 thru 01/31/92	Texaco refund applications received	RE321-18415 thru RF321-18422.
01/24/92 thru 01/31/92	Crude Oil applications received	RF272-91480 thru RF272-91517.
01/24/92 thru 01/31/92	Gulf Oil refund applications received	RF300-19448 thru RF272-19484.
01/24/92 thru 01/31/92	Atlantic Richfield applications received	RF304-12710 thru RF304-12787.

[FR Doc. 92-5435 Filed 3-6-92; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL-4113-3]

Agency Information Collection Activities Under OMB Review

AGENCY: Environmental Protection Agency (EPA)

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces OMB responses to Agency PRA Clearance requests.

SUPPLEMENTARY INFORMATION:

OMB Responses to Agency PRA Clearance Requests OMB Approvals

EPA ICR # 1088.07; Invitation for Bids (IFB) and Request for Proposals (RFP); was approved 12/27/91; OMB # 2030-0006; expires 02/28/94.

EPA ICR # 0559; Application for Reference or Equivalent Method Determination; was approved 01/14/92; OMB # 2080-0005; expires 01/31/95.

EPA ICR # 1136.03; NSPS for Petroleum Refinery Wastewater Systems—Reporting and Recordkeeping—Subpart QQQ; was approved 01/14/92; OMB # 2060-0172; expires 11/30/94.

EPA ICR # 1343.03; Information Collection From States in Accordance with the CERCLA Capacity Assurance Process; was approved 10/15/92; OMB # 2050-0099; expires 10/31/93.

EPA ICR # 1250.03; Request for Contractor Access to TSCA Confidential Business Information; was approved 01/17/92; OMB # 2070-0075; expires 01/31/95.

EPA ICR # 0820.05; hazardous Waste Generator Standards; was approved 01/17/92; OMB # 2050-0035; expires 01/31/95.

EPA ICR # 0278.04; Notice of Supplemental Registration of a Distributor; was approved 01/17/92; OMB # 2070-0044; expires 01/31/95.

EPA ICR # 1360.03; Notification, Recordkeeping, and Reporting Requirement for Underground Storage Tanks; was approved 01/29/92; OMB # 2050-0068; expires 01/31/95.

EPA ICR # 1355.04; Underground Storage Tanks—Requirements for State Program Approval; was approved 01/31/92; OMB # 2050-0067; espiers 01/31/95.

EPA ICR # 1609.01; Application Form for Applying for an Environmental Fellowship; was approved 02/04/92; OMB # 2015-0002; expires 02/28/95.

EPA ICR # 1610.01; Application Form for Applying for an Environmental Internship; was approved 02/04/92; OMB # 2015-0001; expires 02/28/95.

EPA ICR # 1590.01; California Pilot Test Program: Vehicle Credit Program; was approved 02/05/92; OMB # 2060-0229; expires 02/28/95.

OMB Conditional Approval

EPA ICR # 1503.01; Data Acquisition for Registration; OMB # 2070-0122; expires 01/31/95. This collection of information received a conditional approval from OMB. For a copy of the notice containing the conditions for the approval, please call Sandy Farmer on (202) 260-2740.

EPA Withdrawals

EPA ICR # 1600.01; Refiner and Importer Anti-Dumping Baseline Data Report; was withdrawn by EPA; 01/15/92.

EPA ICR # 1381.02; Recordkeeping/Reporting Requirements for Compliance with the 40 CFR part 258 Solid Waste Disposal Facility Criteria; was withdrawn by EPA; 01/17/92.

OMB Extensions of Expiration Dates

EPA ICR # 1206; Survey of Machinery Manufacturing and Rebuilding (Revised); OMB # 2040-0148; expiration date extended to 04/30/92.

EPA ICR # 0143; Recordkeeping Requirements for Producers of Pesticides; OMB # 2070-0028; expiration date extended to 05/31/92.

Dated: February 20, 1992.

Paul Lapsley,

Director, Regulatory Management Division.

[FR Doc. 92-5413 Filed 3-6-92; 8:45 am]

BILLING CODE 6560-50-M

[FRL-4113-4]

Agency Information Collection Activities Under OMB Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected cost and burden.

DATES: Comments must be submitted on or before April 8, 1992.

FOR FURTHER INFORMATION CONTACT: Sandy Farmer at EPA, (202) 260-2740.

SUPPLEMENTARY INFORMATION:

Office of Air and Radiation

Title: Reporting and Recordkeeping Requirements for the New Source Performance Standards (NSPS) for Coal Preparation Plants - subpart Y (ICR No. 1062.04, OMB No. 2060-0122).

Abstract: This ICR is for an extension of an existing information collection in support of the Clean Air Act, as described under the general NSPS at 40 CFR 60.7-60.8 and the specific NSPS, regulating emissions from coal preparation plants, at 40 CFR 60.253. The information will be used by the EPA to direct monitoring, inspection, and enforcement efforts, thereby ensuring facility compliance with the NSPS.

Owners or operators of all new facilities subject to this NSPS, estimated at 18 facilities per year, must provide EPA with: (1) Notification of the date of construction or reconstruction, (2) notification of the anticipated and actual

dates of the start-up, and (3) notification of date for continuous monitoring system (CMS) demonstration. The EPA estimates the respondent universe to expand at an annual rate of 18 new facilities over the next three years.

Owners and operators of all affected facilities must report to EPA: (1) Any physical or operational change to their facility which may result in an increase in the regulated pollutant emission rate. An estimated 18 existing facilities will submit reports of physical or operational changes each year, over the next three years. All facilities must maintain records on the facility operation that document: (1) The occurrence and duration of any start-ups, shutdowns, and malfunctions; (2) measurements of particulate matter (PM) emissions; (3) pressure drops across any scrubber system; and (4) the initial performance test results of the CMS demonstration. All subject facilities must maintain records related to compliance for two years.

Burden Statement: Public reporting burden for facilities subject to this collection of information is estimated to average 86.5 hours per response for new facilities and 12 hours per response for existing facilities including time for reviewing instructions, searching existing data sources, gathering and maintaining data, and completing and reviewing the collection of information. Public recordkeeping burden is estimated to average 26 hours per recordkeeper, annually.

Respondents: Owners or operators of coal preparation plants subject to this NSPS.

Estimated Number of Respondents: 18 new facilities, 18 existing facilities.

Estimated Number of Responses per Respondent: 10 for new facilities, 1 for existing facilities with physical or operational changes.

Estimated Total Annual Burden on Respondents: 21,973 hours

Frequency of Collection: One-time for new facilities, on occasion for existing facilities.

Send comments regarding the burden estimate, or any other aspect of this collection of information, including suggestions for reducing the burden, to: Sandy Farmer, U.S. Environmental Protection Agency, Information Policy Branch (PM–223Y), 401 M Street, SW., Washington, DC 20460; and Troy Hillier, Office of Management and Budget, Office of Information and Regulatory Affairs, 725 17th St., NW., Washington, DC 20503.

Dated: February 27, 1992.

Paul Lapsley,

Director, Regulatory Management Division.

[FR Doc. 92–5412 Filed 3–6–92; 8:45 am]

BILLING CODE 6560–50–M

[FRL–4113–5]

Government-Owned Inventions: Available for Licensing

AGENCY: Environmental Protection Agency.

ACTION: Notice of availability of inventions for licensing.

SUMMARY: The inventions listed below are owned by the U.S. Government and are available for licensing in the United States in accordance with 35 U.S.C. 207 and 37 CFR part 404. Pursuant to 37 CFR 404.7, the Government may grant exclusive or partially exclusive licenses on any of the inventions listed below three months after the date of this notice.

Copies of the listed patents and patent applications are available from the person indicated below. Requests for copies of the patents must include the patent number and requests for copies of patent applications must include the patent application serial number. An application for a license should include the information set forth in 37 CFR 404.8, including applicant's plan for development or marketing the invention.

DATES: Exclusive licenses may be granted for the inventions listed below after June 9, 1992.

FOR FURTHER INFORMATION CONTACT: Thomas Gorman, Patent Counsel, Office of General Counsel (LE–132G), U.S. Environmental Protection Agency, Washington, DC 20460, Telephone (202) 260–7510.

SUPPLEMENTARY INFORMATION:

Patents

U.S. Patent 4,961,966: Fluorocarbon Coating Methods; issued October 9, 1990.

U.S. Patent 5,047,221: Processes for Removing Sulfur from Sulfur-Containing Gases; issued September 10, 1991.

Patent Applications

U.S. Patent Application 07/660,654: Method and Apparatus for Detection of Catalyst Failure On-Board a Motor Vehicle Using a DUA Oxygen Sensor and an Algorithm; filed February 25, 1991.

U.S. Patent Application 07/672,689: Reduction of Chlorinated Organics in the Incineration of Wastes; filed March 20, 1991.

U.S. Patent Application 07/770,028: Sorption/Anaerobic Stabilization Treatment for Control of Organic Pollutants; filed October 4, 1991.

U.S. Patent Application 07/772,905: Apparatus for Sampling Air Contaminants and Method of Using Same; filed October 8, 1991.

U.S. Patent Application 07/801,800: Refrigerant Compositions and Processes for Using Same; filed December 3, 1991.

U.S. Patent Application 07/809,792: A Modular Packed Bed, High Energy Electron Emitter Conrona Reactor to Control VOC's and Air Toxics; filed December 18, 1991.

U.S. Patent Application 07/826,302: Enhancement of Electrostatic Precipitation With Electrostatically Augmented Fabric Filtration; filed January 24, 1992.

Susan Lepow,

Acting General Counsel.

[FR Doc. 92–5411 Filed 3–6–92; 8:45 am]

BILLING 6560–50–M

FEDERAL FINANCIAL INSTITUTIONS EXAMINATION COUNCIL

Appraisal Subcommittee; Agency Form Submitted for OMB Review

AGENCY: Appraisal Subcommittee, Federal Financial Institutions Examination Council.

ACTION: Notice.

SUMMARY: The Appraisal Subcommittee of the Federal Financial Institutions Examination Council has sent to the Office of Management and Budget the following proposal for the collection of information under the Paperwork Reduction Act (44 U.S.C. chapter 35).

DATES: Comments on this information collection must be received on or before April 8, 1992.

ADDRESSES: Send comments to Paul N. Romani, Associate Director for Administration, Appraisal Subcommittee, 1776 G Street, NW., suite 850B; Washington, DC 20006, and Gary Waxman, Clearance Officer, Office of Management and Budget, New Executive Office Building, room 3228, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: Paul N. Romani, Associate Director for Administration, Appraisal Subcommittee, 1776 G Street, NW., suite 850B; Washington, DC 20006, or at (202) 357–0133, from whom copies of the information collection and supporting documents are available.

SUMMARY OF PROPOSAL(S)

(1) *Collection title:* 12 CFR part 1102, subpart C, Rules pertaining to the privacy of individuals and systems of records maintained by the Appraisal Subcommittee.

(2) *Form(s) submitted:* Not applicable.

(3) *Frequency of collection:* On occasion.

(4) *Use:* The information will be used by the ASC and its staff in determining whether to grant to an individual access to records pertaining to that individual and whether to amend or correct ASC records pertaining to that individual under the Privacy Act of 1974, 5 U.S.C. 552a.

(5) *Estimated number of respondents:* 325.

(6) *Frequency of response:* Once.

(7) *Estimated hours for respondents to provide information:* 20 minutes per respondent.

(8) *Estimated total annual reporting and recordkeeping burden:* 108.33 hours.

Dated: March 3, 1992.

By the Appraisal Subcommittee of the Federal Financial Institutions Examination Council.

Edwin W. Baker,

Executive Director.

[FR Doc. 92–5359 Filed 3–6–92; 8:45 am]

BILLING CODE 6210–01–M

Appraisal Subcommittee; Agency Form Submitted for OMB Review

AGENCY: Appraisal Subcommittee, Federal Financial Institutions Examination Council.

ACTION: Notice.

SUMMARY: The Appraisal Subcommittee of the Federal Financial Institutions Examination Council has sent to the Office of Management and Budget the following proposal for the collection of information under the Paperwork Reduction Act (44 U.S.C. chapter 35).

DATES: Comments on this information collection must be received on or before April 8, 1992.

ADDRESSES: Send comments to Paul N. Romani, Associate director for Administration, Appraisal Subcommittee, 1776 G Street NW., suite 850B; Washington DC 20006, and Gary Waxman, Clearance Officer, Office of Management and Budget, New Executive Office Building, room 3228, Washington, DC 20503

FOR FURTHER INFORMATION CONTACT: Paul N. Romani, Associate Director for Administration, Appraisal Subcommittee, 1776 G Street NW., suite 850B; Washington, DC 20006, or at (202) 357–0133., from whom copies of the information collection and supporting documents are available.

SUMMARY OF PROPOSAL(S)

(1) Collection title: 12 CFR part 1102, subpart B, Rules of Practice for Proceedings.

(2) Form(s) submitted: Not applicable.

(3) Frequency of collection: On occasion.

(4) Use: Procedures for Appraisal Subcommittee non-recognition and "further action" proceedings against State Appraiser Regulatory Agencies and other persons under section 1118 of Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, 12 U.S.C. 3347 (1990).

(5) Estimated number of respondents: 6.

(6) Frequency of response: Once.

(7) Estimated hours for respondents to provide information: 60 hours per respondent.

(8) Estimated total annual reporting and recordkeeping burden: 360 hours.

Dated: March 3, 1992.

By the Appraisal Subcommittee of the Federal Financial Institutions Examination Council.

Edwin W. Baker,

Executive Director.

[FR Doc. 92–5358 Filed 3–6–92; 8:45 am]

BILLING CODE 6210–01–M

FEDERAL MARITIME COMMISSION

City of Los Angeles/Distribution and Auto Services, Inc. Terminal Agreement, et al; Notice of Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC. Office of the Federal Maritime Commission, 1100 L Stret, NW., room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the Federal Register in which this notice appears. The requirements for comments are found in § 572.603 of title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 224–200100–004.

Title: City of Los Angeles/Distribution and Auto Services, Inc. Terminal Agreement.

Parties:

City of Los Angeles, Board of Harbor Commissioners

Distribution and Auto Service, Inc. ("DAS")

Synopsis: The subject modification provides for the re-setting of compensation levels to be paid by DAS during the five year period that commenced on November 1, 1991.

Agreement No.: 224–200626.

Title: L.A. Cruise Ship Terminals, Inc./ Seabourn Cruise Line Terminal Agreement.

Parties:

L.A. Cruise Ship Terminals, Inc.

Seabourn Cruise Line.

Synopsis: The Agreement provides for the use by Seabourn Cruise Line of terminal facilities and services provided by L.A. Cruise Ship Terminals Inc. at the port of Los Angeles.

Dated: March 3, 1992.

By Order of the Federal Maritime Commission

Joseph C. Polking,

Secretary.

[FR Doc. 92–5355 Filed 3–6–92; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Agency Forms Under Review

March 3, 1992.

Background

On June 15, 1984, the Office of Management and Budget (OMB) delegated to the Board of Governors of the Federal Reserve System (Board) its approval authority under the Paperwork Reduction Act of 1980, as per CFR 1320.9, " to approve of and assign OMB control numbers to collection of information requests and requirements conducted or sponsored by the Board under conditions set forth in 5 CFR 1320.9." Board-approved collections of information will be incorporated into the official OMB inventory of currently approved collections of information. A copy of the SF 83 and supporting statement and the approved collection of information instrument(s) will be placed into OMB's public docket files. The following form, which is being handled under this delegated authority, has received initial Board approval and is hereby published for comment. At the end of the comment period, the proposed information collection, along with an analysis of comments and recommendations received, will be submitted to the Board for final approval under OMB delegated authority.

DATES: Comments must be submitted on or before March 27, 1992.

ADDRESSES: Comments, which should refer to the OMB Docket number, should be addressed to Mr. William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, 20th and C Streets, NW., Washington, DC 20551, or delivered to room B–2223 between 8:45 a.m. and 5:15 p.m. Comments received may be inspected in room B–1122 between 8:45 a.m. and 5:15 p.m., except as provided in § 261.8(a) of the Board's Rules Regarding Availability of Information, 12 CFR 261.8(a).

A copy of the comments may also be submitted to the OMB desk office for the Board: Gary Waxman, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office building, room 3208, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: A copy of the proposed form, the request for clearance (SF 83), supporting statement, instructions, and other documents that will be placed into OMB's public docket files once approved may be requested from the agency clearance officer, whose name appears below. Federal Reserve Board Clearance Officer—Frederick J. Schroeder—Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, DC 20551 (202–452–3829).

Questions on the proposal should be directed to Mr. James McEneaney, Department Administrator, Research, Federal Reserve Bank of Boston, Boston, Massachusetts 02106 (617–973–3196) or to Mr. Glenn Canner, Senior Economist, Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, DC 20551 (202–452–2910).

Proposal to Approve Under OMB Delegated Authority the Implementation of the Following Report

Report title: Follow-up to 1990 Home Mortgage Disclosure Act (HMDA) Reports.

Agency form number: FR 3070.

OMB docket number: 7100–0253.

Frequency: One-time survey.

Reporters: 132 financial institutions operating in the Boston Metropolitan Statistical Area (MSA).

Annual Reporting hours: 1,650 hours.

Estimated average hours per response: 12.5 hours.

Number of respondents: 132.

Small businesses are not affected.

General description of report: This survey is authorized by law (12 U.S.C. 2803 (b) and (h); 12 U.S.C. 2804(a); 12 U.S.C. 2809(b); and 12 U.S.C. 2802 (2) and (4)). Reporting will be voluntary. Individual respondent data will be given confidential treatment (15 U.S.C. 552(b) (4) and (6)).

Abstract: The proposed survey will collect from creditors information they relied on in determing the disposition of mortgage loan applications. The proposed survey will include selected financial institutions in the Boston Metropolitan Statistical Area. A purpose of the survey is to gain a better understanding of the reasons for different in the loan dispostion rates among difference racial groups. It will provide information that can be used to determine statistically the importance of various factors considered by lenders when they evaluate loan applications. The information gained may also help better educate the public about the mortgage loan application process.

Board of Governors of the Federal Reserve System, March 3, 1992.

William W. Wiles,

Secretary of the Board.

[FR Doc. 92–5368 Filed 3–6–92; 8:45 am]

BILLING CODE 6210–01–M

Chemical Banking Corporation; Notice of Application to Engage de novo in Permissible Nonbanking Activities

The company listed in this notice has filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than March 31, 1992.

A. Federal Reserve Bank of New York (William L. Rutledge, Vice President) 33 Liberty Street, New York, New York 10045:

1. Chemical Banking Corporation, New York, New York; to engage *de novo* through its subsidiary, The CIT Group Holdings, Inc., New York, New York, in operating a collection agency for the collection of accounts receivable, either retail or commercial, pursuant to § 225.25(b)(23) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, March 3, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92–5404 Filed 3–6–92; 8:45 am]

BILLING CODE 6210–01–F

Michael F. Daddona, Jr., et al.; Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for processing, they will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than March 27, 1992.

A. Federal Reserve Bank of Boston (Robert M. Brady, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106:

1. Michael F. Daddona, Jr., Milford, Connecticut; to acquire an additional 15.9 percent of the voting shares of DS Bancor, Inc., Derby, Connecticut, for a

total of 24.9 percent, and thereby indirectly acquire Derby Savings Bank, Derby, Connecticut.

B. Federal Reserve Bank of Dallas (W. Arthur Tribble, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. FirstBank Group, Inc. Employee Stock Ownership Plan, Los Fresnos, Texas; to acquire an additional 3.87 percent of the voting shares of FirstBank Group, Inc., Los Fresnos, Texas, for a total of 12.06 percent, and thereby indirectly acquire FirstBank, Los Fresnos, Texas

Board of Governors of the Federal Reserve System, March 3, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92-5403 Filed 3-6-92; 8:45 am]

BILLING CODE 6210-01-F

Harleysville National Corporation, 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 31, 1992.

A. Federal Reserve Bank of Philadelphia (Thomas K. Desch, Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. Harleysville National Corporation, Harleysville, Pennsylvania; to acquire 100 percent of the voting shares of Summit Hill Trust Company, Summit Hill, Pennsylvania.

B. Federal Reserve Bank of Atlanta (Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. First Central Bancshares, Inc., Lenoir City, Tennessee; to become a bank holding company by acquiring 100 percent of the voting shares of First Central Bank, Lenoir City, Tennessee.

C. Federal Reserve Bank of Chicago (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. Peotone Bancorp, Inc., Peotone, Illinois; to acquire an additional 5.87 percent of the voting shares of Rock River Bancorporation, Oregon, Illinois, for a total of 37.13 percent, and thereby indirectly acquire Rock River Bank, Oregon, Illinois.

Board of Governors of the Federal Reserve System, March 3, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92-5402 Filed 3-6-92; 8:45 am]

BILLING CODE 6210-01-F

Meridian Bancorp, 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 March 31, 1992.

A. Federal Reserve Bank of Philadelphia (Thomas K. Desch, Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. Meridian Bancorp, Inc., Reading, Pennsylvania; to acquire 50 percent of the voting shares of C.A.S.E. Management, Inc., Malvern, Pennsylvania, and thereby engage in investment advisory activities through a joint venture pursuant to § 225.25(b)(4) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, March 3, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92-5405 Filed 3-6-92; 8:45 am]

BILLING CODE 6210-01-F

GENERAL SERVICES ADMINISTRATION

[Federal Supply Schedule FSC 26 Part II]

Federal Supply Service; Casing Requirements for Retread Tires

AGENCY: General Services Administration.

ACTION: Notice.

SUMMARY: The Federal Supply Service (FSS) of the General Services Administration (GSA) manages the acquisition of retread tires for Federal Supply Schedules. Requirements have been instituted to allow only casings with the original tread rubber worn off in the United States (U.S.), regardless of whether the original tire was of foreign or domestic manufacture.

DATES: Comments concerning the GSA/FSS retread tire program should be submitted no later than 30 days from the date of this notice.

ADDRESSES: Submit comments to the FSS Acquisition Management Center (FCO), Federal Supply Service, General Services Administration, Washington, DC 20406.

FOR FURTHER INFORMATION CONTACT: Bryce Frey, Director, Engineering & Commodity Management Division, Automotive Commodity Center, (703) 603-1207.

SUPPLEMENTARY INFORMATION:

A. Definition

"Acceptable Casing" is defined as a used tire casing which had its original tread rubber worn off in the U.S. regardless of whether the original tire was of foreign or domestic manufacture.

B. Background

The U.S. Environmental Protection Agency (EPA) "Guideline for the Federal Procurement of Retread Tires" (40 CFR 253) became effective November 17, 1988. The purpose of this guideline is to retard the growing scrap tire disposal problem in the U.S. by promoting recycling of used tire casings (i.e., to keep the rubber in use because the alternative is the scrap tire dump).

GSA proposes to further the objectives of the Guideline by procuring retread tires made from only those used casings which represent waste produced in the United States—not the waste produced in other countries. The GSA requirement would additionally help to ensure that the EPA Guideline does not have the unintended result of exacerbating the scrap tire disposal problem in the U.S. by stimulating the import of waste generated by other countries into the U.S. Scrap tires have become an environmental and public health problem with a total of over 2 billion scrap tires located in various tire dump sites throughout the U.S. Tires are a non-biodegradable item and provide a home for rodents and insects, and act as fuel for fires.

Over 2 million worn casings are brought into the U.S. every year. Some are not retreadable and immediately become part of the solid waste stream when disposed of in U.S. dump piles. All of them eventually end up in the tire piles. This practice results in the transference of foreign solid waste to U.S. tire dump sites.

The Guidelines recommended that tire specifications indicate the functional requirements of tires to be procured in order to allow new and retread tires to compete on an equitable basis. The GSA action was to apply the qualification tests used for new tires to retread tires. The resulting qualified products list (QPL) contains both new and retread tires that are eligible to be bid on Federal procurements. This QPL is used by a majority of the States to simplify their own procurement of quality tires without duplicating the testing.

GSA's purpose in developing a retread tire program is to help alleviate the national tire disposal problem. GSA has taken the position that allowing unacceptable casings to be utilized in GSA contracts for retread tires is likely to exacerbate rather than help alleviate the problem.

C. Buy American Act (BAA) and Trade Agreements Act (TAA)

Concerns had been expressed regarding possible conflicts of the GSA retread tire program with the BAA and TAA. The Office of the United States Trade Representative is aware of this program and has not notified GSA of any objections.

D. Information Sought

GSA is interested in receiving written comments and/or information regarding the foregoing specification requirement. Specific issues for comment include:

1. The impact on the availability of retreadable used casings.

2. The viability of identifying and segregating casings to meet the requirement.

3. Regardless of the requirement on Government contracts, will retreaders still bring the same number of tire casings into the U.S. from other countries?

4. Alternate programs for procuring retread tires (cap and casing) that achieve the goal of alleviating the national tire disposal problem.

5. Potential conflicts between the requirements and the BAA, TAA, or EPA guidelines.

E. Executive Order 12291

The Director, Office of Management and Budget (OMB), by memorandum dated December 14, 1984, exempted certain agency procurement regulations from Executive Order 12291. The exemption applies.

F. Regulatory Flexibility Act

This requirement to use only acceptable casings for retread tires in GSA contracts has not resulted in, nor is it expected to, have an economic impact on a substantial number of small entities. All of the retreaders that have tires on the QPL have bid to supply tires under the Federal Supply Schedule. The same number and category of bidders have continued to bid under the retread tire program since the requirement was established. To date, there have not been any requests from retread tire contractors for a waiver from the acceptable casing requirement.

G. Paperwork Reduction Act

This technical requirement does not contain information collection requirements that require the approval of OMB under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501).

Dated: February 27, 1992.

Nicholas M. Economou,

Director, FSS Acquisition Management Center.

[FR Doc. 92-5304 Filed 3-6-92; 8:45 am]

BILLING CODE 6820-24-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Assistant Secretary for Management and Budget; Statement of Organization, Functions and Delegations of Authority

Part A, Office of the Secretary, Statement of Organization, Functions and Delegations of Authority for the Department of Health and Human Services is being amended as follows: Chapter AM, "HHS Management and Budget Office" as last amended at 55 FR 2879, 1/29/90, and Chapter AMN, Office of Finance, as last amended at 55 FR 5072-3, 2/13/90. These Chapter are being amended to reflect the functions of the Chief Financial Officer and Deputy Chief Financial Officer under the Chief Financial Officers Act of 1990; and that the authorities for this Act are vested with the Chief Financial Officer.

I. Make the following changes to Chapter AM

A. Section AM.00 Mission. Delete in its entirety and replace with the following:

AM.00 Mission. The mission of the HHS Management and Budget Office is to provide advice and guidance to the Secretary on administrative and financial management, excluding personnel management, and to provide for the direction and coordination of these activities throughout the Department on a day-to-day basis.

B. Section AM.10 Organization. Delete in its entirety and replace with the following:

AM.10 Organization. The HHS Management and Budget Office is headed by the Assistant Secretary for Management and Budget (ASMB) who is also the Departmental Chief Financial Officer (CFO). The ASMB/CFO reports to the Secretary. The office consist of the following organizations:

Immediate Office (AM)
Office of Management and Acquisition (AME)
Office of Budget (AML)
Office of Information Resources Management (AMM)
Office of Finance (AMN)

C. Section AM.20 Functions. Delete in its entirety and replace with the following: AM.20 Functions.

A. The immediate office of the Assistant Secretary for Management and Budget/Chief Financial Officer (AM) provides executive direction to ASMB components. The ASMB/CFO is the principal adviser to the Secretary on all aspects of administrative and financial management. By delegation from the Secretary, the ASMB/CFO exercises full Departmentwide authority of the Secretary in the assigned areas of responsiblity to include all responsiblities provided by the Chief Financial Officers Act of 1990. This includes the approval of the job descriptions and skill requirements, and the selection of OPDIV CFOs as well as participation with the OPDIV Head in the annual performance plan/evaluation of the OPDIV CFO. In addition, the ADMB/CFO provides Departmentwide policy guidance on the qualifications, recruitment, performance, training, and retention of all financial management personnel.

B. The Office of Management and Acquisition (AME) provides Departmentwide policy leadership and advises the ASMB/CFO and the Secretary on management issues related to reorganizations, delegations of authority, postal management, real property, space management and occupational safety and health: serves as Departmental Liaison with the General Services Administration on all policy related issues; administers reports clearance, records management, equal employment opportunity, telecommunications, and emergency preparedness programs for the Office of the Secretary; manages and operates the HHS fitness center; provides facilities management services to HHS components in the Southwest Washington, DC area complex which includes mail, property management, supplies, facilities maintenance, physical security, reprographics and other office services; serves as the Departmental Liaison with the Office of Management and Budget on all procurement policy related issues; provides Departmental leadership in the areas of procurement, discretionary grants, and logistics through policy development, oversight and training; manages the Department's Small and Disadvantaged Business Utilization Program, and awards and administers contracts in support of the Office of the Secretary.

C. The Office of Budget (AML) oversees the preparation of the Departmental budget estimates and forecasts resources required to support programs and activities of the Department; analyzes budgetary and financial management implications of new or proposed legislation, programs or activities; appraises program activities and operations in terms of policies, goals and objectives of the Department; operates HHS' integrated funding system; recommends and administers policies and procedures for allocation and control of employment ceilings; establishes and monitors audit management policy for the Department and prepares reports to Congress on audit management; and establishes and monitors the implementation of the quality improvement program in the Department. Through studies, analyses and other survey methods, assesses the management processes and structures of the Department to ensure cost-effective and efficient practices. With particular reference to the Office of the Secretary (OS), is responsible for the overall formulation, and execution of the OS budget; serves as the focal point for OS budget operations, providing assistance in the development of budget policy and management of positions and financial resources for the OS; and manages audit follow-up and resolves issues OS: and manages audit follow-up and resolves issues relating to audit management in the OS.

D. The Office of Information Resources Management advises the ASMB/CFO and the Secretary on issues and policies pertaining to the utilization of information resources and establishes the IRM control mechanisms and administers the Department's IRM strategic plan; guides and oversees the development of information systems and communications networks; approves the acquisition of major administrative and program systems and is responsible for their subsequent periodic review; develops strategies and frameworks for regional information systems; formulates and coordinates the Department's policies on the creation, processing, handling, storage, dissemination and disposition of information; guides and oversees the Department's printing management programs; provides and supports automated data processing and communications equipment and administrative application systems for the Office of the Secretary; and develops and supports Decision Support Systems for top-level Departmental managers.

E. The Office of Finance advises the Secretary on all aspects of financial activities across the Department and is headed by the Deputy Assistant Secretary, Finance who is also the Deputy Chief Financial Officer. Oversees, monitors and evaluates the design, development, operation and enhancement of Departmentwide and component accounting systems. Coordinates CFO activities and reports throughtout HHS including the preparation of audited financial statements and the preparation of the annual CFO report for submission to the ASMB/CFO. Also reviews biennially the fees, royalties, rents and services and things of value provided by the Department to assure that costs of these services are being properly recovered. In coordination with other ASMB components, participates in the clearance/approval process for program information systems that provide financial and or program performance data which are used in financial statements. Provides advice to the ASMB/CFO on approval of the job descriptions and skill requirements for OPDIV CFOs and on approval of the selection of OPDIV CFOs. Provides advice to the ASMB/CFO who participates with the OPDIV Head in the annual performance plan/evaluation of the OPDIV CFO. Provides advice to the ASMB/CFO on the qualifications, recruitment, performance, training, and retention of all financial management personnel. Serves as the Departmental liaison with GAO, OMB, Treasury and other Federal agencies on financial matters. Manages the Department's Federal Managers Financial Integrity Act Program. Maintains Departmental finance and accounting standards. Resolves monetary findings involving deficiencies in grantee/contractor accounting and management systems. Directs the regional review and negotiation of cost allocation plans and indirect cost rates. Formulates audit resolution policy, cost principles, and other policies for determining and reimbursing grantee/contractor organizations. Serves as Departmental liaison with OMB and other Federal agencies in these areas. In coordination with the Office of Budget, recommends and implements Departmental budget execution policies and procedures. Serves as the focal point dealing with OMB on these matters. In addition, manages the Departmentwide Payment Management System which pays all of the Department's grants and provides service to other Federal agencies and manages the day-to-day finance and accounting activities of the Office of the Secretary and other Departmental components as determined by the ASMB/CFO.

AMN.30 Delegations of Authority: Notice is hereby given that I have delegated to the Assistant Secretary for Management and Budget/Chief Financial Officer all of the authorities contained in the Chief Financial Officers Act of 1990, and as amended hereafter, except for the nomination of the HHS Chief Financial Officer.

II. Make the following changes to Chapter AMN

A. Section AMN.00 Mission. Delete in its entirety and replace with the following:

AMN.00 Mission. The Office of Finance provides guidance on budget execution, accounting systems, financial and accounting policy, cost and other finanical and accounting policy, cost and other financial management reporting, financial management activities, cash management, credit and debt management and travel management. The office is responsible for the coordination of CFO activities and reports throughout HHS, under the guidance of the ASMB/CFO and in conjunction with the CFO officials of the Operating Divisions. The office also oversees, monitors, and evaluates the design, development, implementation, operation and enhancement of Departmentwide and component accounting and financial management systems. This responsibility includes overseeing the preparation of audited financial statements and the preparation of the annual CFO Report.

The Office is also responsible for operating Departmental automated financial systems and for operating the accounting system and providing fiscal services to the Office of the Secretary and other components as mutually agreed by the ASMB/CFO and the OPDIV Head. The Office of Finance also manages the operation and approval of cost allocation plans and indirect cost rates; resolves cross-cutting audit findings; and formulates cost principles, grant and contract cost reimbursement policy. Reviews biennially the fees, royalties, rents, and other services and things of value provided by the Department. Develops and executes Departmentwide policies and procedures relating to implementation and management of internal controls under the Federal Managers' Financial Integrity Act. Serves as the adviser to the Assistant Secretary for Management and Budget/Chief Financial Officer in these areas.

B. Section AMN.10 Organization. Delete in its entirety and replace with the following:

AMN.10 Organization. The Office of Finance is headed by the Deputy Assistant Secretary, Finance who is also the Deputy Chief Financial Officer and reports to the Assistant Secretary for Management and Budget/Chief Financial Officer. The organization is composed of the following:

Immediate Office
Office of Financial Operations
Office of Financial Policy
Office of Financial Systems
Office of Grant and Contract Financial Management
Budget Execution Staff
Program Coordination Staff

C. Section AMN.20 Functions. Delete in its entirety and replace with the following:

AMN.20 Functions. The Office of Finance:

A. Develops and executes, in coordination with the Office of Budget, spending policies and procedures for continuing resolutions and appropriations.

B. Makes specific studies and appraisals of the financial aspects of program operations including systems designs and data requirements to ensure compliance with CFO objectives in area assigned by the Assistant Secretary for Management and Budget/Chief Financial Officer (ASMB/CFO).

C. Establishes and maintains a Departmental system of financial operating plans.

D. Establishes a financial management planning process for providing guidance and performance measurement indicators that enable the ASMB/CFO to evaluate the financial management programs and activities of the Operating Divisions.

E. Develops and manages a Departmentwide system for estimating and controlling outlays. Assists the Office of Budget in the presentation of budget outlay estimates to the Office of Management and Budget and the Congress.

F. Recommends and issues Departmentwide policies and procedures relating to fiscal, cost, travel, and accounting activities.

G. Recommends and executes policies and procedures relating to the expenditure and collection of funds administered by the Department.

H. Establishes uniform standards, policies, classifications and terminologies to be used throughout the Department in budget execution and financial and cost reporting.

I. Develops and maintains financial management data collection and reporting systems on programs, activities, and operations of the Department.

J. Oversees, monitors, and evaluates the design, development, implementation, operation and enhancement of Departmentwide and component accounting and financial management systems.

K. Ensures that financial systems provide for timely and accurate reporting of grantee and/or contractor costs and performance data.

L. In coordination with other ASMB components, participates in the clearance/approval process for program information systems that provide financial and/or program performance data which are used in financial statements.

M. Develops and executes policies and procedures relating to (1) implementation and management of internal controls and (2) evaluation of accounting and related systems for conformance with Comptroller General's principles and standards.

N. Develops and executes policies and procedures relating to cash management and financing of receipient organizations that receive funding from HHS.

O. Develops, coordinates and issues ADP policy related to the development, implementation, and maintenance of Departmentwide financial systems.

P. In its areas of responsibility represents the Department in its relationship with Office of Management and Budget, the General Accounting Office, the General Services Administration, Treasury and other Federal Agencies. Oversees Departmental implementation of central agency directives relating to budget execution, fiscal policy, accounting, internal controls, debt and credit management.

Q. Operates and maintains Departmentwide financial systems.

R. Provides fiscal, accounting and financial reporting services for the Office of the Secretary and other Departmental components as determined by the ASMB/CFO.

S. Directs the Department's management integrity (internal controls) program as required by the Federal Managers' Financial Integrity Act.

T. Formulates cost principles and other cost policies and procedures for determining and reimbursing the cost of grantee and contractor organizations applicable to HHS awards, including procedures necessary for indirect cost and similar cost negotiations. Also formulates Departmental policy for resolving audit findings on grantee/contractor organizations.

U. Provides direction and oversight of the cost allocation/indirect cost

negotiations performed by the Department Regional Divisions of Cost Allocations including development of policies, standards and procedures.

V. Conducts cost allocation activities including the review, negotiations and approval of indirect cost rates and cost allocation plans for grantees and contractors located in the United States as specified in paragraph 4D of the functional statement for the Office of Grant and Contract Financial Management.

W. Resolves monetary audit findings involving deficiencies in grantee/contractor accounting and management systems which affect awards made by more than one HHS Operating Division or Federal agency.

X. Evaluates ADP facilities operated by State and Local units of government, colleges and universities and other grantee/contractor organizations to determine whether charges for ADP services to Federal programs are reasonable, equitable and allowable under Federal cost principles.

Y. Provides advice to the ASMB/CFO on the approval of the job descriptions and skill requirements for OPDIV CFOs and on the approval of the selection of OPDIV CFOs. Provides advice to the ASMB/CFO who participates with the OPDIV Head in the annual performance plan/evaluation of the OPDIV CFO.

Z. Provides advice to the ASMB/CFO on the qualifications, recruitment, performance, training, and retention of all financial management personnel.

AA. Prepares the annual HHS report on CFO activities as guided by the ASMB/CFO.

1. Office of Financial Operations. The office is composed of the following:

A. Division of Accounting Operations

a. Develops and maintains the accounting manual for the Office of the Secretary in conformance with the Departmental Accounting Manual.

b. Maintains the official accounting records and documents for the Office of the Secretary and other Departmental components as determined by the Assistant Secretary for Management and Budget.

c. Operates the computerized accounting system including responsibility for the automatic data processing (ADP) support and maintenance of the system which provides for the computerized obligation records and accounts and financial and cost reports of the activities of the Office of the Secretary and other Departmental components as determined by the Assistant Secretary for Management and Budget.

d. Establishes and maintains financial controls over cash, accounts receivable, property and other assets.

e. Examines and pays vendors' invoices, transportation and other bills.

f. Examines and pays travel vouchers for employees.

g. Provides cashier services, including the issuance of Third Party Drafts.

h. Provides billing services for reimbursable activities (other than the Departmental Working Capital fund).

B. Division of Federal Assistance Financing

a. Operates and provides the automatic data processing (ADP) support and maintenance of the Departmental Payment System (PMS).

b. Assures timely payment to grantees and contractors and prescribes requirements for grantee and contractor reporting of expenditures and accountability of Federal cash received.

C. Division of Financial Systems Operations

a. Operates and provides the automatic data processing (ADP) and maintenance of the Regional Accounting System (RAS) and ensures the proper exchange of data with other automated systems; provides technical assistance to regional personnel for operating the system.

b. Provides financial oversight and direction to the Regional Finance Offices related to their accounting and fiscal activities.

c. Operates and provides the automatic data processing (ADP) support and maintenance of a system for tracking and reporting awards and other obligations to meet the needs of the Financial Assistance Awards Data System (FAADS) reports and for preparing other geographic-based domestic assistance reports.

d. Develops policies and procedures and operates and provides the automatic data processing (ADP) support and maintenance of the Central Registry System (CRS) used throughout the Department in other data systems as a source of recipient identity, address and related information.

2. Office of Financial Policy. The Office of Financial Policy is composed of the following:

A. Division of Financial Management Policy (DFMP)

The Division of Financial Management Policy (DFMP) functions as one of two major components within the Office of Financial Policy, Office of Finance and is responsible for all Departmentwide policies, procedures and standards relating to cash management, credit management, debt management, payment management including disbursement activities and functions and entitlement grants. The Division has the following responsibilities:

a. Develops Departmentwide policies, procedures, and standards for financial management areas including cash management, credit management, debt management, travel management, payment and disbursement activities and functions, and entitlement grants and promulgates these and related Governmentwide financial management requirements through the Departmental Staff Manual System.

b. Provides advice and assistance to OPDIVs and STAFFDIVs on financial management areas.

c. Services as principal staff advisers to the Office of Finance on financial management matters.

d. Reviews and drafts Departmental reports on Congressional bills affecting financial management of the Department's programs.

e. Maintains liaison with the Office of Management and Budget (OMB), the Treasury Department, the General Accounting Office (GAO), the General Services Administration (GSA) and other agencies on all financial management matters including grant entitlement policy.

f. Recommends policy and maintains a system for tracking and improving cash and credit management and debt collection performance throughout the Department.

g. Develops and maintains travel and voucher examination policies, payment and disbursing policies and procedures for Departmentwide applications and publishes them through the Departmental Staff Manual System.

h. Performs studies and analyses in any of these subjects singularly or with outside organizations. Maintains continuous contact with GAO, OMB, Treasury, GSA or other agencies.

i. Establishes a financial management planning process for providing guidance and financial management indicators that enable the ASMB/CFO to evaluate the financial management programs and activities of the Department.

j. Makes specific studies and appraisals of the financial aspects of program operations to ensure compliance with CFO objectives in areas assigned by the Deputy CFO.

B. Division of Accounting and Fiscal Policy (DAFP)

The Division of Accounting and Fiscal Policy (DAFP) functions as one of two major components within the Office of

Financial Policy, Office of Finance and is responsible for matters relating to accounting policy, fiscal policy, financial statements presentation, publications, legislative and other special initiatives. The Division has the following responsibilities:

a. Develops policies, procedures and standards for Departmentwide accounting and fiscal areas including legislative or special accounting initiatives such as the Standard General Ledger (SGL) and promulgates these policies, procedures and standards as well as other Governmentwide accounting and fiscal procedures through the Departmental Staff Manual System and maintains appropriate reference material.

b. Provides advice and assistance to OPDIVs and STAFFDIVs on accounting and related fiscal matters.

c. Serves as principal advisers to the Office of Finance on accounting and related fiscal matters.

d. Reviews and drafts Departmental reports on Congressional bills affecting accounting and fiscal matters.

e. Maintains liaison with the Office of Management and Budget (OMB), the General Accounting Office (GAO), Treasury Department and other agencies on matters involving accounting and related fiscal matters.

f. Develops and maintains financial statements presentation policies, procedures and standards for Departmentwide applications and oversees the preparation of audited financial statements.

g. Performs studies and analyses in any of these or related subjects singularly or with outside organizations. Maintains continuous contact with OMB, GAO, Treasury, GSA or other agencies.

h. Makes specific studies and appraisals of the financial aspects of program operations to ensure compliance with CFO objectives in areas assigned by the Deputy CFO.

i. Prepares the annual HHS report on CFO activities as guided by the DASF/Deputy CFO.

3. Office of Financial Systems. Provides leadership and coordination in the development of HHS financial systems. Responsible for the establishment of Departmentwide standard financial definitions and data structures. Responsible for the administration of a data integrity and quality control program to ensure compliance with Federal Directives, Departmental financial systems policy and automated financial data exchange requirements. Also provides advice on financial systems and serves as the focal point with Federal control agencies on financial systems matters.

The office consists of the following:

A. Division of Financial Systems Integrity

a. Oversees, monitors, evaluates and recommends approval for the design, development, implementation, operation and enhancement of Departmentwide and component accounting and financial management systems.

b. Establishes and maintains a Departmentwide quality assurance program that ensures the auditability of financial and performance data and functions as a data administrator for financial systems.

c. Develops and issues policies and procedures relating to the evaluation of accounting and related systems for conformance with Comptroller General principles and standards under Section 4 of the Federal Managers' Financial Integrity Act and with related systems review guidelines of the Office of Management and Budget, the Treasury Department and the General Accounting Office.

d. Develops financial systems requirements and policy regarding data structure and interface techniques necessary to communicate between HHS financial systems and with Departmental systems.

e. Makes specific studies and appraisals of the financial aspects of program operations including systems designs and data requirements to ensure compliance with CFO objectives in areas assigned by the Deputy CFO.

f. Serves as principal staff adviser to the Office of Finance on all financial systems related matters.

g. Maintain liaison with the Office of Management and Budget, the Treasury Department, the General Accounting Office and other agencies on matters involving financial systems.

B. Division of Financial Systems Design and Analysis

a. Provides ADP expertise and guidance to the Office of Finance.

b. Performs systems analysis and design in the development of the Office of Finance financial systems to include systems interfaces, distributed processing requirements and reporting capabilities.

c. Participates in the evaluation and selection of vendors and equipment. Serves as the project officer and monitors performance of vendors supplying software to the Office of Finance.

d. Provides technical assistance in the development of hardware, software, telecommunications and ADP service acquisitions for Office of Finance systems. This assistance includes the areas such as cost benefit analyses, requirements statements and performance criteria.

e. Utilizes the financial systems quality assurance program to review and analyze on-going Departmental operations (including the Office of Finance) for compliance with directives and to determine possible problem areas and resolutions thereto.

f. Makes specific studies and appraisals of the financial aspects of program operations including systems designs and data requirements to ensure compliance with CFO objectives in areas assigned by the Deputy CFO.

4. Office of Grant and Contract Financial Management.

a. Resolves audit findings on grantee/contractor organizations which affect the programs of more than one Operating Division or Federal Department or Agency. Makes recommendations to the Secretary, the ASMB/CFO and other officials on safeguards or other actions against grantee/contractor organizations when necessary to protect the interests of the Department.

b. Exercises functional management responsibilities over indirect cost and cost allocation negotiations performed by the Department's Regional Divisions of Cost Allocation.

c. Formulates cost principles and other cost policies and procedures for determining and reimbursing the costs of grantee/contractor organizations including procedures necessary for indirect cost negotiations.

d. Formulates HHS cost policy on the resolution of audit findings on grantee/contractor organizations.

e. Reviews ADP facilities operated by States and Local governments, universities and other grantee/contractor organizations to determine whether charges for ADP services to Federal programs are reasonable, equitable, and allowable under Federal cost principles.

f. Develops and presents training programs for Departmental staff and grantee/contractor organizations on audit resolution, cost principles, indirect costs and other areas related to the financial management of grants and contracts.

g. Provides technical assistance to the OPDIVs, grantee/contractor organizations, and other Federal Agencies on the financial management of grants and contracts.

h. Conducts cost allocation activities, including the review, negotiation, and approval of indirect cost rates and cost

allocation plans for grantees and contractors located in the States specified in paragraph 4D of this functional statement.

i. Reviews on a biennial basis, the fees, royalties, rents, and other charges imposed by the Department for services and things of value, and make recommendations on revising these charges to reflect costs incurred in providing these services and things of value.

The office is composed of the following:

A. Division of Audit Resolution

a. Reviews audit reports containing monetary findings or findings involving deficiencies in the management systems of grantee/contractor organizations which affect the programs of more than one OPDIV or Federal Agency; and conducts or arranges for additional reviews or acquires additional information to the extent necessary to determine the actions required to resolve the findings and correct the deficiencies.

b. Coordinates where necessary with other affected Federal Agencies to establish a uniform Federal position on the actions needed to be taken to resolve the findings and correct the deficiencies.

c. Negotiates and determines the settlement of the findings and the actions needed to correct the deficiencies with grantee and contractor organizations. As designated by OMB performs these functions on behalf of all Federal Departments and Agencies.

d. As necessary, makes recommendations to the Secretary and other officials on safeguards or other actions against a grantee or contractor to protect the Department's interests where the organization is unwilling to correct serious deficiencies in a timely manner or fails to comply with previous agreements on corrective actions.

e. Provides and arranges for technical assistance to grantees and contractors on the correction of deficiencies and on other matters related to the financial management of grants and contracts.

f. Upon request reviews and approves accounting or other systems developed by grantees and contractors to comply with Federal cost principles and policies.

g. Provides technical assistance to OPDIV audit resolution staffs on the resolution of audit reports assigned to them and on other matters related to the financial management of grants and contracts.

h. Develops and presents training programs for Department staff and grantee/contractor organizations on audit resolution, cost principles and other areas related to the financial management of grant and contract activity.

B. Division of ADP Review

a. Evaluates a wide range of sophisticated ADP facilities operated by State and Local governments, colleges and universities, and other types of grantee/contractor organizations to determine whether charges for ADP services to Federal programs are reasonable, equitable and allowable under Federal cost principles. These reviews cover the propriety of cost accounting methods and billing algorithms, operational efficiency, hardware configurations and need, software, hardware and software compatibility, internal controls, etc.

b. Recommends and participates in the negotiation of ADP cost recoveries and charges to costing/billing methods and internal controls where reviews disclose unreasonable, inequitable or unallowable charges to Federal programs. Recommends modifications to grantee and contractor ADP systems to improve operational efficiency based on state-of-the art and advances in techniques.

c. Develops guidelines and analysis techniques for the Department's regional Divisions of Cost Allocation (DCAs) in their evaluation of grantee/contractor ADP costs and costing/billing methods. Provides technical assistance and training to DCAs in ADP operations and techniques.

d. Develops and assists in the implementation of ADP systems and techniques in support of DCA and OGCFM operations.

e. Provides technical assistance to grantee or contractor organizations in analyzing and improving their ADP costing/billing systems.

f. Identifies common ADP costing/billing from a national perspective; and recommends and participates in the development of policies, guidelines, model systems, etc., to overcome those problems and promote improvements in ADP costing/billing systems.

c. Division of Cost Determination Management

a. Exercises functional management responsibilities over indirect cost and cost allocation negotiations performed by the Department's regional Divisions of Cost Allocation (DCAs).

(1) Acts as principal Headquarters contact in day-to-day activities of the DCAs; provides management oversight of function; and resolves problems relating to individual negotiations or organizational conflicts between the DCAs and the OIG, the OPDIV or other Federal agencies.

(2) Provides direction in development of DCA budget and staffing needs and performance requirements.

(3) Provides technical assistance and guidance to the DCAs in negotiating cost allocation plans, indirect cost rates, and other special rates with State and Local governments, universities and other grantee/contractor organizations.

(4) Conducts on-sight reviews of DCA activities to ensure that proposal evaluations are performed effectively and in compliance with Governmentwide policies; and monitors the correction of deficiencies disclosed by the reviews.

(5) Evaluates tentative DCA determinations on issues which may be appealed by grantees or contractors; and provides guidance on whether and how the issues should be pursued prior to the DCA's final determination.

(6) Reviews negotiation agreements on cost allocation plans, indirect cost rates and other rates for completeness, understandability and conformance with Department policies and distributes them to users.

(7) Provides direction to DCAs in the preparation of their work plans; establishes workload and other management reporting systems; and receives and analyzes management reports.

(8) Performs analyses of the results of indirect cost negotiations to identify trends and problems areas and to direct review and negotiation efforts to areas of greatest need.

b. Formulates cost principles and Departmentwide cost policies affecting grand and contract programs and Departmentwide policies on the resolution of audit findings on grantee/contractor organizations.

c. Serves as the Department liaison and maintains working relationships with OMB and other Federal agencies in the development of Governmentwide cost principles and audit resolution policies; and maintains similar relationships with associations of States, universities and other grantee/contractor organizations.

d. Develops and presents training programs for Department staff and grantee/contractor organizations on indirect costs, cost allocation and negotiation, audit resolution and other areas related to the financial management of grant and contract activities.

e. Provides technical assistance to the OPDIVs, grantee or contractor organizations and other Federal

agencies on the financial management of grant and contract activities.

f. Reviews on a biennial basis, the fees, royalties, rents and other charges imposed by the Department for services and things of value and makes recommendations on revising these charges to reflect costs incurred in providing these services and things of value.

D. Division of Cost Allocation and Liaison

a. Serves as the liaison between regional cost allocation staff and Federal agencies in the Washington, DC, area on operational matters involving the review and negotiation of indirect cost rates and cost allocation plans. Reviews, negotiates, and approves indirect cost rates, State and Local government cost allocation plans, research plans, research patient care rates and amounts, fringe benefit rates and other special rates for grantees and contractors located in the District of Columbia and the following States: Alabama, Delaware, Florida, Georgia, Kentucky, Maryland, Mississippi, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia.

b. Resolves audit findings on cost allocation plans, indirect cost rates, etc., for grantees and contractors under the Division's cognizance. Also provides technical assistance on cost allocation matters in these guidelines to these grantees and contractors.

c. Carries out the functions described in paragraphs a and b on behalf of all Federal agencies when HHS is designated the cognizant agency by OMB.

5. Budget Execution staff. a. Establishes and maintains a Departmental budget execution system based on uniform standards, classification, and procedures, so as to apply resources consistent with Departmental policy and budget. Resolves questions regarding financial issues and proper authority and application of funds.

b. Establishes and maintains a Departmentwide system of outlay estimates in support of formulation and execution of the budget, including a tracking process for identifying variances and preparing reports.

c. In cooperation with the Office of Budget and other staff offices recommends policy for activities and services to continue in the absence of appropriations and for continuing Departmental operations during periods of Continuing Resolutions (CRs).

d. Reviews agency Treasury warrant requests and apportionment requests and develops recommendations in cooperation with the Office of the Budget before submission to the Treasury Department and the Office of Management and Budget.

e. Maintains the Catalog of Federal Domestic Assistance and develops State tables of projected obligations for selected programs.

6. Program Coordination Staff. a. Develops and executes Departmentwide policies and procedures relating to implementation and management of internal controls under the Federal Managers' Financial Integrity Act (FMFIA). Also exercises Departmentwide operational and oversight responsibility for Departmentwide internal control activities for Section 2. Represents the Department in governmentwide activities related to FMFIA.

b. Supervises the administrative office for the Office of Finance, providing personnel, budget, management and general administrative functions.

c. Represents the Deputy Assistant Secretary, Finance/Deputy CFO as alternate on boards and committees. This includes the Chief Financial Officers' Council, the Joint Financial Program Steering Committee and the Federal Financial Managers' Council.

d. Directs or coordinates special projects or initiatives which cut across activities or programs within the Office of Finance, the Department or governmentwide initiatives.

Dated: February 27, 1992.

Louis W. Sullivan,

Secretary.

[FR Doc. 92-5381 Filed 3-6-92; 8:45 am]

BILLING CODE 4150-04-M

Food and Drug Administration

[Docket No. 92N-0110]

Drug Export: Neupogen® Recombinant Methionyl Human Granulocyte Colony Stimulating Factor (R-Methug-CSF)

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Amgen Inc., has filed an application requesting approval for the export of the biological product NEUPOGEN® Recombinant Methionyl Human Granulocyte Colony Stimulating Factor (r-metHuG-CSF) to Australia.

ADDRESSES: Relevant information on this application may be directed to the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 1-23, 12420 Parklawn Dr., Rockville, MD 20857, and to the contact person identfied below. Any future inquiries concerning the export of human biological products under the Drug Export Amendments Act of 1986 should also be direced to the contact person.

FOR FURTHER INFORMATION CONTACT: Boyd Fogle, Jr., Center for Biologics Evaluation and Research (HFB-120), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-295-8191.

SUPPLEMENTARY INFORMATION: The Drug Export Amendments Act of 1986 (Pub. L. 99-660) (section 802 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 382)) provides that FDA may approve applications for the export of biological products that are not currently approved in the United States. Section 820(b)(3)(B) of the act sets forth the requirements that must be met in an application for approval. Section 820(b)(3)(C) of the act requires that the agency review the application within 30 days of its filing to determine whether the requirements of section 820(b)(3)(B) have been satisfied. Section 820(b)(3)(A) of the act requires that the agency publish a notice in the **Federal Register** within 10 days of the filing of an application for export to facilitate public participation in its review of the application. To meet this requirement, the agency is providing notice that Amegen Inc., Amegen Center, 1840 Dehavilland Dr., Thousand Oaks, CA 91320, has filed an application requesting approval for the export of the bilogical product NEUPOGEN® Recombinant Methionyl Human Granulocyte Colony Stimulating Actor (r-metHuG-CSF) to Australia. NEUPOGEN® Recombinant Methionyl Human Granulocyte Colony Stimulating Actor (r-metHuG-CSF) is indicated to decrease the incidence of infection, as manifested by febrile neutropenia, in patients with non-myeloid malignancies receiving myelosuppressive anti-cancer drugs in doses not usually requiring bone marrow transplantation. The application was received and filed in the Center for Biologics Evaluation and Research on February 19, 1992, which shall be considered the filing date for purposes of the act.

Interested persons may submit relevant information on the application to the Dockets Management Branch (address above) in two copies (except that individuals may submit single copies) and identified with the docket number found in brackets in the heading of this document. These submissions may be seen in the Dockets

Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

The agency encourages any person who submits relevant information on the application to do so by March 19, 1992, and to provide an additional copy of the submission directly to the contact person identified above, to facilitate consideration of the information during the 30-day review period.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (sec. 802 (21 U.S.C. 382)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Center for Biologics Evaluation and Research (21 CFR 5.44).

Dated: February 27, 1992.

Thomas S. Bozzo,

Director, Office of Compliance, Center for Biologics Evaluation and Research.

[FR Doc. 92–5439 Filed 3–6–92; 8:45 am]

BILLING CODE 4160–01–M

Indian Health Service

Tribal Demonstration Projects for Diabetes Services for American Indians/Alaska Natives

AGENCY: Indian Health Service, HHS.

ACTION: Notice of competitive grant applications for tribal demonstration projects for diabetes services for American Indians/Alaska Natives.

SUMMARY: The Indian Health Service (IHS) announces that competitive grant applications are now being accepted for Tribal Demonstration Projects for Diabetes Services for American Indians/Alaska Natives established under the authority of section 103(b)(1), Indian Self-Determination and Education Assistance Act. Public Law 93–638, as amended by Public Law 100–472, 25 U.S.C. 450h(b)(1). There will be only one funding cycle during Fiscal Year (FY) 1992. Grants shall be administered in accordance with 42 CFR part 36, subpart H, and applicable OMB Circulars and DHHS policies. This program is within the Catalog of Federal Domestic Assistance Number 93.228. Executive Order 12372 requiring intergovernmental review is not applicable to this program.

The Public Health Service (PHS) is committed to achieving the health promotion and disease prevention objectives of Healthy People 2000, a PHS-led activity for setting priority areas. This program announcement is related to the priority area of Diabetes. Potential applicants may obtain a copy of Healthy People 2000 (Full Report; Stock No. 017–001–00474–0) or Healthy People 2000 (Summary Report; Stock No. 017–001–00473–1) through the Superintendent of Documents, Government Printing Office, Washington, DC 20402–9325, (Telephone 202–783–3238).

DATE: An original and two (2) copies of the completed grant application must be submitted, with all required documentation, to the Grants Management Branch, Division of Acquisitions and Grants Operations, Twinbrook Metro Plaza-Suite 605, 12300 Twinbrook Pkwy., Rockville, MD 20852, by c.o.b. April 10, 1992.

Applications shall be considered as meeting the deadline if they are either: (1) Received on or before the deadline with hand carried applications received by c.o.b. 5 p.m.; or (2) postmarked on or before the deadline date and received in time to be reviewed along with all other timely applications. A legibly dated receipt from a commercial carrier or the U.S. Postal Service will be accepted as proof of timely mailing. Private metered postmarks will not be accepted as proof of timely mailing.

Applications received after the announced closing date will be returned to the applicant and will not be considered for funding.

ADDITIONAL DATES: A. Application Receipt Date: April 10, 1992.

B. Application Review: May 5–7, 1992.

C. Applicants Notified of Results (approved, approved unfunded, or disapproved): June 1, 1992.

D. Anticipated Start Date: July 1, 1992.

FOR FURTHER INFORMATION CONTACT: For program information, contact William Mitchell, Operations Officer, Indian Health Service Diabetes Program, 2401 12th Street NW., room 211N, Albuquerque, New Mexico 87102, (505) 766–3980.

For grants information, contact M. Kay Carpentier, Grants Management Officer, Grants Management Branch, Division of Acquisitions and Grants Operations, Indian Health Service, Twinbrook Metro Plaza-Suite 605, 12300 Twinbrook Pkwy., Rockville, MD 20852, (301) 443–5204. (The telephone numbers are not toll-free numberrs.)

SUPPLEMENTARY INFORMATION: This announcement provides information on the general program goal, eligibility requirements, programmatic activities, funding availability, and application procedures.

General Program Goal

The goal of this project is to develop or enhance public health efforts to meet Healthy People 2000 objectives directly related to diabetes as it affects American Indians and Alaska Natives.

Eligibility Requirements

Any federally recognized Indian tribe of Indian tribal organization is eligible to apply for a demonstration grant from the IHS under this announcement.

Programmatic Activities

A grant awarded under this announcement shall support a program which develops or enhances progress toward reducing the diabetes related morbidity and mortality afflicting American Indians/Alaska Natives. Efforts may include, but not be limited to: (1) Improving surveillance; (2) assessing/improving diabetes patient education; (3) developing plans or strategies to mobilize the Tribal community and target persons at high risk for amputations, blindness or kidney disease; (4) providing professional education and training to improve care and education available for persons with diabetes; and (5) improving the screening, referral and treatment process for prevention efforts.

Fund Availability and Period of Support

In FY 1992, it is anticipated that $100,000 will be available to support 8–10 projects at approximately $10,000—$15,000 each. Projects will be funded for one year. The anticipated start date will be June 15, 1992.

Application Process

An IHS Grant Application Kit, including form PHS 5161–1 (rev. 3/89), may be obtained from the Grants Management Branch, Division of Acquisitions and Grants Operations, Twinbrook Metro Plaza-Suite 605, 12300 Twinbrook Pkwy., Rockville, MD 20852, telephone (301) 443–5204.

A. Narrative

The narrative section of the application must include the following: 1) Need for assistance, 2) approach, 3) adequacy of management controls and 4) key personnel. The work plan section should be project specific. These instructions for the preparation of the narrative are to be used in lieu of the instructions on page 15–16 of the PHS 5161–1. The narrative section should be written in a manner that is clear to outside reviewers unfamiliar with prior related activities of the applicant. It should be well organized, succinct, and contain all information necessary for reviewers to understand the project fully. *The narrative may not exceed five single spaced pages in length, excluding attachments, budget, and letters of support resolution.*

1. Need for Assistance

(a) Describe and define the target population at the project location.

(b) Describe the existing resources and services available related to the specific service the applicant is proposing to provide.

(c) Describe in detail the needs of the target population and what efforts have been made in the past to meet these needs, if any.

(d) Summarize the applicable State, IHS, and/or national standards and describe the unmet needs of the applicant's current program in relation to applicable State, IHS, and/or national standards.

2. Approach

(a) Program Objectives

1. State concisely the objectives of the project.

2. Describe briefly what the project intends to accomplish.

3. Describe how accomplishment of the objectives will be measured.

(b) Work Plan

1. Describe the tasks and resources needed to implement and complete this project.

2. Provide a task timeline (milestones) breakdown or chart.

3. Discuss data collection for the project, how it will be obtained, analyzed, and maintained by the project.

4. Describe how the project will be evaluated.

5. Identify who will conduct the evaluation of the projected deliverable/outcomes.

3. Adequacy of Management Controls

(a) Describe where the project will be housed, i.e. facilities and equipment available.

(b) Describe the management control of the grantee over the directions and acceptability of work to be performed.

(c) Applicant must demonstrate that the organization has adequate systems and expertise to manage Federal funds.

4. Key Personnel

(a) Provide a biographical sketch and position description for the program director and other key personnel as described on page 17 of PHS 5161-1.

(b) Provide an organizational chart and indicate how the project will operate within the organization.

(c) List the qualifications and experience of consultants or contractors where their use is anticipated.

B. Budget

An itemized estimate of costs and justification for the proposed program by line item must be provided on form PHS-5161-1 (effective date 3/89. A narrative justification must be submitted for costs. Indicate needs by listing individual items and quantities necessary. Grant funding may not be used to supplant existing public and private resources.

C. Documentation of Support

1. Tribal Resolutions

A resolution of the Indian tribe or Indian tribal organization supporting the project must accompany the application submission. Applications which propose services which will benefit more than one Indian tribe must include resolutions from all Tribes to be served. Applications by tribal organizations will not require tribal resolution(s) if the tribal resolution(s) under which they operate would encompass the application for the grant. A statement of such must accompany the application.

2. Letters of the Cooperation/Collaboration/Assistance

If other related human service programs are to be involved in the project, letters confirming the nature and extent of their cooperation/collaboration/Assistance must be submitted. Letters should be specific.

D. Assurances

The application shall contain assurances to the Secretary that the applicant will comply with program regulations, 42 CFR 36, subpart H.

Review Process

Applications that meet eligibility requirements, are complete, and conform to this program announcement will be reviewed by a centralized Objective Review Committee (ORC) conducted at the IHS Headquarters and in accordance with IHS objective review procedures. The ORC will be comprised of not more than 40% IHS staff and at least 60% non-IHS staff (to include tribal) with appropriate expertise. The ORC will review each application against established criteria. Based upon the evaluation criteria, the reviewers will assign a numerical score to each application.

In making the final funding decision the IHS will also consider recommendations of the IHS Area Office within which the applicant organization is located.

Evaluation Criteria

Applications will be evaluated against the following criteria and weights:

Weights

30—1. Need—The demonstration of identified problems and risks in the target population. Extent of community involvement and commitment.

40—2. Approach—The soundness and effectiveness of the applicant's plan for conducting the project, with special emphasis on the objectives and methodology portion of the application.

15—3. Adequacy of Management Controls—The apparent capability of the applicant to successfully conduct the project including both technical and business aspects. The soundness of the applicant's budget in relation to the project work plan and for assuring effective utilization of grant funds. Adequacy of facilities and equipment available within the organization or proposed for purchase under the project.

15—4. Key Personnel—Qualifications and adequacy of the staff.

100 Total Weight

Reporting Requirements

A. Progress Report

Program progress reports will be submitted quarterly with a final report due 90 days after the end of the project period.

B. Financial Status Report

Financial status reports will be submitted quarterly with a final financial status report due 90 days after the end of the project period. Standard Form 269 will be used for financial reporting.

Grant Administration Requirements

Grants are administered in accordance with the following documents:

A. 45 CFR part 92, Department of Health and Human Services, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments, or 45 CFR part 74, Administration of Grants to Non-profit recipients.

B. Public Health Service Grants Policy Statement, and

C. Appropriate Cost Principles: OMB Circular A-87, State and Local Governments, or OMB Circular A-122, Nonprofit Organizations.

Dated: January 13, 1992.

Everett R. Rhoades,

Assistant Surgeon General, Director.

[FR Doc. 92-5376 Filed 3-6-92; 8:45 am]

BILLING CODE 4160-16-M

Tribal Management Program for American Indians/Alaska Natives; Grants Application Announcement

AGENCY: Indian Health Service, HHS.

ACTION: Notice of competitive grant applications for Tribal Management Grants for American Indians/Alaska Natives.

SUMMARY: The Indian Health Service (IHS) announces that competitive grant applications are now being accepted for Tribal Management Grants for American Indians/Alaska Natives. These grants are established under the authority of section 103(b)(2) of the Indian Self-Determination and Education Assistance Act, Public Law 93–638, as amended by Public Law 100–472, 25 U.S.C. 450h(b)(2). There will be only one funding cycle during fiscal year (FY) 1992. This program is described at 93.228 in the Catalog of Federal Domestic Assistance. These grants will be awarded and administered in accordance with this announcement; Department of Health and Human Services regulations governing Public Law 93–638 grants at 42 CFR 36.101 et seq. and 45 CFR part 92, Department of Health and Human Services, Uniform Administration Requirements for Grants and Cooperative Agreements to State and Local Government, or 45 CFR part 74, Administration of Grants to Non-profit recipients; the Public Health Service Grant Policy Statement; and applicable Office of Management and Budget Circulars. Executive Order 12372 requiring intergovernmental review is not applicable to this program. Public Health Service urges applicants submitting feasibility studies or health plans to address specific objectives of Healthy People 2000. Such interested applicants may obtain a copy of Healthy People 2000 (Summary Report; Stock No. 017–001–00473–1) through the Superintendent of Documents, Government Printing Office, Washington, DC 20402–9325 (Telephone 202–783–3238).

DATES: A. *Application Receipt Date.* An original and two (2) copies of the completed grant application must be submitted with all required documentation to the Grants Management Branch, Division of Acquisition and Grants Operations, Twinbrook Building, suite 605, 12300 Twinbrook Parkway, Rockville, Maryland 20852, by close of business April 20, 1992.

Applications shall be considered as meeting the deadline if they are either: (1) Received on or before the deadline with hand carried applications received by close of business 5 p.m. or (2) postmarked on or before the deadline and received in time to be reviewed along with all other timely applications. A legibly dated receipt from a commercial carrier or the U.S. Postal Service will be accepted in lieu of a postmark. Private metered postmarks will not be accepted as proof of timely mailing.

Late applications not accepted for processing will be returned to the applicant and will not be considered for funding.

B. *Additional Dates:*

1. Application Review: May 18, 1992.
2. Applicants Notified of Results: June 18, 1992 (approved, recommended for approval but not funded, or disapproved).
3. Anticipated Start Date: September 1, 1992.

CONTACTS FOR ASSISTANCE: For Tribal Management grant program information, contact Ms. Bea Bowman, Division of Community Services, Indian Health Service, Parklawn Building, room 6A–05, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443–6840. For grants information, contact Mrs. Kay Carpentier, Grants Management Branch, Indian Health Service, Twinbrook Building, suite 605, 12300 Twinbrook Parkway, Rockville, Maryland 20852, (301) 443–5204. (The telephone numbers are not toll-free.)

SUPPLEMENTARY INFORMATION: This announcement provides information on the general program purpose, eligibility, programmatic priorities, project types, fund availability, required affiliation, period of support and application procedures for FY 1992.

A. General Program Purpose

To improve the management capacity of a tribal organization to enter into a contract under Public Law 93–638. Tribal management grants assist tribal organizations in assuming operation of all or part of an existing IHS direct operation health care program by enabling them to develop and maintain their management capabilities. Tribal Management grants are also available for tribal organizations under the authority of Public Law 93–638 section 103(e) for obtaining technical assistance from providers designated by the tribal organization, including tribal organizations that operate mature contracts, for the purposes of (1) program planning and evaluation, including the development of any management systems necessary for contract management, and the development of cost allocation plans for indirect cost rates, and (2) the planning, designing, monitoring, and evaluation of Federal health programs serving the tribe, including Federal administrative functions. Tribal management grants may not be used to support operational programs, or to supplant existing public and private resources. The grants may, however, be used as matching shares for other Federal grant programs that develop tribal capabilities to contract for the administration and operation of health programs.

B. Eligible Applicants

Any federally recognized Indian tribe or Indian tribal organization is eligible to apply for a grant. Applicants include tribal organizations that operate mature contracts who are designated by a tribe or tribes to provide technical assistance and/or training. Only one tribal management grant will be awarded and funded to a tribe or tribal organization per funding cycle.

C. Program Priorities

In accordance with Office of Management and Budget Circular A–102, Grants and Cooperative Agreements for State and Local Governments, a comment period on proposed funding priorities was provided during the 1991 grant cycle. No written comments were received; 56 FR 27624 No. 114 dated June 13, 1991, provided notice of final funding priorities for competitive grant applications for Tribal Management grants under this program. They are as follows.

Priority I

An Indian tribe that has received Federal recognition (new, restored, unterminated, funded or unfunded) within the past three (3) years and is in the process of establishing health care services. (Verification of documents is required, i.e.: Letter of Acknowledgment, **Federal Register** notice. See Section I, Required Affiliation).

Priority II

An Indian tribe or Indian tribal organization stating an interest in contracting IHS health programs for the first time. The feasibility study will address requirements for assumption of currently operated IHS health programs.

Priority III

An Indian tribe or Indian tribal organization planning to develop/update their health plan, develop tribal health management structure, human resource development, and evaluation studies to expand their operation of health programs.

Priority IV

An Indian tribe or Indian tribal organization currently operating all health programs previously provided by IHS.

D. Project Types

The tribal management grant program consists of five (5) types of projects: (1) Feasibility, (2) planning, (3) development of tribal health management structure, (4) human resources development, and (5) evaluation.

Projects related to water, sanitation, waste management; and long term care; tuition, fees, stipends for certification and training of staff providing direct services; and design and planning of construction for facilities will not be considered eligible for review. Projects for training and technical assistance related to the Indian Self-Determination and Education Assistance Act, Public Law 93–638, as amended by Public Law 100–472, will not be considered for funding. Inclusion of these activities in a proposed project shall render the application ineligible and will be returned to the applicant.

Project Types Descriptions

1. Feasibility Study

A study of a specific IHS program or segment of a program to determine if tribal management of the program is possible. This study shall indicate necessary plans, approach, training and resources required to assume tribal management of the program. The study shall include, at minimum, four (4) major components:

—Health needs and health care services assessments, which identify existing health care services and delivery system, program divisibility issues, health status indicators, unmet needs, volume projections, and demand analysis.
—Management analysis of existing management structure, proposed management structure, implementation plans and requirements; and personnel staffing requirements and recruitment barriers.
—Financial analysis of historical trends data, financial projections and new resource requirements for program and management costs, and analysis of potential revenues from Federal/Non-Federal sources.
—Decision stage incorporates findings; conclusions and recommendations; and the presentation of the study and recommendations to the governing body for tribal determination as to whether tribal assumption of program(s) is desirable or warranted.

2. Planning

A collection of data to establish goals, policies, methods of action or procedures for overall tribal health activities. Health plans shall specify the anticipated phasing of tribal assumption and operation of specific IHS programs. A planning study shall include the following components:

—A plan of action including goals and benefits to be obtained.
—The objectives for tribal assumption and operation of selected IHS programs.
—Strategies including methods, policies, and procedures for operation of tribal health programs.
—Detailed plans for each major program or functional area to correspond with the identified goals, benefits, objectives and strategies.

3. Development of tribal Health Management Structure

The development, requisition or enhancement of management systems (including skills and knowledge to operate the management system) as defined through a feasibility study or health plan. Management studies shall include the following:

—Determine and outline the specific purpose of the program to (re)design a management structure.
—Improve the organization of work and worker productivity and achievement, as it relates to the performance of the program as well as the responsibility, leadership and role of management.
—Determine impact of tribal operation on the service population and surrounding community.
—Develop current, short range and long range strategies for tribal operation of programs.

4. Human Resources Development

The development of a particular skill or group of skills required for tribal staff to manage or operate an IHS program. The human resources development training plan shall include:

—Assessment of current staff to identify qualifications (experience and education) and special skills.
—Determination of current human resources requirements in order to provide managerial and administrative competence.
—Project short range and long range management training program based on training needs.

5. Evaluation Studies

Systematic collection, analysis, and interpretation of data for the purpose of determining the value of a program, to be used by decisionmakers to:

—Determine the value or extent of the effects of previous studies as they relate to the goals and objectives, policies and procedures, or programs on target groups.
—Determine effectiveness and efficiency of tribal program operation, i.e. direct services, financial management, personnel, data collection and analysis, and third party billing, which will assist tribal efforts to improve health care delivery systems.

E. Fund Availability

In FY 1992, it is anticipated that approximately $4,938,000 will be available for new and continuing tribal management grants. Although it is expected that project funding needs will vary depending on the scope of work and the review process recommendations, it is anticipated that 80 awards will be issued averaging $65,000 each. Grant funding levels include both direct and indirect costs. Only one project grant will be awarded per tribe or tribal organization.

F. Period of Support

1. The start date for approved projects is September 1, 1992. Feasibility studies and planning are limited to a one-year funding award; development of tribal health management structure, human resources development, and evaluation studies may be multi-year projects depending on the scope of work. Each proposal shall address only one (1) project type to be accomplished.

2. Multi-Year Projects—Determination of the length of multi-year projects will be based on the scope of work. Projects that are based on previous studies or activities should provide a description of accomplishments to date and establish how this proposed project will accomplish the projected goal. A brief description of the scope of work and funding requirements for each additional year must be submitted with the application. The second and third year continuations will be based on the following criteria: (1) Satisfactory progress; (2) availability of funds; and (3) continuation is deemed to be in the best interest of the Government.

G. Application Process

An IHS Tribal Management Grant Application Kit, including required form PHS 5161–1 (rev. 3/89), may be obtained from the Grants Management Branch, Division of Acquisition and Grants Operations, Twinbrook Building, suite 605, 12300 Twinbrook Parkway, Rockville, Maryland 20852. Telephone (301) 443–5204. Information is being

collected on form PHS 5161–1 as well as the narrative form approved under OMB Clearance No. 0937–0189.

H. Application

These instructions are to be used in preparing the narrative and are the instructions on pages 15–18 of the PHS–5161–1. Completed application must include:

1. Abstract (1 page).
2. Table of Contents (1 page).
3. Narrative (25 pages).
   a. Introduction (5-points).
   b. Need for Assistance (10-points).
   c. Objective(s), Result, and Benefit Expected (25-points).
   d. Approach (35-points).
   e. Key Personnel (10-points).
   f. Adequacy of Management Controls (15-points).
4. Appendix (10 pages).

Applications must be complete and contain all information needed for review. Material will not be accepted after the receipt date for inclusion in an application. The application shall consist of no more than 37 pages (including Abstract and Table of Contents). Pages must be numbered. Applications exceeding the 35 pages (excluding Abstract and Table of Content) will not be accepted for review.

1. Abstract

An abstract may not exceed one typewritten page. The abstract should clearly present the grant application in summary form, from a "who-what-when-where-how-cost" point of view so that reviewers see how the multiple parts of the application fit together to form a coherent whole.

2. Table of Contents

A one page typewritten table of content must be included.

3. Narrative

This section of the application should be written in a manner that is self-explanatory to outside reviewers who are unfamiliar with prior related activities of the applicant. It should be succinct and well organized, should not exceed 25 single spaced pages, and include the following:

a. *Introduction.*

—Identify funding priority and provide justification of why the priority was selected.
—Identify the type of project.
—State the type and date of resolution (specific or blanket) submitted with the application. (Refer to Section I, Required Affiliation).

b. *Need for assistance.*

—Explain the reason for the project.
—Describe the population to be served by management of tribal health programs, particularly the tribe(s) to benefit and the number of eligible beneficiaries.
—Provide a precise location of the project or area to be served by the proposed project including a map.
—Describe the overall and specific need for assistance by explaining the current situation or demand and unmet requirements (i.e.: resources, staffing, equipment, training, etc.).
—Identify relevant physical, economic, social, financial, institutional or organizational problems requiring solutions.
—Include relevant statistical and/or historical data to be considered in the project purpose.
—If this project is based on a previous and/or current tribal management grant, describe the accomplishments of the project and how it relates to this application or provide an update on progress. (Do not include copies of reports).

c. *Objective(s), result and benefit expected.*

—State in measurable terms, realistic principal and subordinate objectives of the project.
—Identify the expected results, benefits and outcome or product to be derived from this project.
—Describe the relationship between this project and other work planned, anticipated, or underway which are supported by other Federal funds.

d. *Approach.*

—Outline the workplan, grouping tasks and activities under the objective to be achieved.
—Identify present staffing proposed positions, include the position descriptions of staff responsible for each activity.
—Provide a workplan of tasks and activities including a start, target milestones and completion date on a calendar timeline.
—Discuss data collection for the project, how it will be obtained, analyzed, and maintained by the project.
—Describe any unusual features which may affect the project, (i.e.: unique design, reduction in cost or time, or special organizational or community involvement).
—If consultant or contractor is to be used, provide the scope of work to be performed for the project.
—Identify the accomplishments (deliverables/outcomes) to be achieved.
—Describe the evaluation component of the project to determine the project accomplishments.
—Identify who will conduct the evaluation of the projected deliverables/outcomes.
—Identify individuals/group to whom the evaluation and final results of the grant will be presented for acceptability or further decision within the tribal/organizational structure.

e. *Key personnel.*

—Provide a position description and resume for the project director/staff, including experience, and formal education/training that is related to the success of this project.
—List the qualifications and experience of consultants or contractors where their use is anticipated.

f. *Adequacy of management controls.*

—Prepare an itemized budget, i.e. line item or cost category for the budget period, supported by a narrative rationale and justification for cost and purchases.
—If indirect costs are claimed, applicant must submit a copy of Indirect Cost Rate Agreement supporting this claim.
—Describe where the project will be housed, i.e. facilities and equipment available.
—List equipment purchases necessary for implementation of the project; include narrative rationale and justification for computer hardware/software.
—Identify the IHS area office staff contacted to ensure the compatibility of any ADP equipment/software purchases with IHS systems.
—Describes the management control of the grantee over the direction and acceptability of work to be performed by the consultant.
—Applicant must demonstrate that the organization has adequate systems and expertise to manage Federal funds.

4. Appendix

Up to 10 typewritten pages may be used, i.e. map, tribal resolution, organizational chart, resumes, cost agreement documentation, etc.

I. Required Affiliation

A. Documentation of Newly Recognized Tribes

A copy of the Federal Register Notice or letter from the Bureau of Indian Affairs verifying tribal status must accompany the application.

B. Tribal Resolution

(1) A resolution of the Indian tribe served by the project *must* accompany the application submission. (2) Applications which propose services affecting more than one Indian tribe must include resolutions from all affected tribes to be served. (3) Applications by tribal organizations will not require a specific tribal resolution(s) if the current tribal resolution(s) under which they operate would encompass the proposed grant activities. A statement of proof or a copy of the current operational resolution must accompany the application. If a resolution or a statement is not submitted, the application will be considered incomplete and will be returned without consideration.

J. Assurances

The application shall contain assurances to the Secretary that the applicant will comply with program regulations, 42 CFR part 36, subpart H.

K. Reporting

1. Progress Report

Program progress reports will be submitted quarterly with a final report for each budget period to be included in the continuation application. A final progress report will be due for the final budget period 90 days after the end of the project period.

2. Financial Status Report

Quarterly financial status reports will be submitted with a final status report due 90 days after the end of each budget period. Standard Form 269 (long form) will be used for financial reporting.

L. Grant Administration Requirements

Grants are administered in accordance with the following documents:

1. 45 CFR part 92, Department of Health and Human Services, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments, or 45 CFR part 74, Administration of Grants to Non-profit recipients.

2. Public Health Service Grant Policy Statement, and

3. Appropriate Cost Principles: OMB Circular A–87, State and Local Governments, or OMB Circular A–122, Non-profit Organizations.

M. Objective Review Process

Applications meeting eligibility requirements that are complete and conform to this program announcement will be reviewed by a centralized Ad Hoc Objective Review Committee (ORC) appointed by IHS primarily for review of these applications. The review will be conducted at the IHS Headquarters and in accordance with IHS objective review procedures. The objective review process ensures nationwide competition for limited funding. The ORC will be comprised of IHS (40% or less) and other federal or non-federal individuals (60% or more) with appropriate expertise. The ORC will review each application against established criteria. Based upon the evaluation criteria, the reviewers assign a numerical score to each application, which will be used in making the final funding decision.

N.A. Evaluation Criteria

To score individual applications, the following weights and criterion are considered:

Weights	Criteria
5	Introduction.
10	Need for Assistance.
25	Results.
35	Approach.
10	Key Personnel.
15	Adequacy of Management Controls.
100	Total Criterion Weight.

1. Introduction

—Does the Introduction have the funding priority identified and justified?
—Is only one project type selected?
—Is a specific/blanket tribal resolution attached to the application?
—Is the approved tribal resolution (specific/blanket) current?

2. Need for Assistance

—Is there an explanation of the reason for the project?
—Is the precise location of the project or area to be served by the proposed project including a map provided?
—Does it describe the overall and specific need for assistance by explaining the current situation or demand and unmet requirements (i.e.: resources, staffing, equipment, training, etc.)?
—Are relevant statistical/historical data included?
—Is data collection, analysis and maintenance addressed?
—State impact of previous or current tribal management grant on this application.

3. Objective(s), Result and Benefit Expected

—Principal and subordinate objectives of the project are stated in realistic and measurable terms?
—The population, number of participants and personnel to benefit from the project are defined?
—The expected results, benefits and outcome or product to be derived from this project are identified?
—The relationship between this project and other work planned, anticipated, or underway which are supported by other Federal funds are identified?

4. Approach

—An outline of the plan of action and program activities to achieve each objective is provided?
—Activities are grouped under the objective they are designed to achieve?
—Indicates staff position responsible for each activity?
—Identifies IHS staff used for technical assistance, if any?
—Provides a workplan including start and completion calendar of activities?
—Identifies collection, analysis and maintenance of data related to project?
—If required, identifies the scope of work for a consultant or contractor?
—Describes any unusual features of the project, which may affect the project (i.e.: design, uniqueness, reduction in cost or time, or special organizational or community involvement?
—Identifies the accomplishments, deliverables/outcomes to be achieved?
—Describes the evaluation component of the project in a plan which will accomplish objectives (deliverables/outcomes)?
—Identifies who will conduct and report on the evaluation component of the projected deliverables/outcomes?
—Identifies who in the tribal/organization structure will receive the evaluation report and final results of the grant?

5. Key Personnel

—Resumes and position descriptions are provided for all project staff and director?
—Position descriptions are provided for project staff to be recruited for the project?
—Are qualifications and experience of consultants or contractors identified and appropriate where applicable?

6. Adequacy of Management Controls

—Prepares a budget and narrative justification. The budget justification narrative provides a rationale for total project costs, i.e. staff, equipment, supplies, contractual agreements, travel, training, etc., directly related to the project.

—Describes application of Indian Preference in recruitment and hiring of positions and work to be contracted.
—Describes adequacy of facilities and equipment for the project?
—Lists equipment purchases necessary for implementation of the project, include a narrative rationale and justification (i.e.: computer hardware/software)?
—Identifies the IHS Area Office contact used to determine compatibility of ADP equipment purchases with IHS systems?
—Demonstrates that the applicant organization has adequate systems and expertise to manage Federal funds.

B. Qualitative Rating Factors for the Criteria Are

1.0=Excellent—very comprehensive, in-depth clear response. The application meets this standard with no omissions. Consistently high performance can be expected.

0.8=Very Good—extensive, detailed application similar to excellent in quality, but with minor area requiring additional clarification. High quality performance is likely, but not assured due to minor omissions or areas where less than excellent performance might be expected.

0.6=Good—no deficiencies in the response. Better than acceptable performance can be expected, but in some significant area there is lack of clarity which might impact on performance.

0.4=Fair—The response generally meets minimum standards. Existing deficiencies are confined to areas with minor impact on performance and can be corrected without revision.

0.2=Marginal—deficiencies exist in significant areas. The application can be corrected without major revision or serious deficiencies exist in areas with minor impact.

0.0=Unsatisfactory—serious deficiencies exist in significant areas. The project cannot be expected to meet minimum requirements without revisions. The application only indicates a willingness to perform a project without specifying how or demonstrating the capacity to do so. Only vague indications exist regarding capability.

O. Results of the Review

The results of the Objective Review Committee are forwarded to the Associate Director, Office of Tribal Activities, for final review and approval. Applicants are notified of their approval or approval without funds, on June 18, 1992. A Notice of Grant Award will be issued approximately ten (10) days prior to the start date of September 1, 1992. Unsuccessful applicants are notified in writing of disapproval not later than June 18, 1992. A brief explanation of the reasons the application was not approved is provided along with the name of an IHS official to contact if more information is desired.

Dated: March 3, 1992.

Everett R. Rhoades,

Assistant Surgeon General, Director.

[FR Doc. 92-5440 Filed 3-6-92; 8:45 am]

BILLING CODE 4160-16-M

Health Resources and Services Administration

Program Announcement for Loans for Disadvantaged Students

The Health Resources and Services Administration (HRSA) announces that applications for fiscal year (FY) 1992 for the Loans for Disadvantaged Students (LDS) program are now being accepted under the authority of section 740(c) of the Public Health Service Act (the Act), as added by the Disadvantaged Minority Health Improvement Act of 1990, Public Law 101-527. Section 740(c) is part of the legislative authority for the Health Professions Student Loan (HPSL) program. As such, this program is governed by relevant requirements associated with the HPSL program (42 CFR part 57, subpart C), including, except as otherwise provided, school eligibility, student eligibility, institutional contributions, and terms of the loan. Additional school and student eligibility requirements for the LDS program are described below.

Approximately $15 million is available in FY 1992 for competing applications for the LDS Program. It is expected that about 2,400 loans averaging $6,250 will be supported with these and the required $1: $9 school matching funds. Each loan will be provided for one academic year.

Purpose

The LDS program provides funding (new Federal Capital Contributions) to eligible health professions schools for the purpose of establishing revolving funds (LDS funds) which are available for providing long-term, low-interest loans to eligible individuals from disadvantaged backgrounds who are enrolled (or accepted for enrollment) as full-time students at an eligible school. The LDS fund (including one dollar in school funds for each nine dollars in Federal funds) is to be used for the purpose of (1) making loans to individuals from disadvantaged backgrounds, and (2) paying the costs of the collection of the loans and interest on the loans.

For purposes of the LDS program in FY 1992 "an individual from a disadvantaged background" is defined as in 42 CFR 57.1804, as one who:

1. Comes from an environment that has inhibited the individual from obtaining the knowledge, skill, and abilities required to enroll in and graduate from a health professions school, or from a program providing education or training in an allied health profession; or

12. Comes from a family with an annual income below a level based on low income thresholds according to family size published by the U.S. Bureau of the Census, adjusted annually for changes in the Consumer Price Index, and adjusted by the Secretary for use in all health professions programs. The Secretary will periodically publish these income levels in the **Federal Register**.

The following income figures determine what constitutes a low income family for purposes of the Loans for Disadvantaged Students program for FY 1992.

Size of parents' family [1]	Income *Level* [2]
1	$8,800
2	11,400
3	13,500
4	17,300
5	20,400
6 or more	23,000

[1] Includes only dependents listed on Federal income tax forms.
[2] Adjusted gross income for calendar year 1990, rounded to $100.

Use of Funds

As loans made from the LDS fund are repaid, the money returned to the fund will continue to be used solely for support of students from disadvantaged backgrounds through the LDS program. HPSL funds provided to schools as previous years' Federal Capital Contributions, i.e., funds already circulating in the schools' revolving HPSL loan funds, may also be utilized for loans to individuals from disadvantaged backgrounds. Any school receiving LDS funds will be required to maintain separate accountability for these funds.

School Eligibility

As required by statute, to qualify for participation in the LDS program, a school must meet the HPSL school eligibility requirements and must be:

1. Carrying out a program for recruiting and retaining students from

disadvantaged backgrounds, including racial and ethnic minorities; and

2. Carrying out a program for recruiting and retaining minority faculty.

If a school has no students from disadvantaged backgrounds, or no full-time minority faculty, or provides no data as required in the application materials, it is not eligible for participation in the LDS program.

In addition, each school that received funds in FY 1991 must agree in its fiscal year 1992 application to be carrying out all of the statutory requirements listed below:

1. Ensure that adequate instruction regarding minority health issues is provided for in the curricula of the school. This does not include normal coursework, that by definition includes minority health issues (e.g., sickle cell anemia in a pathology class), but refers to coursework reflecting an institutional awareness of the special health needs of minority populations;

2. Enter into arrangements with one or more health clinics providing services to a significant number of individuals who are from disadvantaged backgrounds, including members of minority groups, for the purpose of providing students of the school with experience in providing clinical services to such individuals;

3. Enter into arrangements with one or more public or nonprofit private secondary educational institutions and undergraduate institutions of higher education for the purpose of carrying out programs regarding:

a. The educational preparation of disadvantaged students, including minority students, to enter the health professions; and

b. The recruitment of disadvantaged students, including minority students, into the health professions; and

4. Establish a mentor program for assisting disadvantaged students, including minority students, regarding the completion of the educational requirements for degrees from the school. This program may include the involvement of students, community health professionals, faculty, alumni, past recipients of Health Career Opportunity Program (HCOP) funds, faculty/staff of feeder schools, etc., in institutionally organized activity (e.g., tutoring, counseling, and summer/bridge programs).

Guidance for presenting the information will be provided in the FY 1992 application materials. Each school funded for the first time in FY 1992 will also be required to carry out each of the activities specified above by not later than twelve months from receipt of award. In addition, a school will be required to continue to carry out all described activities and also the student/faculty recruitment and retention activities throughout the period during which the school is making loans from its LDS loan fund.

Student Eligibility

As required by statute, to qualify for a loan from the LDS fund, a student must meet the definition of an individual from a disadvantaged background.

The following definitions, Methodology for Implementing the Statutory Special Consideration and Procedures for Calculating Loans were established in FY 1991 after public comment (October 1, 1991, at 56 FR 49777) and the Administration is extending them in FY 1992.

Definitions

Black means a person having origins in any of the black racial group of Africa.

Hispanic means a person of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish culture or origin, regardless of race.

American Indian or Alaskan Native means a person having origins in any of the original peoples of North America, and who maintains cultural identification through tribal affiliation or community recognition.

Definitions listed above are contained in Directive No. 15 of Office of Management and Budget Circular No. A–46 dated May 3, 1974.

Native American, as defined in Public Law 101–527, means American Indians, Alaskan Natives, Aleuts, and Native Hawaiians.

Minority, with respect to faculty, refers to Blacks, Hispanics, Native Americans, Filipinos, Koreans, Pacific Islanders, and Southeast Asians whose percentage among the total supply of practitioners in the applicable health profession is below that group's percentage in the total population.

Health professions school means a public or private nonprofit school of medicine, school of dentistry, school of osteopathic medicine, school of podiatric medicine, school of optometry, or school of veterinary medicine as defined in sections 701(4) of the Act, or a school of pharmacy as defined in section 747 of the Act, which is located in a State as defined in section 701(11) of the Act, and which is accredited as provided in section 701(5) of the Act.

Methodology for Implementing the Statutory Special Consideration

A school's funding will be enhanced based on the extent of underrepresented minority student enrollment. (Refer to the section below on the procedures for allocating funds.)

Special consideration will be given to any school of medicine, osteopathic medicine, dentistry, optometry, podiatric medicine, pharmacy, or veterinary medicine that provides information, according to instructions in the application materials, that evidences an underrepresented minority enrollment that exceeds the national average for the particular discipline.

For purposes of determining school eligibility for the special consideration, "underrepresented minorities" will be defined as Blacks, Hispanics, and Native Americans. Although certain Asian subgroups (i.e., Filipinos, Koreans, Pacific Islanders, and Southeast Asians) are considered to be underrepresented in the health professions and are included as minorities for purposes of program requirements relating to faculty recruitment and retention (see above), national data on these subgroups are not available as a basis for establishing national average enrollment of underrepresented minorities for the particular health professions discipline.

For purposes of the FY 1992 award cycle, the national average enrollments of Blacks, Hispanics, and Native Americans (in combination) are: for medicine, 12.7 percent; osteopathic medicine, 7.8 percent; dentistry, 13.5 percent; pharmacy, 11.2 percent; podiatric medicine, 17.5 percent; optometry, 9.4 percent; and veterinary medicine, 6.0 percent.

Procedures for Calculating Loans

Funds will be awarded on a per capita basis, by comparing the enrollment of each eligible school, weighted in accordance with any special consideration, with the total enrollment of all eligible schools. A school with an above average underrepresented minority enrollment will be given double credit (i.e., its enrollment will be doubled for awarding purposes). The basic procedure for awarding funds is in accordance with a statutory procedure which must be followed in awarding HPSL loan funds.

National Health Objectives for the Year 2000

The Public Health Service (PHS) is committed to achieving the health promotion and disease prevention objectives of Healthy People 2000, a PHS-led national activity for setting priority areas. The Loans for Disadvantaged Students Program is related to the priority area of Educational and Community-Based Programs. Potential applicants may

obtain a copy of Health People 2000 (Full Report; Stock No. 017–001–00474–0) or Health People 2000 (Summary Report, Stock No. 017–001–00473–1) through the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402–9325 (Telephone (202) 783–3238).

Application Requests

The application form and instructions for this program have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act. The OMB clearance number is 0915–0149.

Requests for application materials and questions regarding program policy and business management should be directed to: Mr. Bruce Baggett, Chief, Student Institutional Support Branch, Division of Student Assistance, Bureau of Health Professions, Health Resources and Services Administration, Parklawn Building, room 8–34, 5600 Fishers Lane, Rockville, Maryland 20857. Telephone: (301) 443–4776.

Completed applications should be forwarded to the Student Institutional Support Branch at the above address.

The application deadline date is May 15, 1992. Applications shall be considered as meeting the deadline if they are either:

(1) *Received on* or before the deadline date, or

(2) *Postmarked on* or before the deadline *and* received in time for consideration. A legibly dated receipt from a commercial carrier or U.S. Postal Service will be accepted in lieu of a postmark. Private metered postmarks shall not be acceptable as proof of timely mailing.

Late applications not accepted for processing will be returned to the applicant.

The Catalog of Federal Domestic Assistance Number for the Loans for Disadvantaged Students is 93.342. It is not subject to the provisions of Executive Order 12372, Intergovernmental Review of Federal Programs (as implemented through 45 CFR part 100).

Dated: January 3, 1992.

Robert G. Harmon,

Administrator.

[FR Doc. 92–5374 Filed 3–6–92; 8:45 am]

BILLING CODE 4160–15–M

National Institutes of Health

Consolidation and Relocation of National Institutes of Health Management and Staff: Environmental Impact Statement

AGENCY: National Institutes of Health.

ACTION: Notice of intent.

SUMMARY: The National Institutes of Health (NIH) is issuing this notice to inform the public that an environmental impact statement (EIS), in accordance with the National Environmental Policy Act (NEPA), 42 U.S.C. 4321 et. seq., will be prepared for the proposed consolidation and relocation of NIH management and staff. The proposed action involves the construction of a suitable building on the NIH campus located in Bethesda, Maryland.

FOR FURTHER INFORMATION CONTACT: Mr. William Fedyna, Office of Communications, National Institutes of Health, Building 1, room 350, 9000 Rockville Pike, Bethesda, Maryland 20892, telephone (301) 496–1776—this is not a toll-free number.

SUPPLEMENTARY INFORMATION: NIH has contracted with consultants to prepare an EIS to assess the environmental impacts of the proposed action that involves consolidation and relocation of NIH management and staff through the construction of a suitable building on the NIH Bethesda campus. A portion of the NIH staff now located on campus and in six leased buildings off campus would relocate to the new facility. The proposed facility would provide approximately 539,000 gross square feet of administrative offices, support and special purpose space. Special purpose space may include, but may not be limited to, a cafeteria, mail room, health unit, and loading dock. The proposed building would provide parking for some of the occupants and be within walking distance of the METRO station and bus stop.

Alternative actions to be considered in preparing the EIS include: (1) No action (maintain the status quo), (2) consolidation to a single existing facility off the NIH campus, (3) consolidation to a single new facility on the NIH campus.

A scoping meeting will be held at the Walter Johnson High School on March 16, 1992, at 7:30 p.m. Advertisements with details concerning the meeting will be posted in local newspapers. Individuals and representatives of business, community, and citizen groups are encouraged to present their views and concerns or information relating to pertinent environmental issues at the meeting.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues are identified, a list of contacts is being prepared. Contacts on the list will participate in addressing and resolving issues throughout the EIS process. The list will include individuals from government agencies, business interests, and citizen and community action groups. Comments or questions concerning this proposed action and the EIS are welcome and should be directed to the address and/or telephone number provided above.

Dated: February 27, 1992.

Bernadine Healy,

Director, NIH.

[FR Doc. 92–5392 Filed 3–6–92; 8:45 am]

BILLING CODE 4140–01–M

National Institute of Dental Research; Meeting of Dental Research Programs Advisory Committee

Pursuant to Public Law 92–463, notice is hereby given of a meeting of the Dental Research Programs Advisory Committee, National Institute of Dental Research, on April 7–8, 1992, in Building 31C, Conference Room 10, National Institutes of Health, Bethesda, Maryland, from 9 a.m. to recess on April 7 and 8:30 a.m. to adjournment of April 8. The entire meeting will be open to the public to discuss NIDR extramural research—Research Opportunities on Oral Health Needs of Special Care Populations. Attendance by the public will be limited to space available.

Dr. John D. Townsley, Associate Director for Policy and Coordination, extramural Program, NIDR, NIH, Westwood Building, Room 506, Bethesda, MD 20892 (telephone 301/496–7807) will provide a summary of the meeting, roster of committee members and substantive program information upon request.

(Catalog of Federal Domestic Assistance Program No. 93.121, Oral Diseases and Disorders Research)

Dated: March 2, 1992.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 92–5393 Filed 3–6–92; 8:45 am]

BILLING CODE 4140–01–M

Meeting of the Planning Subcommittee of the Board of Regents of the National Library of Medicine

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Planning Subcommittee of the Board of Regents of the National Library of

Medicine on March 24–25, 1992, in the Board Room of the National Library of Medicine, 8600 Rockville Pike, Bethesda, Maryland.

The entire meeting will be open to the public from 9 a.m. to approximately 5 p.m. on March 24, and from 9 a.m. to adjournment on March 25. This is the final meeting in a series of three to discuss and determine the role of the National Library of Medicine in serving the information needs of those concerned with toxicology and the environment. Attendance by the public will be limited to space available.

Ms. Susan P. Buyer, Deputy Assistant Director for Planning and Evaluation of the National Library of Medicine, 8600 Rockville Pike, Bethesda, Maryland, telephone 301–496–8834, will provide a summary of the meeting, a roster of subcommittee members, and substantive program information upon request.

(Catalog of Federal Domestic Assistance Program No. 93.879—Medical Library Assistance, National Institute of Health)

Dated: March 2, 1992.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 92–5441 Filed 3–6–92; 8:45 am]

BILLING CODE 4140–01–M

Division of Research Grants; Meeting of the Division of Research Grants Advisory Committee

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Division of Research Grants Advisory Committee, April 6–7, 1992, Wilson Hall, Building 1, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20892.

The entire meeting will be open to the public, from 8:30 a.m. to 4:30 p.m. both days. The topics for the two-day meeting will include how study sections change or new ones are formed; framework for discussion of the NIH Strategic Plan; and women as applicants and grantees of NIH. Attendance by the public will be limited to space available.

The Office of Committee Management, Division of Research Grants, Westwood Building, National Institutes of Health, Bethesda, Maryland 20892, telephone (301) 496–7534, will furnish a summary of the meeting and a roster of the committee members.

Dr. Samuel Joseloff, Executive Secretary of the Committee, Westwood Building, Room 449, National Institutes of Health, Bethesda, Maryland 20892, phone (301) 496–7441, will provide substantive program information upon request.

Dated: March 2, 1992.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 92–5442 Filed 3–6–92; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Migratory Birds: Development of an Agreement on Interpretation and Implementation of a Protocol on Subsistence Hunting of Migratory Birds

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of public meetings.

SUMMARY: This Notice is to inform the public that the Fish and Wildlife Service (Service) has scheduled a series of five meetings across the contiguous 48 States to allow opportunity for public comment on the proposal to develop an agreement with Canada to amend the subsistence hunting provisions of the Convention for the Protection of Migratory Birds concluded by the U.S. and Great Britain, on behalf of Canada, in 1916. Meetings are also being held in Alaska but are not detailed in this Notice. The amendment would provide a basis for managing subsistence hunting or migratory birds in Alaska and Canada during what is otherwise the closed period presently prescribed by the Convention.

DATES: The dates for the scheduled meetings are lsited in the **SUPPLEMENTARY INFORMATION** section.

ADDRESSES: Communications regarding this Notice should be addressed to: Director (FWS/MBMO), U.S. Fish and Wildlife Service, 634 Arlington Square, Washington, DC 20240, or Regional Director, Region 7, U. U. Fish and Wildlife Service, 1011 E. Tudor Road, Anchorage, Alaska 99503. The addresses of the scheduled meetings are listed in the **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: Thomas J. Dwyer, Chief, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, 634 Arlington Square, Washington, DC 20240 (703/358–1714), or Regional Director, Attention Migratory Bird Coordinator, U.S. Fish and Wildlife Service, 1011 E. Tudor Road, Anchorage, Alaska 99503 (907/786–3423).

SUPPLEMENTARY INFORMATION: Meetings scheduled for the contiguous 48 States are as follows:

Portland, Oregon

April 7, 1992, 9 a.m. to Noon, 3rd Floor Conference Room, Eastside Federal Complex, 911 NE. 11th Avenue, Portland, Oregon.

Washington, DC

April 17, 1992, 8:30 a.m. to Noon, Main Interior Auditorium, 1849 C Street, NW., Washington, DC.

Twin Cities, Minnesota

April 30, 1992, 8 a.m. to Noon, Visitor Center, Minnesota Valley National Wildlife Refuge, 3815 East 80th Street, Bloomington, Minnesota.

Sacramento, California

April 9, 1992, 9 a.m. to Noon, room 210, Downtown Federal Building, 801 "I" Street, Sacramento, California.

Denver, Colorado

April 27, 1992, 1 to 4 p.m. room 320, 134 Union Boulevard, Lakewood, Colorado.

With the exception of the Twin Cities, Minnesota location, the meetings detailed above were first announced in a general context in the Notice of Public Involvement published in the **Federal Register** on Thursday, January 9, 1992 (57 FR 922). The Twin Cities meeting has been added to provide better coverage across the U.S. In the same Notice of Public Involvement, meetings were announced for Alaska locations but the public was advised to contact the Service's Regional Office in Alaska to obtain more detailed information, such as dates and times, because of the possibility of a changing schedule. Meetings to be conducted in Alaska to solicit comment on this matter are being held at: Anchorage, Barrow, Bethel, Dilligham, Fairbanks, Ft. Yukon, Galena, Hooper Bay, Juneau, Kodiak, Kotzebue, Nome, Tok and Toksook Bay. The Alaska meetings are being held over the period February through April and many will have been completed at the time this Notice is published in the **Federal Register.**

As outlined previously, the reasons for the meetings are to better inform the public of the effort to modify the existing Convention with Canada and to gather information to be used in establishing a final Service position for negotiations. The history and recent progress by the U.S. and Canada in resolving this issue is explained in greater detail in the January 9, 1992, **Federal Register** Notice of Public Involvement.

The authority for the Service's actions in this matter is the Migratory Bird Treaty Act, as amended (16 U.S.C. 703 *et seq.*).

Dated: February 24, 1992.

Suzanne Mayer,

Acting Director, Fish and Wildlife Service.

[FR Doc. 92–5432 Filed 3–6–92; 8:45 am]

BILLING CODE 4310–55–M

Geological Survey

Acquisition of Digital Line Graph (DLG) Data

SUMMARY: The U.S. Geological Survey (USGS) needs to acquire Digital Line Graph (DLG) data digitized from USGS topographic maps for entry into National Digital Cartographic Data Base (NDCDB) as part of the public domain. The USGS recognizes the public benefit of acquiring DLG data prepared by public utilities, resource management organizations and other non-governmental organizations. The USGS wishes to identify other possible sources of DLG data for areas now lacking DLG coverage, and to determine the potential for cooperative acquisition of the data. When it is in the Government's interest, and subject to the availability of funds, the USGS intends to work with those source organizations to acquire DLG Data for NDCDB archiving and non-proprietary public distribution.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Attn Richard L. Kleckner, 590 National Center, 12201 Sunrise Valley Drive, Reston VA 22092, (703) 648–5741.

SUPPLEMENTARY INFORMATION This announcement does not solicit for contract support for specific USGS digital mapping requirements. The intent is to identify other sources of DLG data being prepared coincidentally by private organizations from USGS quads in support of their own mapping needs, and to determine whether the data can be acquired from the producer in DLG format or easily upgraded to DLG format and made available to the public domain by USGS. Proprietory data will not be accepted.

Acceptable data must meet the general requirements for content, accuracy, and format as detailed in USGS National Mapping Program Technical Instructions, "Standards for Digital Line Graphs", parts 1 and 2 issued 06/10/88 and part 3 issued 10/29/90. For example, ninety percent of all DLG elements digitized will be within 0.005 inches in any direction from the true position as found on the scale-stable source, with all remaining elements within 0.010 inches.

Subject to the availability of funds and capacity, the USGS will support acceptable projects by any one or a combination of the following: Funds, source materials, technical assistance, post collection processing or other materials or services. All joint/collaborative projects must be determined by the Department of the Interior and the USGS to serve the public interest.

Authority for This Program

Is contained in the Department of the Interior, U.S. Geological Survey Fiscal Year 1992 appropriation bill.

Application Forms

A broad agency announcement is expected to be available by mid April 1992. Prospective applicants are requested to state in writing their interest. Letters should be addressed to Nedra Stallone, Contracting Officer, U.S. Geological Survey, 12201 Sunrise Valley Drive, Mail Stop 205A, Reston, VA 22092, (703) 648–7364).

Dated: February 12, 1992.

Jack J. Stassi,

Assistant Director for Administration.

[FR Doc. 92–5390 Filed 3–6–92; 8:45 am]

BILLING CODE 4310–31–M

Bureau of Land Management

[NM–030–02–4212–24]

Emergency Closure of Trespass Bridge on BLM Administered Land in Otero County

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of emergency closure.

SUMMARY: Notice is hereby given that effective March 2, 1992, all vehicle use is prohibited over a bridge located in T. 16 S., R. 9 E., Section 3, E½NE¼, NMPM. The bridge is located off of County Road A042, approximately 2½ miles southwest of La Luz, New Mexico in Otero County.

The purpose of the closure is to protect public health and safety. The authority for this closure is 43 CFR 8364.1. This designation remains in effect until further notice.

FOR FURTHER INFORMATION CONTACT: Dwayne Sykes, Acting Multi-Resources Chief, Caballo Resource Area, 1800 Marquess, Las Cruces, New Mexico 88005 orat (505) 526–8228.

Dated: March 4, 1992.

Tim Salt,

Acting District Manager.

[FR Doc. 92–5508 Filed 3–6–92; 8:45 am]

BILLING CODE 4310–FB–M

[NV–930–02–4212–13; N–54527]

Realty Action; Exchange of Public Lands in Elko, Eureka, and Clark Counties, Nevada

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Realty Action, N–54527.

SUMMARY: This exchange involves trading 47,149.50 acres of public lands in Elko and Eureka Counties and 389 acres of public lands in Clark County, as described in section I., for 10,131 acres of private land in Elko County and 3,178 acres of private land in Clark County, as described in Section II.

I.

The following described public lands in (A) Elko and Eureka Counties, and (B) Clark County, administered by the Bureau of Land Management, including the mineral estate with no known value, have been determined to be suitable for disposal by exchange pursuant to section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

A. Elko and Eureka County Selected Lands

Mount Diablo Meridian, Nevada

T. 31 N., R. 51 E.,
Sec. 2, S½.
T. 32 N., R. 51 E.,
Sec. 36, E½, SE¼NW¼, E½SW¼.
T. 45 N., R. 51 E.,
Sec. 5, SW¼, N½SE¼, SE¼SE¼;
Sec. 7, Lots 1–4, E½, SE¼NW¼, E½SW¼;
Sec. 8, N½, SW¼, N½SE¼, SE¼SE¼;
Sec. 16, SW¼NE¼, S½NW¼, N½SW¼, SW¼SW¼;
Sec. 17, E½E½, N½NW¼, SW¼NW¼, NE¼SW¼, NW¼SE¼;
Sec. 18, Lots 1, 2, NE¼, E½NW¼;
Sec. 20, N½NE¼, SW¼NE¼, NW¼, N½SW¼.
T. 36 N., R. 52 E.,
Sec. 1, Lots 1–4, S½N½, SW¼;
Sec. 2, Lots 1–4, S½N½, S½;
Sec. 3, Lots 1, 2, S½NE¼, SE¼;
Sec. 10, E½, E½W½;
Sec. 11, All;
Sec. 12, All;
Sec. 14, E½, NE¼NW¼, S½NW¼, SW¼;
Sec. 24, NE¼, E½NW¼, S½;
Sec. 36, N½, SW¼, W½SE¼.
T. 39 N., R. 52 E.,
Sec. 3, Lot 2, SW¼NE¼, E½SE¼SE¼ SW¼, NE¼NW¼SE¼, E½NW¼NW¼ SE¼, S½NW¼SE¼, SW¼SE¼.
T. 40 N., R. 52 E.,
Sec. 14, SW¼, W½SE¼;
Sec. 15, E½E½SE¼, E½W½E½SE¼;
Sec. 22, E½E½;
Sec. 23, W½E½, W½;
Sec. 25, Lots 4–6;
Sec. 26, W½E½, W½;

Sec. 27, E½E½, E½E½NW¼NE¼, E½SW¼NE¼, E½W½SE¼;
Sec. 33, W½NW¼SE¼, SE¼NW¼SE¼, W½W½SE¼SE¼;
Sec. 34, E½NE¼, E½W½NE¼, E½W½W½NE¼;
Sec. 35, W½NE¼, NW¼;
Sec. 36, Lots 1–6, S½SW¼, SE¼.
T. 40 N., R. 53 E.,
Sec. 7, Lots 5–9, 12.
T. 33 N., R. 54 E.,
Sec. 2, S½SE¼.
T. 41 N., R. 54 E.,
Sec. 1, SE¼;
Sec. 11, N½N½;
Sec. 12, N½N½, S½S½;
Sec. 13, NW¼;
Sec. 14, NE¼, W½NW¼;
Sec. 24, Lots 1, 2, 7, 8, N½.
T. 42 N., R. 54 E.,
Sec. 27, SE¼SW¼, NE¼SE¼, S½SE¼;
Sec. 34, NE¼, NE¼NW¼, S½NW¼.
T. 30 N., R. 55 E.,
Sec. 12, E½E½NE¼, E½NE¼SE¼.
T. 39 N., R. 55 E.,
Sec. 1, Lots 6, 10, 11, 13, 14, 16, NE¼SW¼, E½NW¼SW¼, S½SW¼, W½SE¼;
Sec. 12, Lots 1–4, W½E½, W½;
Sec. 13, Lots 3, 4, NW¼, W½SW¼;
Sec. 23, E½SE¼SE¼NE¼, E½E½NE¼SE¼, SE¼SW¼NE¼SE¼, SW¼SE¼NE¼SE¼, E½SE¼SE¼, E½W½SE¼SE¼;
Sec. 24, Lots 1–4, SW¼NW¼, SW¼, W½SE¼;
Sec. 25, Lots 1–4, W½E½, W½;
Sec. 26, NE¼NE¼, SE¼NE¼NW¼NE¼, SE¼NW¼NE¼, S½NE¼, S½S½NW¼, E½NE¼SE¼NW¼, SW¼NE¼SE¼NW¼, S½NW¼SE¼NW¼, S½;
Sec. 34, E½E½, SW¼SE¼;
Sec. 35, Lots 1–4, N½, N½S½;
Sec. 36, Lots 1–7, W½NE¼, NW¼, N½SW¼, NW¼SE¼.
T. 40 N., R. 55 E.,
Sec. 25, S½SE¼SW¼;
Sec. 36, Lots 2(within), 3(within), 4, W½NE¼, E½W½, NW¼SE¼.
T. 44 N., R. 55 E.,
Sec. 25, Lots 4, 9, 10, SE¼NW¼, NE¼SW¼, S½SW¼;
Sec. 35, N½NE¼, NW¼;
Sec. 36, Lots 3, 4, N½NW¼.
T. 30 N., R. 56 E.,
Sec. 6, Lot 7, SE¼SW¼, SW¼SW¼SE¼;
Sec. 7, Lot 4, SW¼NE¼NE¼, SE¼NE¼, SE¼SW¼, W½SE¼, SE¼SE¼;
Sec. 8, SW¼SW¼, S½NE¼SE¼, NW¼SE¼;
Sec. 9, NE¼SW¼, S½NW¼SW¼, SW¼NE¼SE¼, S½NW¼SE¼, S½SE¼;
Sec. 16, W½SW¼;
Sec. 17, S½NE¼, NW¼, NE¼SW¼, NE¼NW¼SW¼, N½SE¼, N½SW¼SE¼, SE¼SW¼SE¼, SE¼SE¼;
Sec. 18, N½NE¼, NE¼SW¼NE¼, N½SE¼NE¼, SE¼SE¼NE¼, N½NE¼NW¼;
Sec. 20, NE¼NE¼NE¼;
Sec. 21, NW¼NE¼NE¼, N½NW¼NE¼, SW¼NW¼NE¼, NE¼NW¼, N½NW¼NW¼, SE¼NW¼NW¼.
T. 32 N., R. 56 E.,
Sec. 15, S½;
Sec. 21, E½;
Sec. 22, All;
Sec. 28, E½;
Sec. 33, All;
Sec. 34, All.
T. 33 N., R. 56 E.,
Sec. 26, N½, SE¼;
Sec. 36, NE¼NE¼, W½W½, SE¼SW¼, S½SE¼.
T. 35 N., R. 56 E.,
Sec. 16, N½NW¼;
Sec. 30, SW¼NE¼.
T. 38 N., R. 56 E.,
Sec. 4, Lots 1–4, S½N½, S½;
Sec. 6, Lots 1–7, SW¼NE¼, SE¼NW¼, E½SW¼, W½SE¼;
Sec. 8, All;
Sec. 10, N½NW¼;
Sec. 15, N½NE¼NW¼, SW¼NE¼NW¼, NW¼NW¼, N½SW¼NW¼;
Sec. 16, N½NE¼SW¼, SW¼NE¼SW¼, N½SW¼SW¼, N½NW¼SE¼;
Sec. 18, Lots 1–4, E½, E½W½;
Sec. 20, NW¼NE¼NE¼, N½SE¼NW¼, NW¼NW¼SW¼;
Sec. 30, Lots 1–4, N½NE¼, SW¼NE¼, NW¼SE¼NE¼, E½NW¼, NE¼SW¼, NW¼SE¼SW¼, NW¼NW¼SE¼.
T. 39 N., R. 56 E.,
Sec. 6, Lots 5, 6, SW¼SE¼, N½NW¼SE¼SE¼, SW¼NW¼SE¼SE¼, W½SW¼SE¼SE¼, SE¼SW¼SE¼SE¼, S½SE¼SE¼SE¼;
Sec. 7, Lot 1, E½NE¼NE¼SE¼, SE¼NE¼SE¼, SE¼SE¼;
Sec. 18, Lots 3, 4, E½;
Sec. 19, Lots 1–4, E½;
Sec. 30, Lots 1–4, E½;
Sec. 31, Lots 1–4, E½.
T. 44 N., R. 56 E.,
Sec. 7, Lots 12(within), 13;
Sec. 17, SE¼SW¼.
T. 30 N., R. 57 E.,
Sec. 31, Lots 1, 2, E½NW¼.
T. 32 N., R. 57 E.,
Sec. 6, Lots 1–6, SE¼NW¼, NE¼SW¼, N½SE¼;
Sec. 8, S½NW¼.
T. 33 N., R. 57 E.,
Sec. 32, NE¼SW¼, S½SW¼.
T. 34 N., R. 58 E.,
Sec. 32, SW¼NW¼.
T. 35 N., R. 58 E.,
Sec. 1, Lots 1–4, S½N½, S½;
Sec. 2, Lots 1–4, S½N½, S½;
Sec. 10, NE¼NE¼;
Sec. 11, NW¼SW¼.
T. 36 N., R. 58 E.,
Sec. 2, Lots 1–4, S½N½, S½;
Sec. 34, E½;
Sec. 35, S½N½N½, S½N½, N½NW¼NW¼, S½;
Sec. 36, SW¼NE¼, W½SE¼NE¼, S½NW¼NW¼, S½NW¼, SW¼, W½E½SE¼, W½SE¼.
T. 31 N., R. 59 E.,
Sec. 10, Lots 3, 4, 6–10, E½SW¼,SW¼SE¼;
Sec. 11, SW¼SW¼;
Sec. 13, NW¼NW¼, N½SW¼NW¼;
Sec. 14, N½N½, N½S½NE¼;
Sec. 15, Lots 1–3, 6–11, 13–28, N½SE¼.
T. 35 N., R. 59 E.,
Sec. 2, Lot 4;
Sec. 10, W½E½, S½NW¼, SW¼;
Sec. 15, W½;
Sec. 16, N½;
Sec. 17, All;
Sec. 18, Lots 1, 2, NE¼, E½NW¼, N½SE¼.
T. 40 N., R. 59 E.,
Sec. 26, All;
Sec. 36, All.
T. 32 N., R. 60 E.,
Sec. 13, N½NE¼, N½SW¼NE¼, N½NW¼SE¼NE¼, NE¼NW¼, N½SE¼NW¼, N½S½SE¼NW¼;
Sec. 15, SE¼SW¼;
Sec. 22, E½SE¼.
T. 40 N., R. 60 E.,
Sec. 8, W½W½;
Sec. 12, NE¼SE¼;
Sec. 14, NW¼, N½SW¼, SW¼SW¼;
Sec. 18, Lots 1–4;
Sec. 20, SW¼NW¼, W½SW¼.
T. 41 N., R. 60 E.,
Sec. 19, SE¼;
Sec. 30, E½NE¼, SW¼NE¼, SE¼;
Sec. 36, S½SW¼, SW¼SE¼.
T. 42 N., R. 60 E.,
Sec. 5, Lots 1(within), 2, SW¼NE¼;
Sec. 8, NW¼SE¼.
T. 43 N., R. 60 E.,
Sec. 29, W½SE¼;
Sec. 32, W½NE¼, NW¼SE¼.
T. 32 N., R. 61 E.,
Sec. 18, Lot 1(within), NW¼NE¼NW¼.
T. 33 N., R. 61 E.,
Sec. 12, S½NE¼;
Sec. 13, SW¼NE¼, W½SE¼, SE¼SE¼,
Sec. 24, N½NE¼, SE¼NE¼.
T. 36 N., R. 61 E.,
Sec. 26, Lots 6, 7.
T. 37 N., R. 61 E.,
Sec. 5, Lots 1–4, S½N½, SE¼;
Sec. 8, E½NE¼;
Sec. 9, Lots 2–4, Parcels B, C, N½, NW¼SW¼, NE¼SE¼;
Sec. 10, Lots 2–4, NW¼, NE¼SW¼.
T. 38 N., R. 61 E.,
Sec. 32, S½S½SW¼, S½SE¼.
T. 41 N., R. 61 E.,
Sec. 1, S½NW¼, SW¼.
T. 42 N., R. 61 E.,
Sec. 5, SE¼SW¼, W½SE¼;
Sec. 8, NW¼NE¼, NW¼;
Sec. 11, SW¼SE¼, W½SE¼SE¼;
Sec. 14, N½N½NE¼, SW¼NW¼NE¼;
Sec. 18, NE¼SE¼NW¼, S½SE¼NW¼;
Sec. 23, N½NW¼, SE¼NW¼;
Sec. 24, W½SW¼NW¼, SE¼SW¼NW¼
Sec. 25, Lot 1(within), S½NW¼NE¼, N½SW¼NE¼;
Sec. 31, Lots 1–6, 8–11.
T. 33 N., R. 62 E.,
Sec. 7, Lots 1,2, SW¼NE¼, E½NW¼;
Sec. 8, E½, SE¼NW¼, E½SW¼;
Sec. 17, N½, SW¼;
Sec. 20, NW¼NE¼NW¼, NW¼NW¼, NW¼SW¼NW¼.
T. 36 N., R. 62 E.,
Sec. 10, W½SW¼NE¼, S½NW¼, E½E½SW¼, W½W½SE¼.
T. 37 N., R. 62 E.,
Sec. 3, Lots 3–8, 15, 16.
T. 38 N., R. 62 E.,
Sec. 30, Lots 2(within), 4, SW¼SW¼SE¼NW¼, SE¼SW¼, NW¼SE¼, SE¼SE¼;
Sec. 31, N½NE¼NE¼NE¼, SE¼NE¼NE¼NE¼, NE¼NW¼NE¼NE¼;
Sec. 32, W½NW¼NW¼NW¼, NW¼SW¼NW¼NW¼.

T. 39 N., R. 62 E.,
Sec. 28, N½NE¼, SE¼SE¼.
T. 40 N., R. 62 E.,
Sec. 36, NW¼NW¼, S½NW¼, N½SW¼, E½SE¼.
T. 42 N., R. 62 E.,
Sec. 25, SE¼NW¼;
Sec. 26, NE¼NE¼, NW¼SE¼;
Sec. 27, NE¼SW¼;
Sec. 34, Lots 1, 2(within).
T. 43 N., R. 62 E.,
Sec. 24, Lots 2, 3.
T. 38 N., R. 63 E.,
Sec. 18, NE¼;
Sec. 30, Lots 1(within), 2(within).
T. 39 N., R. 63 E.,
Sec. 2, Lot 4, SW¼NW¼, W½SW¼;
Sec. 6, Lots 1–3, 8, 7, SE¼NE¼, E½SW¼, SW¼SE¼;
Sec. 8, NE¼NE¼, NW¼;
Sec. 10, SE¼NE¼, S½;
Sec. 14, W½W½W½.
T. 40 N., R. 63 E.,
Sec. 32, NE¼NW¼, NW¼SW¼.
T. 43 N., R. 63 E.,
Sec. 3, SE¼NE¼;
Sec. 10, NW¼NE¼, NE¼NW¼;
Sec. 11, W½NE¼NW¼;
Sec. 19, N½NE¼NW¼.
T. 44 N., R. 63 E.,
Sec. 8, NE¼SE¼;
Sec. 9, NW¼SW¼;
Sec. 16, NW¼NE¼, E½SW¼NE¼;
Sec. 22, NE¼SW¼SW¼, S½SW¼SW¼;
Sec. 28, NE¼NW¼NE¼, S½NW¼NE¼, SW¼NE¼, NE¼SW¼;
Sec. 33, SE¼NE¼;
Sec. 34, SE¼SW¼.

Comprising 47,149.50 acres, more or less, and including four water rights or interests therein (Certificate Nos. 36420 [50% interest], 44877, 44974, and Application No. 44927).

The patent, when issued, will contain the following reservations to the United States:

1. A right-of-way for ditches or canals constructed by the authority of the United States. Act of August 30, 1890 (43 U.S.C. 945).

2. All oil and gas deposits.

3. All geothermal resources on the following described lands:

T. 33 N., R. 54 E.,
Sec. 2, S½SE¼.
T. 44 N., R. 55 E.,
Sec. 35, N½NE¼, NW¼.
T. 31 N., R. 59 E.,
Sec. 10, Lots 3,4,6–10, E½SW¼, SW¼SE¼;
Sec. 11, SW¼SW¼;
Sec. 13, NW¼NW¼, N½SW¼NW¼;
Sec. 14, N½N½, N½S½NE¼;
Sec. 15, Lots, 1–3, 6–11, 13–28, N½SE¼.
T. 42 N., R. 60 E.,
Sec. 5, Lots 1(within), 2, SW¼NE¼;
Sec. 8, NW¼SE¼.
T. 43 N., R. 60 E.,
Sec. 29, W½SE¼;
Sec. 32, W½NE¼, NW¼SE¼.
T. 37 N., R. 62 E.,
Sec. 3, Lots 3–8,15,16.
T. 38 N., R. 62 E.,
Sec. 30, Lots 2(within), 4, SW¼SW¼SE¼ NW¼, SE¼SW¼, SW¼SE¼, SE¼SE¼;
Sec. 31, N½NE¼NE¼NE¼, SE¼NE¼ NE¼NE¼, NE¼NW¼NE¼NE¼;
Sec. 32, W½NW¼NW¼NW¼, NW¼ SW¼NW¼NW¼.

4. One-half interest in water right Certificate No. 36420.

5. An easement and right-of-way over, across, and upon a strip of land, 100 feet wide crossing Sections 2, 10, and 14 in T. 39 N., R. 63 E., as shown on the official Bureau of Land Management status records for the State of Nevada, and further identified in case file No. N–55365 for the full use as a road by the United States and its assigns, licensees, and permittees, including the right of access and use for and by the people of the United States generally to lands owned, administered, or controlled by the United States.

6. Easements and rights-of-way for roads over, across and upon strips of land 80 feet wide along existing roads crossing portions of the above described lands, as shown on the official Bureau of Land Management status records for the State of Nevada, and further identified in case file Nos. N–1122, N–5361, N–7851, N–51008, and N–55607 through N–55617, for the full use as roads by the United States and its assigns, licensees, and permittees, including the right of access and use for and by the people of the United States generally to lands owned, administered, or controlled by the United States.

7. Rights-of-way for fences, pipelines, and a well as reserved under rights-of-way Nos. N–55623 through N–55634, pursuant to title V of the Act of October 21, 1976 (43 U.S.C. 1767), and the right to enforce all or any of the terms and conditions of the rights-of-way, including the right to renew it or extend it upon its termination.

And will be subject to:

1. A restriction which constitutes a covenant running with the land, that the land, as listed below, may be used only for (1) agricultural purposes, but not for dwellings or buildings, or (2) for park and non-intensive open space recreation purposes, pursuant to the authority contained in Section 3(d) of Executive Order 11988 of May 25, 1977 (42 CFR 26955) and the Act of October 21, 1976, (43 U.S.C. 1716).

T. 33 N., R. 54 E.,
Sec. 2, S½SE¼.
T. 30 N., R. 55 E.,
Sec. 12, E½E½NE¼.
T. 39 N., R. 55 E.,
Sec. 1, Lots 6,10,11,13,14,16, NE¼SW¼;
Sec. 12, Lot 4;
Sec. 13, Lots 3,4;
Sec. 23, E½SE¼SE¼NE¼, E½E½NE¼ SE¼;
Sec. 24, SW¼NW¼;
Sec. 26, E½NE¼NW¼NE¼, S½S½NW¼, S½;
Sec. 34, E½E½;
Sec. 35, N½.
T. 30 N. R. 56 E.,
Sec. 8, S½NE¼SE¼, NW¼SE¼;
Sec. 9, NE¼SW¼, S½NW¼SW¼, S½ SE¼.
T. 35 N. R. 56 E.,
Sec. 16, N½NW¼.
T. 39 N. R. 56 E.,
Sec. 6, S½SE¼;
Sec. 7, Lot 1.
T. 35 N. R. 58 E.,
Sec. 2, S½N½, S½;
Sec. 11, NW¼SW¼.
T. 35 N. R. 59 E.,
Sec. 17, S½S½.
T. 40 N. R. 60 E.,
Sec. 8, W½W½;
Sec. 12, NE¼SE¼;
Sec. 20, SW¼NW¼, W½SW¼.
T. 41 N. R. 60 E.,
Sec. 19, SE¼;
Sec. 30, E½NE¼, SW¼NE¼, SE¼.
T. 37 N. R. 62 E.,
Sec. 3, Lots 3–8, 15, 16.
T. 38 N. R. 62 E.,
Sec. 30, Lot 2(within), SW¼SW¼SE¼NW¼, NW¼SE¼, SE¼SE¼;
Sec. 31, N½NE¼NE¼NE¼, SE¼NE¼ NE¼NE¼, NE¼NW¼NE¼NE¼;
Sec. 32, W½NW¼NW¼NW¼, NW¼ SW¼NW¼NW¼.

2. Those rights for highway purposes granted to the Nevada Department of Transportation, its successors or assigns by rights-of-way Nos. CC–018412, CC–018442, CC–019434, CC–020107, CC–021024, CC–021059, CC–023693, Nev-012205, Nev-027844, Nev-044165, Nev-047887, Nev-050001, Nev-05117, pursuant to the Act of November 9, 1921 (42 Stat. 216) and rights-of-way Nos. Nev-058170, Nev-062013, Nev-064983, Nev-065047, pursuant to the Act of August 27, 1958, as amended (23 U.S.C. 317).

3. Those rights for material site purposes granted to the Nevada Department of Transportation, its successors or assigns by rights-of-way Nos. CC–019440, Nev-014501 pursuant to the Act of November 9, 1921 (42 Stat. 216) and rights-of-way Nos. Nev-058187, Nev-064946, pursuant to the Act of August 27, 1958, as amended (23 U.S.C. 317).

4. Those rights for powerline purposes granted to Wells Rural Electric Company, its successors or assigns, by rights-of-way Nos. Nev-058476, N–17084, N–2110, N–43323, N–47134, pursuant to the Act of October 21, 1976 (90 Stat. 2776: 43 U.S.C. 1761), and rights-of-way Nos. N–1027, N–11194, N–6714, pursuant to the Act of March 4, 1911, as amended (formerly 43 U.S.C. 961).

5. Those rights for powerline purposes granted to Sierra Pacific Power Company, its successors or assigns, by

rights-of-way Nos. CC–021208, N–37156, N–5421, N–54232, N–7639C, pursuant to the Act of October 21, 1976 (43 U.S.C. 1761), rights-of-way Nos. Nev-055632, N–7833, pursuant to the Act of March 4, 1911, as amended (formerly 43 U.S.C. 961), and right-of-way No. Nev-058361 pursuant to the Act of February 15, 1901, as amended (formerly 43 U.S.C. 959).

6. Those rights for powerline purposes granted to Idaho Power Company, its successors or assigns, by right-of-way No. Nev-055364, pursuant to the Act of March 4, 1911, as amended (formerly 43 U.S.C. 961).

7. Those rights for communication line purposes granted to CP National, its successors or assigns, by rights-of-way Nos. N–16732, N–19958, N–2235, pursuant to the Act of October 21, 1976 (43 U.S.C. 1761).

8. Those rights for communication line purposes granted to AT&T, its successors or assigns, by right-of-way No. N–3335, pursuant to the Act of March 4, 1911, as amended (formerly 43 U.S.C. 961), and by right-of-way No. N–46266, pursuant to the Act of October 21, 1976 (43 U.S.C. 1761).

9. Those rights for communication line purposes granted to Nevada Bell, its successors or assigns, by right-of-way No. Elko-01655, pursuant to the Act of October 21, 1976 (43 U.S.C. 1761).

10. Those rights for communication line purposes granted to Rural Telephone Company, its successors or assigns, by rights-of-way Nos. N–33412, N–46278, pursuant to the Act of October 21, 1976 (43 U.S.C. 1761).

11. Those rights for communication line purposes granted to Beehive Telephone Company, its successors or assigns, by right-of-way No. N–46946, pursuant to the Act of October 21, 1976 (43 U.S.C. 1761).

12. Those rights for communication line purposes granted to Lands of Sierra, its successors or assigns, by right-of-way No. N–39938, pursuant to the Act of October 21, 1976 (43 U.S.C. 1761).

13. Those rights for railroad and station purposes granted to the Union Pacific Railroad, its successors or assigns, by rights-of way Nos. CC–016074, CC–04691, CC–04693, Elko-04896, Elko-04897, pursuant to the Act of March 3, 1875 (formerly 43 U.S.C. 934–939).

14. Those rights for communication site purposes granted to the Western Pacific Railroad, its successors or assigns, by right-of way No. N–39973, pursuant to the Act of October 21, 1976 (43 U.S.C. 1761).

15. Those rights for railroad and station purposes granted to the Southern Pacific Railroad, its successors or assigns, by right-of way No. CC–04086, pursuant to the Act of March 3, 1875 (formerly 43 U.S.C. 934–939).

16. Those rights for roadway purposes granted to the City of Wells, its successors or assigns, by right-of-way No. N–41272, pursuant to the Act of October 21, 1976 (43 U.S.C. 1761).

17. Those rights for roadway purposes granted to Elko County, its successors or assigns, by rights-of-way Nos. N–46210, N–46529, N–46530, N–46532, N–46755, N–48341, N–48343, N–48347, N–52546 pursuant to the Act of October 21, 1976 (43 U.S.C. 1761).

18. Those rights for roadway purposes granted to Eureka County, its successors or assigns, by right-of-way No. N–55117, pursuant to the Act of July 26, 1866 (43 U.S.C. 932).

19. Those rights for irrigation purposes granted to the Boies Ranches, its successors or assigns, by right-of-way No. N–6103, pursuant to the Act of March 3, 1891, as amended (formerly 43 U.S.C. 946–951).20.

An easement, 60 feet in width, along the north and east boundaries and 30 feet in width along the south and west boundaries of section 2, T. 36 N., R. 58 E. in favor of Elko County.

21. Those rights granted by oil and gas lease Nos. N–35910, N–38651, N–40808, N–41680, N–42225, N–43459, N–43484, N–43485, N–44141, N–46628, N–47968, N–48792, N–51693, N–53908, N–53911, N–53912, N–53915, N–53916, N–53919, N–53920, N–53921, N–53922, N–53923, N–53925, N–53926, N–53930, N–53933, N–55014, pursuant to the Act of February 25, 1920 as amended and supplemented (30 U.S.C. 181 et seq.). This patent is issued subject to the rights of the prior permittees or lessees to use so much of the surface of said land as is required for oil and gas exploration and development operations, without compensation to the patentee for damages resulting from proper oil and gas operations, for the duration of the oil and gas leases printed above, and any authorized extension of those leases.

22. Those rights granted by geothermal lease Nos. N–49958, N–54748 pursuant to the Act of December 24, 1970 (30 U.S.C. 1001–1025). This patent is subject to the rights of the prior permittees or lessees to use so much of the surface of said land as is required for geothermal exploration and development operations, without compensation to the patentee for damages resulting from proper geothermal operations, for the duration of the geothermal leases, and any authorized extension of those leases.

Disposal of the above described land will be conditioned upon:

1. Execution of an agreement for a conservation easement to provide continued public access to and use of the Boies Reservoir in T. 43 N., R. 62 E., Section 24, W½.

2. Compensation for range improvements; any grazing permittee with a financial interest in an authorized permanent range improvement on the selected public lands will receive reasonable compensation for the adjusted value of their interest in accordance with Title 43 of the Code of Federal Regulations, Section 4120.3–6(c). Specific range improvements to be transferred are listed on pages 12–13 of Environmental Assessment #EA–NV–010–91–85.

3. Protection of cultural resources found to be eligible for listing on the National Register of Historic Places and/or significant paleontological sites. These sites will be mitigated or remain under the jurisdiction of the Bureau of Land Management.

4. Certification that there is no hazardous material contamination. If sites cannot be brought to Bureau standards the affected lands will not be transferred.

5. Partial revocation of withdrawal No. Nev-065863 which was issued to the Federal Energy Regulatory Commission as the holding agency, and Wells Rural Electric Company as the holder, its successors or assigns, pursuant to the Act of March 3, 1879, as amended (43 U.S.C. 31).

B. Clark County Selected Lands

Mount Diablo Meridian, Nevada

T. 19 S., R. 60 E.,
Sec. 6, Lots 13, 15–17;
Sec. 7, Lots 9–12, 15, 18–21.

Comprising 389.00 acres, more or less. The selected land in Clark County will be transferred only if the offered land values will permit with minimal equalization payment.

The patent, when issued, will contain the following reservations to the United States:

1. A right-of-way for ditches or canals constructed by the authority of the United States. Act of August 30, 1890 (43 U.S.C. 945).

2. All the oil, gas, sodium and potassium and any other minerals of known value.

And will be subject to:

1. Those rights for highway purposes granted to Nevada Department of Highways, its successors or assigns by

rights-of-way Nos. CC–018138, CC–018191, CC–018234, pursuant to the Act of November 9, 1921 (42 Stat. 216).

2. Those rights for communication line purposes granted to Nevada Bell, its successors or assigns by right-of-way No. CC–021488, pursuant to the Act of March 4, 1911, as amended (formerly 43 U.S.C. 961).

3. Those rights for highway purposes granted to Nevada Department of Transportation, its successors or assigns by right-of-way No. N–46063 pursuant to the Act of August 27, 1958, as amended (23 U.S.C. 317).

4. A right-of-way for flood control purposes to be granted to the City of Las Vegas on the south 150 feet of the SW¼ of Section 7, T. 19 S., R. 60 E., MDM, Nevada, pursuant to the Act of October 21, 1976 (43 U.S.C. 1761).

5. An easement of varying widths along the exterior boundaries of the property in favor of the City of Las Vegas, for road, public utilities and flood control purposes to insure continued ingress and egress to adjacent lands.

Disposal of the above described land will be conditioned upon certification that there is no hazardous material contamination. If sites cannot be brought to Bureau standards the affected lands will not be transferred.

II.

In exchange for the above described public lands, the United States will acquire the following described private lands in (A) Elko County, Nevada, and (B) Clark County, Nevada, from Olympic Nevada, Inc.

A. Elko County Offered Lands

Mount Diablo Meridian, Nevada

T. 37 N., R. 55 E.,
Sec. 23, All;
Sec. 24, All;
Sec. 25, All;
Sec. 26, All;
Sec. 35, All;
Sec. 36, All.
T. 38 N., R. 55 E.,
Sec. 1, All;
Sec. 11, All;
Sec. 13, All;
Sec. 15, E½;
Sec. 23, N½, SE¼;
Sec. 25, NE¼.
T. 39 N., R. 55 E.,
Sec. 3, Lot 9.
T. 37 N., R. 56 E.,
Sec. 2, S½SW¼.
T. 38 N., R. 59 E.,
Sec. 1, Lots 3, 4(within), SE¼NW¼, E½SW¼,E½SW¼NW¼,E½W½SW¼.
T. 39 N., R. 59 E.,
Sec. 24, That portion of the SE¼ of the SE¼ lying Southeasterly of a line drawn from the Northeasterly corner of said SE¼ of the SE¼, to the Southwesterly corner of said SE¼ of the SE¼;
Sec. 25, NE¼NE¼, NE¼SW¼. That portion of the NW¼ of the NE¼ lying Southeasterly of a line drawn from the Northeasterly corner of said NW¼ of the NE¼, to the Southwesterly corner of said NW¼ of the NE¼. That portion of the SE¼ of the NW¼ lying Southeasterly of a line drawn from the Northeasterly corner of said SE¼ of the NW¼, to the Southwesterly corner of said SE¼ of the NW¼. That portion of the NW¼ of the SW¼ lying Southeasterly of a line drawn from the Northeasterly corner of said NW¼ of the SW¼, to the Southwesterly corner of said NW¼ of the SW¼.
T. 40 N., R. 59 E.,
Sec. 1, Lots 3, 4(within);
Sec. 11, W½.
T. 41 N., R. 59 E.,
Sec. 25, S½;
Sec. 35, All.
T. 39 N., R. 60 E.,
Sec. 19, Lot 4.
T. 41 N., R. 60 E.,
Sec. 2, Lot 3(within), SE¼NW¼, E½SW¼, W½NW¼SE¼, SW¼SE¼;
Sec. 10, E½E½;
Sec. 11, NW¼, SE¼.
T. 42 N., R. 60 E.,
Sec. 20, NE¼NE¼.
T. 40 N., R. 61 E.,
Sec. 6, Lot 1, SE¼NE¼, E½SE¼.
T. 41 N., R. 61 E.,
Sec. 16, S½NE¼;
Sec. 30, Lots 3, 4, E½SW¼;
Sec. 31, Lots 3, 4, 5(within), 6, 11, 14(within).
T. 42 N., R. 62 E.,
Sec. 6, SW¼NW¼.

Comprising 10,131 acres, more or less, and including four partial water rights or interests therein (vested water right Nos. #04831 (10%), #04832 (50%), #04848 (20%), #04854 (5%). All of Olympic Nevada Inc.'s interest in the surface of the private lands will be transferred. No mineral rights will be transferred.

Acquisition will be subject to all valid existing rights and reservations found in First American Title Company's Amended Preliminary Title Report Nos. EL–416465.TO, EL–416465.TO.

Acquisition of the above described land will be conditioned upon:

1. Transfer of the following range improvements appurtenant to the above described lands to the Bureau:

Bureau related Project No.	Improvement Name
0661	Glaser Hansen Fence.
0507	Dorsey-Jackstone Creek Fence.
0654	Jackstone Fence.
4271	Sherman Creek Fence.
4119	Tom Cain Fence.
N/A	Water Gap Fence.
5204	Tabor Creek Exclosure No. 3.
N/A	Fence along Marys River Floodplain.
0250	Bull Pasture Fence.
0095	Tabor Creek Cattle Guard.
0281	Grock Fence.
0731	West Tabor Seeding.
N/A	Allotment Boundary Fences.
N/A	Allotment Boundary Fences

Certification that there is no hazardous material contamination. If sites cannot be brought to Bureau standards by Olympic Nevada, Inc., the affected lands will not be accepted.

B. Clark County Offered Lands

Mount Diablo Meridian, Nevada

T. 21 S., R. 55 E.,
Sec. 11, SE¼NE¼, E½SE¼, SW¼SE¼;
Sec. 12, NW¼NE¼, E½NW¼, SW¼NW¼;
Sec. 14, NE¼, E½SW¼, W½SE¼;
Sec. 23, NW¼NE¼, E½NW¼, N½SW¼, SW¼SW¼;
Sec. 26, W½NW¼.
T. 22 S., R. 58 E.,
Sec. 20, NE¼SW¼(within), SW¼SE¼.
T. 22 S., R. 59 E.,
Sec. 7, S½SW¼NE¼(within), N½NW¼ SE¼(within).
T. 28 S., R. 62 E.,
Sec. 21, S½N½, S½;
Sec. 22, S½NW¼, N½SW¼;
Sec. 28, N½, N½S½.
T. 14 S., R. 68 E.,
Sec. 7, N½NE¼, E½NW¼.
T. 15 S., R. 68 E.,
Sec. 24, E½NE¼, N½NE¼SE¼, N½S½NE¼SE¼, SE¼SW¼NE¼SE¼, S½SE¼NE¼SE¼, N½SE¼SE¼, N½SW¼SE¼SE¼, S½SE¼SE¼SE¼;
Sec. 25, S½N½NE¼NE¼;
Sec. 36, NE¼NE¼NE¼, S½NE¼NE¼, SE¼NE¼.
T. 14 S., R. 69 E.,
Sec. 12, NE¼NE¼(within);
Sec. 32, SE¼SW¼;
Sec. 33, NW¼SW¼.
T. 15 S., R. 69 E.,
Sec. 5, Lots 3, 4, SE¼NW¼;
Sec. 19, Lot 4, SE¼SW¼;
Sec. 30, Lots 1 (within), 2, 3 (within), 4 (within), NE¼NW¼, S½SE¼;
Sec. 31, Lot 2 (within).
T. 13 S., R. 70 E.,
Sec. 33, SE¼SE¼.
T. 14 S., R. 70 E.,
Sec. 7, Lot 1.

Comprising 3,178 acres, more or less. All of Olympic Nevada Inc.'s interest in the surface of the private lands and the mineral rights will be transferred. There are no water rights associated with these lands.

The lands to be acquired by the United States from Olympic Nevada, Inc. shall be subject to all valid existing rights and reservations found in Nevada Title Company's Preliminary Title Report Nos. 90–12–0335, 90–09–0255, 91–01–0415, 91–02–0081, 91–01–0726, 91–02–0139, 91–02–0080, 91–02–0053, 91–02–

0141, 91–02–0140, 91–01–0920, 91–02–0055, 91–02–0792, 91–02–1089, 91–03–0303, 91–08–0329, 91–04–0595, 91–02–0284, 90–12–0550, and in Las Vegas Title & Escrow Company's Preliminary Title Report No. 23550FQ.

Acquisition of the above described land will be conditioned upon certification that there is no hazardous material contamination. If sites cannot be brought to Bureau standards by Olympic Nevada, Inc., the affected lands will not be accepted.

SUPPLEMENTARY INFORMATION: This exchange mitigates the loss of property tax revenues resulting from a previous exchange. (See Decision Record from the Marys River Land Exchange, EA–010–90–050, May 1991.)

The exchange is consistent with, and implements decisions from both the Wells and Elko Resource Management Plans through consolidation of private and public land ownership patterns in both Resource Areas. The exchange will place public land into private ownership, increasing the tax base in Elko County; thereby mitigating the loss of tax base resulting from the Marys River Land Exchange.

The acquired lands in Clark County will facilitate Colorado River salinity control, provide potentially important recreational opportunities, as well as provide important habitat for wildlife and desert tortoise. Obtaining desert tortoise habitat will mitigate the loss of low potential tortoise habitat that exists on affected public lands in the city of Las Vegas, including those lands transferred in the earlier Marys River Land Exchange. This action also implements the Clark County Management Framework Plan by disposing of public land in the Las Vegas Valley.

All of the above described lands will be subject to an appraisal to determine the value of the lands to be exchanged. If necessary, land values may be equalized through an acreage adjustment and/or payment by the exchange proponent in accordance with 43 CFR 2201.5(c)(2).

It has been determined that disposal of these public lands by this exchange is of greater public benefit than allowing entry and possible disposal under the Desert Land Act. Therefore, the lands requested in the following desert land entry applications have been determined to be unsuitable for classification under the Desert Land Act: N–22404, N–22871, N–22872, N–22873, N–30389, N–38762, N–46470.

The Notice of Realty Action that was published in the **Federal Register** on May 28, 1991 repealed and replaced any and all land classifications on the above described public lands *nunc pro tunc.*

The grazing preference on the above described public lands in Elko and Eureka Counties will be deducted from grazing permits. Disposal of these public lands will result in reductions to the following grazing permits:

Permittee	Allotment	AUM reduction
Walter Winchell	Bishop Flat	111
Vernon Dalton	Cedar Hill	82
Lee Livestock	Chimney Creek	552
Kenneth Johns	City	39
Frank & Phyllis Hooper.	Clover Creek	212
Glaser Land & Livestock.	Coal Mine Basin	1,325
Gund Ranches	Cottonwood	204
Vernon Dalton	Dalton	15
Russell Ranches	Double Mountain	36
Van Norman Ranches.	Eagle Rock	917
N. Fork Cattle Co.	Evans	140
Maggie Creek Ranch.	Hadley	1,252
M. Jeffrey Dahl	Heelfly	66
Robert Wright Co.	Holborn	15
Frank & Phyllis Hooper.	Horsefly	465
W.H. Gibbs Co	Hotcreek	97
Boies Ranches	Hubbard Vineyard	88
Petan Company	Indian Creek	505
Miller & Wood Ranches.	Morgan Hill	33
Heguy Bros	Morgan Hill	3
Glaser Land & Livestock.	North Fork Group	1,187
Neff Ranches	Ruby #6	86
Neff Ranches	Ruby #5	22
Palisade Ranch	Safford Canyon	50
Pete Marble	Secret	144
J.M. Smiley, et al	Smiley	9
Warm Springs Ranch.	Snow Water Lake	108
Gund Ranches	South Fork	592
Marys River Ranch.	Stormy	918
James Wright	Taylor Canyon	88
Walter Winchell	Town Creek	50
Dalton Livestock	Wells	46
Ray Mendive	Wild Horse Group	81
Reed Ranching Co.	Willow	23
Demar Dahl	Wood Hills	11

Unless the two year notification is waived for the above described deductions, deductions will occur on May 28, 1993 in accordance with 43 CFR 4110.4.

The public lands in Clark County are not within a grazing allotment, therefore no reduction in grazing privileges is required.

Livestock carrying capacity associated with the offered lands will be added to existing grazing permits in accordance with 43 CFR 4110.4. Upon acceptance of title, the offered lands will become public lands, thus resulting in the increase to the following grazing permits:

Permittee	Allotment	AUM Increase
William Spratling	Black Butte	73
Glaser Land & Livestock.	Coal Mine Basin	926
Tabor Ck. Cattle Co.	Deeth	41
Boies Ranches	Hubbard Vineyard	8
Glaser Land & Livestock.	North Fork Group	797
Marys River Ranch.	Stormy	479

Future livestock grazing on the Clark County offered lands in Block I will be in accordance with the Tortoise Management Area stipulations.

The following described public lands in Elko County have moderate or high potential for certain minerals. The value of these minerals will be appraised with the surface estate and mineral interests will be transferred if consistent with the objectives of the exchange; otherwise, they will be reserved to the United States and included with those reservations listed under section I.A.3., or the lands will be dropped from the exchange.

a. Lands containing moderate or high potential for valuable minerals:

T. 45 N., R. 51 E.,
Sec. 7, S½;
Sec. 8, SW¼;
Sec. 17, W½;
Sec. 18, N½.
T. 40 N., R. 52 E.,
Sec. 25, Lots 5, 6;
Sec. 36, Lots 1, 2, 4–6, SE¼SW¼, SE¼.
T. 40 N., R. 53 E.,
Sec. 7, Lots 5–8, 12.
T. 38 N., R. 56 E.,
Sec. 18, S½.
T. 42 N., R. 61 E.,
Sec. 11, SW¼SE¼, W½SE¼SE¼;
Sec. 14, N½N½NE¼, SW¼NW¼NE¼.
T. 42 N., R. 61 E.,
Sec. 23, N½NW¼, SE¼NW¼.
T. 42 N., R. 61 E.,
Sec. 24, W½SW¼NW¼, SE¼SW¼NW¼.
T. 42 N., R. 61 E.,
Sec. 25, Lot 1(within), S½NW¼NE¼, N½SW¼NE¼.
T. 41 N., R. 61 E.,
Sec. 1, S½NW¼, SW¼.

b. Lands containing high potential for saleable minerals:

T. 31 N., R. 59 E.,
Sec. 10, SE¼SE¼SE¼.
T. 35 N., R. 59 E.,
Sec. 17, W½;
Sec. 18, N½, N½SE¼.

In accordance with the regulations of 43 CFR 2201.1(b), publication of this Notice shall segregate the affected public lands from appropriation under the public lands laws, including the mining laws, but not the mineral leasing laws, and from any subsequent land

exchange proposals filed by any proponent other than Olympic Nevada, Inc. This segregation will terminate upon the issuance of patent or two years from the date of publication of the original Notice of Realty Action published in the **Federal Register** on May 28, 1991 (56 FR 24088), or upon publication of a notice terminating the segregation.

Further information regarding this exchange, including the Environmental Assessment, is available at the Elko District Office, Bureau of Land Management, P.O. Box 831, 3900 East Idaho Street, Elko, Nevada 89801. For a period of 45 days from the date of publication of this notice in the **Federal Register**, interested parties may submit comments to the District Manager, Elko District, at the above address. All objections will be reviewed by the Nevada State Director who may sustain, vacate, or modify this realty action. In the absence of timely objection, this realty action shall become the final determination of the Department of the Interior.

Dated: March 2, 1992.

Rodney Harris,

Elko District Manager.

[FR Doc. 92-5300 Filed 3-6-92; 8:45 am]

BILLING CODE 4310-HC-M

[NV-02-4212-22]

Filing of Plats of Survey; NV

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The purpose of this notice is to inform the public and interested State and local government officials of the latest filing of Plats of Survey in Nevada.

EFFECTIVE DATE: Filing was effective at 10 a.m. on February 24, 1992.

FOR FURTHER INFORMATION CONTACT: John S. Parrish, Chief, Branch of Cadastral Survey, Bureau of Land Management, (BLM), Nevada State Office, 850 Harvard Way, P.O. Box 12000, Reno, Nevada 89520, 702-785-6543.

SUPPLEMENTARY INFORMATION: 1. The Plats of Survey of lands described below were officially filed at the Nevada State Office, Reno, Nevada on February 24, 1992:

Mount Diablo Meridian, Nevada

T. 34 N., R. 51 E.—Dependent Resurvey
T. 11 N., R. 21 E.—Dependent Resurvey and Survey

2. These surveys were accepted February 10, 1992, and were executed to meet certain administrative needs of the Bureau of Land Management.

3. The Plats of Survey of lands described below were also officially filed at the Nevada State Office, Reno, Nevada on February 24, 1992:

T. 21 S., R. 58 E.—Dependent Resurvey and Survey
T. 21 S., R. 59 E.—Dependent Resurvey and Survey

4. These surveys were accepted February 12, 1992, and were executed to meet certain administrative needs of the Bureau of Land Management.

5. The above-listed surveys are now the basic record for describing the lands for all authorized purposes. These surveys will be placed in the open files in the BLM Nevada State Office and will be available to the public as a matter of information. Copies of the surveys and related field notes may be furnished to the public upon payment of the appropriate fees.

Robert G. Steele,

Deputy State Director, Nevada.

[FR Doc. 92-5302 Filed 3-6-92; 8:45 am]

BILLING CODE 4310-HC-M

(NV-050-92-4214-10; N-16095)

Determination Regarding Opening of Nellis Air Force Range Withdrawn Lands to Mineral Exploration and Development; NV

February 25, 1992.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: In accordance with section 12 of Public Law 99-606, as amended by Public Law 100-338 in 1988, the Nevada State Director has determined, after conferring with the Commander, Nellis Air Force Base, that no withdrawn lands within the Nellis Air Force Range are suitable to opening for operation under the Mining Law of 1872, the Mineral Lands Leasing Act of 1920, as amended, the Mineral Leasing Act for Acquired Lands of 1947, the Geothermal Steam Act of 1970, or any one or more of such Acts. The Nellis Air Force Range is used as high hazard tactical and weapons training area and is closed to the public.

FOR FURTHER INFORMATION CONTACT: Curtis G. Tucker, Area Manager, Bureau of Land Management, Caliente Resource Area, Las Vegas District, P.O. 237, Caliente, Nevada 89008, 702-726-3141.

SUPPLEMENTARY INFORMATION: The Military Lands Withdrawal Act of 1986 (Pub. L. 99-606), as amended, provided for the withdrawal of lands for military purposes in four states, including 2,209,326 acres in Clark, Lincoln, and Nye Counties of Nevada for the Nellis Air Force Range (see **Federal Register** Notice Vol. 53, No. 131, pages 25694-25696, dated July 8, 1988, for the legal description of the affected lands). Section 12(a) requires that the Secretary of the Interior, with the concurrence of the Secretary of the appropriate military department, determine which, if any, of the withdrawn lands may be considered for opening to operation under the Mining Law of 1872, the Mineral Lands Leasing Act of 1920, as amended, the Mineral Leasing Act for Acquired Lands of 1947, the Geothermal Steam Act of 1970, or any one or more of such Acts. The Department of the Air Force has closed the Nellis Air Force Range from public access. The intent of the closure is threefold: to protect the public from injury due to ordnance hazards; to ensure that national security is not compromised; and to ensure that military programs can be conducted without disruption. Therefore, it has been determined that no withdrawn lands within Nellis Air Force Range are suitable to opening for mineral exploration and development.

Billy R. Templeton,

State Director, Nevada.

[FR Doc. 92-5303 Filed 3-6-92; 8:45 am]

BILLING CODE 4310-HC-M

DEPARTMENT OF JUSTICE

[AAG/A Order No. 65-92]

Privacy Act of 1974; Modified System of Records

Pursuant to the Privacy Act of 1974 (5 U.S.C. 552a), notice is provided that the Department of Justice, Immigration and Naturalization Service, proposes to modify a system of records entitled, "Alien Status Verification Index, JUSTICE/INS-009," which was last published in the **Federal Register** (55 FR 49180) on November 26, 1990.

Section 101(d) of the Immigration Reform and Control Act (IRCA) of 1986 provides a congressional mandate for the Attorney General to study and report to Congress on the use of a Telephone Verification System (TVS) by employers to determine the employment eligibility of aliens. Executive Order 12781 authorizes a pilot project for a period of three years for this purpose. Therefore, the TVS is the basis for a new routine use designated as C. and for related changes which are consistent with the new routine use. In addition, routine use D. has been added to permit a private contractor access to perform

maintenance and administrative support operations, and further clarification of routine use A. as it relates to the issuance of "benefits" has been included as new routine use B. Finally, other changes have been made to clarify the system description. To the extent possible, the changes have been italicized for public convenience.

Title 5 U.S.C. 552a(e)(4) and (11) provide that the public be given a 30-day period in which to comment on any new use or intended use of information in the system. Therefore, please submit any comments by April 8, 1992. Comments may be submitted to Patricia E. Neely, Staff Assistant, Systems Policy Staff, Justice Management Division, Department of Justice, Washington, DC 20536 (Room 1103, CAB Building).

The modified system description is printed below.

Dated: February 26, 1992.

Harry H. Flickinger,

Assistant Attorney General for Administration.

JUSTICE/INS–009

SYSTEM NAME:

Alien Status Verification Index.

SYSTEM LOCATION:

Immigration and Naturalization Service (INS), 425 I Street NW., Washington, DC 20536.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals covered by provisions of the immigration and nationality laws of the United States.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system consists of an index of aliens and other persons on whom INS has a record as an applicant, petitioner, beneficiary, or possible violator of the Immigration and Nationality Act. Records *include* index and file locator data *such as last and first* name, alien registration number (or "A-file" number), date and place of birth, social security account number, date coded status transaction data *and* immigration status classification, *verification number, and an employment eligibility statement.*

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 101 and 121 of the Immigration Reform and Control Act of 1986, 8 U.S.C. 1360, 8 U.S.C. 1324a, 20 U.S.C. 1091, 42 U.S.C. 1436a, 42 U.S.C. 1320b-7, and Executive Order 12781.

PURPOSE:

This system of records is used to *verify the alien's immigrant, non-immigrant, and/or eligibility status for any purpose consistent with INS statutory responsibilities.*

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Relevant information contained in this system of records may be disclosed as follows:

A. To a Federal, State, or local government agency, in response to its request in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

B. To authorized non-INS agencies and organizatons including Federal, State and local Government agencies, to perform their own automated verification of an alien's immigrant status or non-immigrant status and/or eligibility for employment, unemployment compensation or other benefits, when those entities have been authorized by Federal statute or Executive Order of the Presdient to obtain such verification from the INS. Such agencies and organizations are assigned appropriate access codes for remote access through secured terminals. Records may also be disclosed to these agencies for use in computer matching programs for the purpose of making eligibility determinations.

C. To employers for verifying the employment eligibility of aliens to work in the United States in compliance with employer sanctions of the 1986 Immigration Reform and Control Act. Employers are assigned secure access codes and will have access through touch-tone telephone and/or point of sale equipment.

D. To the private contractor for maintenance and for other administrative support operations (e.g., preparing for INS management reimbursable cost reports etc. based on user access), to the extent necessary to perform such contract duties.

E. To other Federal, State, or local government agencies for the purpose of verifying information in conjunction with the conduct of a national intelligence and security investigation or for criminal or civil law enforcement purposes.

F. To the news media and the public pursuant to 23 CFR 50.2 unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

G. To a Member of Congress or staff acting upon the Member's behalf when the Member of staff request the information on behalf of and at the request of the individual who is the subject of the record.

H. To the National Archives and Records Administration (NARA) and the General Services Administration in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored on magnetic disk and tape.

RETRIEVABILITY:

Records are indexed and retrievable by name and date and place of birth, or by name and social security account number, by name and A-file number.

SAFEGUARDS:

Records are safeguarded in accordance with Department of Justice *Orders governing security of automated records and Privacy Act systems of records.* Access is controlled by restricted password for use of remote terminals in secured areas.

RETENTION AND DISPOSAL:

A request for disposition authority is pending the approval of NARA.

SYSTEM MANAGER AND ADDRESS:

The *Assistant Commissioner, Records Systems Division,* Immigration and Naturalization Service, 425 I Street NW., Washington, DC., is the sole manager of the system.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the system manager listed above.

RECORD ACCESS PROCEDURES:

In all cases, requests for access to a record from this system shall be in writing. If a request for access is made by mail the envelope and letter shall be clearly marked "Privacy Act Request." The requester shall include the name, date and place of birth of the person whose record is sought and if known, the alien file number. The requester shall also provide a return address for transmitting the information.

CONTESTING RECORD PROCEDURES:

Any individual desiring to contest or amend information maintained in the system should direct *his or her* request

to the System Manager or to the INS office that maintains the *file*. The request should state clearly what information is being contested, the reasons for contesting it, and the proposed amendment to the information.

RECORD SOURCE CATEGORIES:

Basic information contained in this system is taken from Department of State and INS applications and reports on the individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 92–5125 Filed 3–4–92; 8:45 am]

BILLING CODE 4410–10–M

Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that on February 27, 1992, a proposed Consent Decree in *United States* v. *Olin Hunt Specialty Products, Inc. et al*, Civil No. CA–920106, was lodged with the United States District Court for the District of Rhode Island resolving the matter. The proposed Consent Decree concerns the response to the existence of hazardous substances at the Western Sand Site ("Site") in Smithfield and Burrillville, Rhode Island, pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended.

Under the terms of the Consent Decree, five (5) parties agree to perform the entire remedial design and remedial action for the third operable unit for the Site, including full reimbursement of future oversight costs associated with the remedy. The remedial action to be performed for the third operable unit includes:

1. Restoration of contaminated groundwater by natural attenuation with contingent active restoration;

2. Utilization of institutional controls to reduce the risk to pubic health from consumption of the groundwater; and

3. Implementation of a site monitoring program that shall include, at a minimum, long-term monitoring of the overburden groundwater.

The remedy has an overall expected cost, including oversight costs, of $4,746,799.00. Thirty-three (33) additional parties agree to contribute $1,574,816.18 toward the cost of the remedial design and remedial action. The defendants also will reimburse the United States for $850,074.39 in past costs related to the Site.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States* v. *Olin Hunt Specialty Products, Inc., et al.*, D.J. Ref. 90–11–2–688.

The proposed Consent Decree may be examined at the Region 1 Office of the Environmental Protection Agency, One Congress Street, Boston, Massachusetts. Copies of the Consent Decree may be examined at the Environmental Enforcement Section Document Center, 601 Pennsylvania Ave., NW., Box 1097, Washington, DC 20044, (202) 347–7829. A copy of the proposed Consent Decree (excluding Appendices) may be obtained in person or by mail from the Document Center. In requesting a copy, please refer to the referenced case and enclose a check in the amount of $32.50 (25 cents per page reproduction cost) made payable to Consent Decree Library.

Barry M. Hartman,

Acting Assistant Attorney General, Environment and Natural Resources Division.

[FR Doc. 92–5370 Filed 3–6–92; 8:45 am]

BILLING CODE 4410–01–M

Antitrust Division

United States v. Borland International, Inc., et al.; Comments and Response on Proposed Final Judgment

Pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(a) and (b), the United States publishes below the comments it received on the proposed Final Judgment in *United States* v. *Borland International, Inc. and Ashton-Tate Corporation*, Civil Action No. C 91 3666 MHP, United States District Court for the Northern District of California, together with the response of the United States to those comments.

Copies of the response and the public comments are available on request for inspection and copying in room 3233 of the Antitrust Division, U.S. Department of Justice, Tenth Street and Pennsylvania Avenue, NW., Washington, DC 20530 and for inspection at the Office of the Clerk of the United States District Court for the Northern District of California, 450 Golden Gate Avenue, San Francisco, California.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

In the matter of *United States of America*, Plaintiff, v. *Borland International, Inc., and Ashton-Tate Corporation*, Defendants.

Patricia A. Shapiro, Brent E. Marshall, Kenneth W. Gaul, Attorneys, U.S. Department of Justice, Antitrust Division, 555 Fourth Street, NW., Washington, DC 20001, (202) 514–5796, Counsel for Plaintiff, United States of America.

Filed: 2/28/92.

[Civil Action No. C 91 3666 MHP]

Response of the United States to Public Comments and Motion of the United States for Entry of Final Judgment

Pursuant to section 2(b) of the Antitrust Procedures and Penalties Act (15 U.S.C. 16(b)–(g)) ("APPA"), the United States of America hereby files its Response to Public Comments and moves for entry of the proposed Final Judgment in this civil antitrust proceeding.

I. Introduction

After carefully reviewing the comments submitted on the proposed Final Judgment, the United States remains convinced that entry of the proposed Final Judgment is in the public interest.

II. Background

This action began on October 17, 1991, when the United States filed a complaint alleging that the acquisition of Ashton-Tate Corporation ("Ashton-Tate") by Borland International, Inc. ("Borland") violated section 7 of the Clayton Act, 15 U.S.C. 18. The complaint alleged that the effect of the acquisition may be substantially to lessen competition in the sale of relational database management system ("RDBMS") software for IBM and IBM-compatible personal computers ("PCs") running the MS–DOS/PC–DOS operating system ("DOS") in the United States.

On October 17, 1991, the United States filed a Stipulation between the United States and defendants Borland and Ashton-Tate for entry of the proposed Final Judgment, and on October 22, 1991, the United States filed a Competitive Impact Statement explaining the basis for the complaint and for the United States' conclusion that entry of the proposed Final Judgment would be in the public interest. The proposed Final Judgment provides relief by enjoining Borland from initiating any claim that asserts copyright infringement in the command names, menu items, menu command hierarchies, command

languages, programming languages, and file structures used in Ashton-Tate's dBASE family of products and directing Borland to dismiss Ashton-Tate's pending copyright suit against Fox Software, Inc. ("Fox"), with prejudice within fifteen days following the dismissal with prejudice of Fox's counterclaims against Ashton-Tate.

The Stipulation provides that the proposed Final Judgment may be entered by the Court after completion of the procedures required by APPA.

III. Compliance With APPA

Upon publication of this Response in the **Federal Register**,[1] the procedures required by APPA will be completed, and the Court may enter the proposed Final Judgment. The United States hereby certifies that it has complied with all the other provisions of the APPA, 15 U.S.C. 16(b)–(d) and states:

A. Stipulation, Proposed Final Judgment and Competitive Impact Statement

The United States has caused the Stipulation between the parties for entry of the proposed Final Judgment and the proposed Final Judgment to be filed with the Court on October 17, 1991, and the Competitive Impact Statement, in the form prescribed by 15 U.S.C. 16(b), to be filed with the Court on October 22, 1991, and it has caused those documents to be published in the **Federal Register** (56 FR 56096, October 31, 1991).[2] It has also furnished copies of these documents to all persons who have requested them.

B. Newspaper Notices

The United States has caused newspaper notices of the proposed Final Judgment and its Competitive Impact Statement to be published in the San Francisco Chronicle and Washington Post in accordance with the procedures set forth in 15 U.S.C. 16(c).[3]

C. Statements Regarding Communications

As required by 15 U.S.C. 16(g), defendants Borland and Ashton-Tate on October 22, 1991, filed with the Court a description of communications, by or on behalf of the defendants, with officers and employees of the United States concerning the proposed Final Judgment.

D. Waiting Period, Comments and Publication of Comments and Response

The 60-day comment period prescribed in 15 U.S.C. 16(d) expired on January 2, 1992. The United States received two comments between October 31, 1991 and January 2, 1992. In accordance with the APPA, the United States has evaluated the two comments and responds to them below.[4]

E. Response to Comments

The United States received two comments regarding the proposed Final Judgment—one from the American Committee for Interoperable Systems ("ACIS") [5] and the other from plaintiffs in *Expert Information Service, Inc.* verses *Ashton-Tate Corporation*, Civ. No. 91–0893 TJH (C.D. Calif., filed Feb. 19, 1991) ("*EIS*").[6] Both comments address the terms of the proposed Final Judgment from the perspective of improper extension of intellectual property protection and copyright law.

ACIS supports the proposed Final Judgment, recognizing that "the United States expresses no view on the validity or invalidity of any claims to copyright protection by any party * * *." *ACIS Comments* at 6, *citing* 56 FR 56096 at 56100. ACIS does state, however, that while "the Antitrust Division reached its conclusion * * * on the antitrust merits, the relief contained in the proposed Final Judgment is consistent with copyright principles." *ACIS Comments* at 2.

ACIS expresses a concern with reference to section IV.B of the proposal Final Judgment's use of the phrase "structure, sequence and organization" of computer program code. ACIS urges removal of the reference because it is not an accepted term of art either in the computer industry or under copyright law and because the Copyright Office will not register a copyright in the structure, sequence and organization of a computer program. *Id.* at 7 n.4. Section IV.B, however, does not impose any obligations on Borland nor does it create any rights in any party, it merely clarifies that Borland is not prevented from asserting copyright claims except for those claims specifically barred by section IV.A. The United States takes no position on the degree of protection, if any, afforded the phrase "structure, sequence and organization" or any other therm listed in section IV.B. The United States, therefore, does not believe that this change is necessary for the proposed Final Judgment to adequately address the antitrust violations alleged in the complaint.

The *EIS* plaintiffs, a class of dBASE software consumers, disapprove of the proposed Final Judgment because it has no effect on their class action suit challenging the validity and appropriateness of Ashton-Tate's copyright claims related to its dBASE software. First, *EIS* suggests that if the Fox claims against Ashton-Tate are valid, then the class claims are also valid, and thus if settling the Fox claims is a condition to approving the acquisition, then settling the class claims should also be a condition. Second, they suggest that the proposed Final Judgment raises issues regarding the validity of Ashton-Tate's copyrights, and therefore, the *EIS* plaintiffs should be included as parties to the proposed Final Judgment.

These arguments are based on a misunderstanding of the antitrust nature of this proceeding and of the relief contained in the proposed Final Judgment. First, as previously described, this is an antitrust case brought by the United States because it concluded that Borland's acquisition of Ashton-Tate violated section 7 of the Clayton Act. As stated in the Competitive Impact Statement, in settling the case

> the United States sought to assure the continued availability of competitive alternatives by requiring Borland to relinquish certain copyright claims acquired through its acquisition of Ashton-Tate. In requiring this relief, *the United States expresses no view on the validity or invalidity of any claims to copyright protection by any party to this Final Judgment or any third party or on the appropriateness of asserting any such claims.*

Competitive Impact Statement at 10–11, 59 FR at 56100. (emphasis added). The purpose of the relief was to protect against the possible exercise of market power by Borland after the acquisition, not to provide redress for any alleged

[1] Upon filing of this Response with the Court, the United States began procedures for publication of this Response in the **Federal Register**. Publication in the **Federal Register** generally takes five to seven days. The United States will advise the Court of the **Federal Register** publication date. The United States is required to publish its Response and the public comments one time in the **Federal Register**.

[2] A copy of the **Federal Register** notice is attached to this Response as exhibit A.

[3] A copy of the Certificates of Publication are attached to this Response as exhibit B.

[4] The two comments are attached to the Response as exhibit C. An appendix of court documents to the Expert Information Services, Inc. plaintiffs' comment may be requested for inspection and copying at room 3233, Antitrust Division, Department of Justice, Washington, DC 20530 and at the Office of the Clerk of the United States District Court for the Northern District of California.

[5] ACIS is an informal organization of companies that develop innovative software and hardware products that interoperate with computer systems developed by other companies.

[6] The *EIS* plaintiffs brought a class action on behalf of themselves and all other similarly situated dBASE program purchasers and licensees, to recover damages and obtain injunctive relief against Ashton-Tate for illegally enforcing invalid copyrights and thereby monopolizing or attempting to monopolize the database management system market in violation of the federal antitrust laws. The *EIS* plaintiffs also allege RICO, 18 U.S.C. 1961, *et seq.*, violations, and state law claims for breach of contract, fraud and deceit, negligent misrepresentation, unfair competition and unjust enrichment.

exercises of market power unrelated to the acquisition.

Moreover, the United States expressly disclaimed any views as to the validity or invalidity of any claims to copyright protection. *Id.* The validity of Fox' claims, *i.e.*, its counterclaims against Ashton-Tate, is not at issue in this antitrust case, nor is settlement of these claims a pre-condition to approving the acquisition. Thus, even if Ashton-Tate's claims and Fox' counterclaims present issues also present in the *EIS* class action, the *EIS* plaintiffs have stated no basis that makes their claims relevant to the resolution of this antitrust case or justifies their inclusion as parties to the proposed Final Judgment.

The issue in an APPA proceeding is "[w]hether the relief provided * * * was adequate to remedy the antitrust violations alleged in the complaint." [7] The comments do not dispute the United States' conclusion that the relief provided by the proposed Final Judgment effectively will remedy the antitrust violations alleged in the Complaint. The proposed Final Judgment will guard against possible anticompetitive effects which might have otherwise occurred as a result of the proposed acquisition. The prohibition against Borland initiating any claim that asserts copyright infringement in the programming languages, commands, menus, and file structures used in Ashton-Tate's dBASE family of products, and related relief regarding the existing lawsuit against Fox, will maintain competition in the market for RDBMS software for the DOS operating system.

The comments raise no new contentions related to competition that have not already been considered by the United States before agreeing to the proposed Final Judgment and contain no factual or policy arguments that would justify a judicial refusal to enter the proposed Final Judgment.

In sum, the public comments on the proposed Final Judgment do not demonstrate that the proposed Final Judgment would be inadequate to address the antitrust violations alleged in the complaint and do not provide grounds for rejecting, or even modifying, the proposed Final Judgment. To the extent that the comments relate to copyright claims and other issues of copyright law, it is unnecessary for this Court to resolve such issues to find the proposed Final Judgment is in the public interest.

F. Public Interest Determination

Pursuant to the Stipulation filed on October 17, 1991, and 15 U.S.C. 16(e), the Court may enter the proposed Final Judgment after it determines that the proposed Final Judgment serves the public interest. The United States' Competitive Impact Statement demonstrates that the proposed Final Judgment satisfies the public interest standard of 15 U.S.C. 16(e). Accordingly, the United States requests that this Court enter the proposed Final Judgment without further hearings. Counsel for Defendants have authorized the United States to state that Defendants join in this request.

IV. Conclusion.

For the reasons set forth in the Competitive Impact Statement and this Response, the Court should find that the proposed Final Judgment is in the public interest and should enter the proposed Final Judgment after publication of this Response in the Federal Register.

Respectfully submitted,

Constance K. Robinson,

Chief, Communications & Finance Section.

Richard L. Rosen,

Assistant Chief, Communications & Finance Section.

United States Department of Justice, Antitrust Division.

Patricia A. Shapiro,

Brent E. Marshall,

Kenneth W. Gaul,

Attorneys, United States Department of Justice, Antitrust Division, 555 Fourth Street, NW., Room 6104, Washington, DC 20001, (202) 514-5796.

Dated: February 28, 1992.

Exhibits A and B

Exhibit A, the Final Judgment as originally proposed, the Competitive Impact Statement, and the Stipulation, previously were published in the Federal Register (56 FR 56096, October 31, 1991) and are not republished herein. Exhibit B, copies of affidavits of publication of newspaper notices of the proposed Final Judgment and Competitive Impact Statement, also are omitted from publication herein; these may be requested for inspection and copying at room 3233, Antitrust Division, Department of Justice, Washinton, DC 20530 and at the Office of the Clerk of the United States District Court for the Northern District of California.

Exhibit C

December 27, 1991

Ms. Constance K. Robinson,

Chief, Communication and Finance Section, Antitrust Division, U.S. Department of Justice, 555 4th Street, NW., Room 8104, Washington, DC 20001

Re: *United States v. Borland International, Inc., et al.*

Dear Ms. Robinson: Attached are the comments of the American Committee for Interoperable Systems on the Proposed Final Judgment in the above-referenced case. We understand that pursuant to 15 U.S.C. 16(d) these comments, along with the Antitrust Division's response, will be published in the Federal Register. If you have any questions concerning these comments, please do not hesitate to contact me.

Sincerely,

Peter M.C. Choy

Attachment

Comments of The American Committee for Interoperable Systems on the Proposed Final Judgment in United States v. Borland International, Inc., et al.

The American Committee for Interoperable Systems ("ACIS") is an informal organization of companies that develop innovative software and hardware products that interoperate with computer systems developed by other companies.[1] The members of ACIS believe that computer programs deserve strong intellectual property protection to provide developers with sufficient incentives to create new computer programs. At the same time, ACIS members are concerned that the improper extension of intellectual property protection generally, and copyright law in particular, will impede innovation and inhibit fair competition in the U.S. computer industry. ACIS therefore seeks the adoption of legal standards that reflect copyright law's long-established plan, in which "Congress balanced the competing concerns of providing incentive to authors to create and of fostering competition in such creation." *Kern River Gas Transmission Co.* v. *Coastal*

[7] *United States* v. *Bechtel Corp.*, 1979-1 Trade Cas. (CCH) ¶ 62,429 (N.D. Cal. 1979), *aff'd*, 648 F. 2d 660, 665 (9th Cir. 1981), cert denied, 454 U.S. 1083 (1982) See also *United States* v. *National Broadcasting Companies*, 449 F. Supp. 1127, 1144 (C.D. Cal. 1978), citing *United States* v. *Automobile Manufacturers Ass'n.*, 307 F. Supp. 617, 621, (C.D. Cal. 1969), *aff'd per curiam sub nom. City of New York* v. *United States*, 397 U.S. 248 (1970) ("[i]n evaluating a proposed consent decree, one highly significant factor is the degree to which the proposed decree advances and is consistent with the government's original prayer for relief, [citations omitted]").

[1] The members of ACIS are: Amdahl Corporation, Bull HN Information Systems, Inc., Chips and Technologies, Inc., Clearpoint Research Corporation, Comdisco, Inc., Emulex Corporation, Forecross Corporation, Informix Software Corporation, Johnson-Laird Inc., Kapor Enterprises, Inc., Landmark Systems Corporation, NCR Corporation, Phoenix Technologies Ltd., Seagate Corporation, Software Association of Oregon, Storage Technology Corporation, Sun Microsystems, Inc., Systems Center, Inc., 3Com Corporation, Unisys Corporation, and Zenith Data Systems Corporation.

Corp., 899 F.2d 1458, 1463 (5th Cir.), *cert. denied*, 111 S. Ct. 374 (U.S. 1990).

As discussed below in greater detail, a copyright claim in a computer interface standard can effectively—and improperly—be leveraged into market power over products conforming to the standard, a result that offends traditional principles of copyright law as well as public policy. Although the Antitrust Division reached its conclusion in this case on the antitrust merits, the relief contained in the Proposed Final Judgment is consistent with copyright principles. Because copyright law can so easily be misused to establish monopoly power in software markets, ACIS requests that the Antitrust Division become more active in the development of U.S. copyright law and the formation of the U.S. government's international copyright law policies, with the aim of ensuring continued competitiveness of domestic companies in the dynamic software industry.

* * * * *

The Competitive Impact Statement correctly recognizes that Ashton-Tate's dBASE has become a programming language standard in the database management software market. 56 FR 56096 at 56100 (1991). The widespread use of dBASE has resulted in a large pool of trained users, applications developers, and compatible tools that in turn promote further use of dBASE. *Id.* at n.6. Existing customers of dBASE find it difficult to switch away from dBASE to a rival standard "because there are considerable costs associated with switching, including (1) rewriting end user applications written for * * * [dBASE] software; (2) retraining * * * end users and (3) reconfiguring data file structures * * *" *Id.* Further, Ashton-Tate's assertion of copyright claims to dBASE has inhibited competition from other vendors of dBASE products. *Id.* Ashton-Tate, consequently, has a tight grasp on its existing customers because switching from dBASE will be prohibitively expensive, and Ashton-Tate has eliminated competition from other potential dBASE vendors by its assertion of copyright claims to dBASE. Moreover, because dBASE is the industry standard with a large pool of trained end users and numerous compatible tools, even new customers often have little choice but to submit to Ashton-Tate's costly embrace.

This pattern of leveraging a copyright claim in a *de facto* standard into market power over products conforming to the standard is a familiar one in the computer industry, largely because of the unique nature of computer programs. Traditional copyrightable works such as novels and poems stand alone and do not need to interact with any other work. Computer programs, by contrast, never stand by themselves; they function only by interacting with the computer environment in which their developer places them. This environment is extremely unforgiving. Unless the program conforms to the precise rules for interacting with the other elements of the system, no interaction between the program and the system is possible. These rules of interaction—or interface specifications, in computer parlance—include the language in which the program is written, such as dBASE. If the developer of the first computer program to conform to these interface specifications could use copyright law to prevent all subsequent developers from writing programs that conform to these interface specifications, the first developer could prevent all subsequent developers from filling a similar market niche in the computer system.

Such a broad monopoly would have serious implications for consumer welfare. In the absence of competition, the first developer would have little incentive to develop more innovative and less costly products. Further, similar monopolies would exist everywhere computer programs are used in a computer system, *e.g.*, applications software, system software such as the operating system, and the software embedded in peripherals such as terminals, printers and memory devices. In many instances these monopolies would be held by the computer company that developed the entire system. Given the purchaser's large initial investment in the computer system, the purchaser would be "locked" into products offered—and monopoly rents would be charged—by the first entrant if the purchaser ever wanted to expand or upgrade its system. The first entrant would effectively become the only entrant.

ACIS believes that to allow copyright to confer such sweeping monopoly power would contradict three related, traditional copyright principles, each a different articulation of the idea/expression dichotomy codified at section 102(b) of the Copyright Act.[2] First, the copyright "monopoly" in the expression describing or implementing a system does not extend to the system itself. See *Baker* v. *Selden*, 101 U.S. 99 (1879). Second, functionally dictated elements are not protectable. See *Plain Cotton Co-op* v. *Goodpasture Computer Serv.*, 807 F.2d 1256, 1262 (5th Cir.), *cert. denied*, 484 U.S. 821 (1987); 1 P. Goldstein, *Copyright Principles, Law & Practice*, § 2.15.1.2. at 204 (1989) ("Goldstein"). Third, when an idea can be expressed only in a limited number of ways, the idea and the expression merge, making the expression unprotectable. *E.g.*, *Herbert Rosenthal Jewelry Corp.*, v. *Kalpakian*, 446 F.2d 738 (9th Cir. 1971). See 1 Goldstein § 2.15 at 196 (1989). Thus, the Final Report of the National Commission on New Technologies Uses of Copyrighted Works ("CONTU Report") [3] observed that

> * * * copyrighted language may be copied without infringing when there is but a limited number of ways to express a given idea. This rule is the logical extension of the fundamental principle that copyright cannot protect ideas. In the computer context, this means that when specific instructions, even though previously copyrighted, are the only and essential means of accomplishing a given task, there later use by another will not amount to an infringement.

CONTU Report at 20.

The trust of these historic principles is that a copyright owner's monopoly in its expression should not, however inadvertently, give it a monopoly over the ideas expressed. To be sure, Congress has provided for the grant of monopoly power over product interconnections—but under patent law, not copyright law. A patent for an invention will issue only if the invention meets the Patent Act's exacting standards of novelty and nonobviousness. It is not the role of copyright law to confer patent-like protection on computer programs, particularly where the program has not passed the scrutiny of the Patent and Trademark Office. See CONTU Report at 20.

ACIS recognizes that in seeking the relief contained in the Proposed Final Judgment , "the United States expresses no view on the validity or invalidity of any claims to copyright protection by any party * * *." 56 FR 56096 at 56100 (1991). Nevertheless, the proposed relief—enjoining Borland from asserting copyright claims in the dBASE

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[2] 17 U.S.C. 102(b) provides that "[i]n no case does copyright protection for an original work of authorship extend to any idea, procedure, process, system, method of operation, concept, principle, or discovery * * *."

[3] CONTU was created by Congress to study, *inter alia*, computer uses of copyrighted works. Public Law No. 96-517, 94 Stat. 3015, 3028 (1980). In adopting the CONTU recommendations into law, Congress accepted the CONTU majority's proposals almost verbatim, and therefore the report may be considered as accepted by Congress. *See Apple Computer, Inc.* v. *Franklin Computer, Corp.*, 714 F.2d 1240, 1252 (3d Cir. 1983), *cert. dismissed*, 464 U.S. 1033 (1984).

programming language—is consistent with the foregoing copyright principles. The dBASE language is uncopyrightable under section 102(b) because it is a (1) functionally dictated (2) system that (3) as a *de facto* industry standard can be expressed only in a limited number of ways. Accordingly, ACIS supports the proposed relief.[4]

Further, although the Antitrust Division reached its conclusion in this case on the antitrust merits, rather than the copyright merits, the Division's examination of Borland's proposed acquisition of Ashton-Tate must have made it aware of the extraordinary market power that copyright can create in the computer industry. As the foregoing discussion indicates, the proper application of copyright law will not confer such market power; properly applied, copyright will never protect interface specifications, including programming languages such as dBASE. Unfortunately, a handful of courts, notably *Whelan Associates, Inc.* v. *Jaslow Dental Laboratory, Inc.*, 797 F.2d 1222 (3d Cir. 1986), *cert. denied*, 479 U.S. 1031 (1987), have improperly applied copyright to computer programs, effectively granting the copyright holder sweeping market power. These decisions, if followed, threaten the competitive environment of the computer industry.[5] ACIS strongly urges the Antitrust Division to use its considerable resources in economic and policy analysis, together with the knowledge it acquired in connection with this transaction, to study the potential and actual misuse of copyright in this industry both by dominant firms and by the courts. The Division should participate as an *amicus curiae* in those cases where the improper (*i.e.*, overbroad) application of copyright law will have serious antitrust consequences.

Additionally, ACIS urges the Antitrust Division to become more active in the formation of the U.S. government's international copyright law policies. The copyright positions taken by the U.S. government in international fora should reflect the careful balance between the encouragement of competition and rewards to creativity struck by the U.S. Copyright Act. More active participation by the Division in the development of the U.S. government's international copyright law positions will ensure proper emphasis on the encouragement of competition, which in turn will ensure the continued competitiveness of domestic companies in the dynamic global software industry.

In sum, copyright law and copyright policy have a direct impact on competition in the U.S. computer industry. The Antitrust Division should help the courts and the U.S. government find the proper balance between protection and competition in this critical industry.—December 27, 1991.

Federal Express

December 13, 1991.

Constance K. Robinson,

Chief, Communications & Finance Section, Antitrust Division, room 8104, 555 Fourth Street NW., Washington, DC 20001

Re: *Expert Information Services, Inc. et al. v. Ashton-Tate Corporation, Case No. 91–0893 TJH (TX)*

Dear Ms. Robinson: Plaintiffs in the above-mentioned case (The "E.I.S. Plaintiffs") submit the following in response to the proposed Agreement in acquisition of Ashton-Tate Corporation ("Ashton-Tate") by Borland International ("Borland") pursuant to the 60-day comment period provision in the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(b)–(h).

The E.I.S. Plaintiffs brought a class action on behalf of themselves and all others similarly situated dBase program purchasers and licensees, to recover damages and obtain injunctive relief against defendant Ashton-Tate for illegally enforcing invalid copyrights and thereby monopolizing or attempting to monopolize the database management system market in violation of the federal antitrust laws. Further, plaintiffs allege RICO, 18 U.S.C. § 1961, *et seq.*, violations, and state law claims for breach of contract, fraud and deceit, negligent misrepresentation, unfair competition and injust enrichment. (*See*, Complaint attached at Exhibit "A").

Counsel for the E.I.S. Plaintiffs recently became aware of the proposed Agreement in acquisition of Ashton-Tate by Borland. The proposed agreement would enjoin Borland from suing competitors for copyright infringement based upon Ashton-Tate's dBase programming language. Further, the proposed consent decree directs Borland, within 90 days from the entry of the final judgment, to attempt to resolve *Ashton-Tate Corp. v. Fox Software, Inc., et al.*, No. CV 88–6837 TJH (TX), (the "Fox case") a case in which Fox Software claims that Ashton-Tate's conduct constitutes, among other things, fraud and inequitable conduct and monopolization and attempt to monopolize. (*See*, Fox's Answer, Affirmative Defenses and Counterclaims at 12 and 15 attached as Exhibit "B").

The E.I.S. Plaintiffs disapprove of the proposed agreement for the following reasons. First, if the claims by Fox are valid, then it follows that the class claims on behalf of consumers for direct purchases are also valid. Therefore, we respectfully suggest that if settlement of the Fox claims is a condition to merger approval, a settlement of the companion consumer claims should also be a condition to merger approval.

Second, in any event, the E.I.S. Plaintiffs believe that they should be a party to the agreement because the agreement raises issues concerning the validity of the Ashton-Tate's copyrights in the command names, menu items, menu command hierarchies, command languages, programming languages and file structures used in Ashton-Tate's dBase products. These issues are at the core of the E.I.S. Plaintiffs' case and the E.I.S. Plaintiffs should have some input in resolving these matters.

The E.I.S. Plaintiffs respectfully request the opportunity to fully address the problems and concerns mentioned herein.

Sincerely,

H. Laddie Montague, Jr.,

Co-counsel for the E.I.S. Plaintiffs.

[FR Doc. 92–5371 Filed 3–6–92; 8:45 am]

BILLING CODE 4410–01–M

[4] Of course, programs written in dBASE are copyrightable, and ACIS agrees that Borland should be permitted to assert copyright protection in the computer code of programs written in dBASE. ACIS is concerned, however, with the reference in the Proposed Final Judgment at IV.B to the protectability of the "structure, sequence, and organization" of computer program code. The phrase "structure, sequence, and organization" is not an accepted term of art either in traditional copyright law or computer programming. Further, the Copyright Office refuses to register a copyright in the "structure, sequence and organization" of computer programs. Accordingly, we strongly urge that the reference to "structure, sequence and organization" be deleted from the Proposed Final Judgment.

[5] Numerous courts have awarded computer programs an appropriate scope of protection. See, e.g., *Plains Cotton Co-op* v. *Goodpasture Computer Serv.*, 807 F.2d 1256, 1262 (5th Cir.), *cert. denied*, 484 U.S. 821 (1987); *Engineering Dynamics, Inc.* v. *Structural Software, Inc.*, Civ. No. 89–1655, 1989 WL 81305 (E.D. La. Aug. 29, 1991); *Computer Associates International, Inc.* v. *Altai, Inc.*, No CV89–0811 (E.D.N.Y. Aug. 19. 1991).

[Civil Action No. 91 C 6211, N.D.Ill.]

United States v. Varian Associates, Inc. and Richardson Electronics, Ltd.; Public Comment and Response on Proposed Final Judgment

Pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)–(h), the United States publishes below the comment received on the proposed Final Judgment in *United States of America* v. *Varian Associates, Inc. and Richardson Electronics, Ltd.*, Civil Action No. 91 C 6211, filed in the United States District Court for the Northern District of Illinois, together with the United States' response to the comment.

Copies of the comment and response are available for inspection and copying in room 3233 of the Antitrust Division, U.S. Department of Justice, Tenth Street and Pennsylvania Avenue, NW., Washington, DC 20530, and for inspection and copying at the Office of the Clerk of the United States District Court for the Northern District of Illinois, United States Courthouse, 210

South Dearborn Street, Chicago, Illinois 60604.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

Hon. George W. Lindberg

Notice of Filing

Filed: March 4, 1992.

TO: Attached Service List

Please Take Notice That on Wednesday, March 4, 1992, the United States filed with the Clerk of the United States District Court for the Northern District of Illinois, Eastern Division, the comment on the proposed final judgment and the United States' response to the comment, a copy of which is attached hereto and herewith served upon you.

Dated: March 2, 1992

Michael L. Scott,

Antitrust Division, United States Department of Justice.

Certificate of service

I, Michael L. Scott, attorney, certify that a copy of the attached comment on the proposed final judgment and the United States' response to the comment, was mailed, first class, postage pre-paid to the following counsel on the 3rd day of March, 1992:

William F. Baxter, Shearman & Sterling, 555 California Street, San Francisco, CA 94014.

Glen S. Howard, W. Todd Miller, Sutherland, Asbill & Brennan, 1275 Pennsylvania Avenue, NW., Washington, DC 20004–2402.

Donald I. Baker, Jones, Day, Reavis & Pogue, 1450 G Street, NW., Washington, DC 20005.

Gary L. Starkman, Ross & Hardies, 150 N. Michigan Avenue, Suite 2500, Chicago, IL 60601.

Gilbert A. Abramson, Thomas S. McNamara, Abramson, Freedman & Thall, PC., 2128 Locust Street, Philadelphia, PA 19103.

Martin A. Miller, Chertow & Miller, 30 North LaSalle Street, Chicago, IL 60602.

James G. Rosenberg, Scott D. Patterson, Paul M. Hummer, Thomas W. Sheridan, Saul, Ewing, Remick & Saul, 3800 Centre Square West, Philadelphia, PA 19192.

Dated: March 2, 1992.

Michael L. Scott

Comment on the Proposed Final Judgment and the United States' Response to the Comment

Pursuant to the requirements of the Antitrust Procedures and Penalties Act ("APPA"), 15 U.S.C. 16(b)-(h), the United States hereby files the attached comment on the proposed Final Judgment in the above-captioned civil antitrust proceeding, together with the United States' response to the comment.

This action commenced on October 1, 1991, when the United States filed a Complaint alleging that Varian Associates, Inc. and Richardson Electronics, Ltd. conspired to monopolize certain markets for power grid electron tubes. The United States also filed a proposed Final Judgment, a Stipulation signed by each of the parties stipulating to entry of the Final Judgment, and a Competitive Impact Statement.

The APPA requires a sixty-day period for the submission of public comments on the proposed Final Judgment. 15 U.S.C. 16(b). During this sixty-day period, the United States received one comment on the proposed Final Judgment, a November 6, 1991, letter from Michael Matich of M & S Communications Engineering. The United States considered the comment and sent a written response to Mr. Matich.

Pursuant to 15 U.S.C. 16(e), the proposed Final Judgment can be entered only after the Court determines that the Judgment is in the public interest. The focus of this determination is whether the relief provided by the proposed Final Judgment is adequate to remedy the antitrust violations alleged in the Complaint. *United States* v. *Bechtel Corp.*, 1979–1 Trades Cases (CCH) ¶ 62,430 (N.D.Cal. 1979), *aff'd*, 648 F.2d 660, 665 (9th Cir. 1981), cert. denied, 454 U.S. 1083 (1982). After careful consideration of the comment, the United States continues to believe that for the reasons stated in the response to the comment and in the Competitive Impact Statement, the proposed Final Judgment will remedy the violations alleged in the Complaint. Entry of the proposed Final Judgment is in the public interest.

After the comment and the response have been published in the **Federal Register**, pursuant to 15 U.S.C. 16(d) of the APPA, the United States will move this Court for entry of the proposed Final Judgment.

Dated: March 2, 1992.

Respectfully submitted,

Michael L. Scott,

Attorney, Antitrust Division, United States Department of Justice.

M & S Communications Engineering, 14191 Executive Lane, Nevada City, California 95959, (916) 272–5500, Fax (916) 272–5083.

November 6, 1991.

Terry Lubeck: Enclosed is a letter I received from Varian on October 23, 1991. I asked what their requirements are for becoming a distributor, and this is their response!

Please acknowledge this material and please help me to understand how the court case involving Richardson Electronics and Varian has changed anything. To this day Richardson is sole distributor for Varian products in the United States, Canada, and Europe.

Richardson has a exclusive contract to sell product to Europe and Canada. It appears nothing has changed!

Please show a copy of my letter to the judge who is hearing this case.

Feel free to call me at the above phone number if I can be of further assistance.

Respectfully,

Michael Matich.

October 23, 1991.

Mr. Michael Matich,

M & S Communications, 14191 Executive Lane, Nevada City, CA 95959.

Dear Mr. Matich: Thank you for your inquiry regarding distribution of Eimac products. We are not adding distributors at this time. Our policy, however, is to function only through master distribution with international capability. Inventory requirements are generally several million dollars.

Sincerely yours,

Robert L. Chapman,

Marketing Manager.

U.S. Department of Justice, Antitrust Division, Judiciary Center Building, 555 Fourth Street, NW., Washington, DC 20001

November 26, 1991.

Mr. Michael Matich,

M & S Communications Engineering, 14191 Executive Lane, Nevada City, California 95959.

Re: United States of America v. Varian Associates, Inc. and Richardson Electronics, Ltd., Civil Action No. 91 C 6211 (N.D. Ill.)

Dear Mr. Matich: This letter responds to your letter, dated November 6, 1991, submitted to the Antitrust Division of the United States Department of Justice regarding the antitrust suit against Varian Associates, Inc. ("Varian") and Richardson Electronics, Ltd. ("Richardson"). Attached to your letter is Varian's response to your inquiry about becoming a distributor of Varian products. Because Varian told you that it was not adding distributors at this time, you asked for help in understanding how the court case involving Varian and Richardson has changed the industry.

On October 1, 1991, the United States filed a civil antitrust Complaint against Varian and Richardson alleging violations of Section 2 of the Sherman Act, 15 U.S.C. § 2. The United States and the defendants agreed to settle the matter by way of a proposed Final Judgment. The proposed Final Judgment would impose several prohibitions and obligations upon Varian and Richardson. After a public comment period has passed, the Court can enter the Final Judgment if the Court determines that the Final Judgment is in the public interest.

The proposed Final Judgment, a Competitive Impact Statement, and a summary of the Complaint have been published in the **Federal Register** at page 52,059, Volume 56, No. 201, October 17, 1991. Enclosed is a copy of the applicable pages from the **Federal Register**.

The proposed Final Judgment, among other things, would require Varian and Richardson

to dissolve Varian Supply Company ("VASCO"), a joint venture between Varian and Richardson that made Richardson Varian's exclusive distributor for certain power grid tubes. Moreover, the proposed Final Judgment would prohibit Varian and Richardson from entering into any exclusive distribution arrangement in the future. Thus, Varian could establish other distributors or distribute its own power grid tubes. If Varian chooses to establish an additional distributor, Varian would be prohibited from granting to Richardson distribution rights that are more favorable than the rights granted to the other distributor.

However, the Final Judgment would not force Varian to establish other distributors. Varian could exercise its business judgment to have no distributors, one distributor, or several distributors, depending on what Varian believes is the most efficient arrangement. In this way, the proposed Final Judgment would restore the industry to the condition that existed before VASCO and before any alleged violations of the federal antitrust laws. Thus, Richardson no longer would have a contractual right to be Varian's sole distributor, but Varian voluntarily could choose to grant no further distribution rights, leaving Richardson as Varian's only distributor.

In your letter, you asked whether the proposed Final Judgment will change the industry. The proposed Final Judgment is designed to improve the industry in several ways. As previously discussed, it would enable Varian, if Varian chooses, to introduce competing distributors rather than being contractually bound to a single distributor. It would require Varian and Richardson to dissolve VASCO, their joint venture, and to establish a traditional manufacturer/distributor relationship. It would prohibit the parties from acquiring competitors in the industry without first obtaining the consent of the Department of Justice. The proposed Final Judgment also would prohibit the parties from collecting tube carcasses other than for specific legitimate purposes.

You were informed by a representative of Varian that even if the company decided to add a distributor, inventory requirements are "generally several million dollars." For additional information about inventory levels, you can consult Varian and Richardson's new Distributor Agreement, a copy of which has been filed with the Court and published in the **Federal Register** along with the Competitive Impact Statement. Should Varian choose to add a distributor, the Distributor Agreement establishes minimum inventory levels as follows: $500,000 during the first twelve months; $750,000 during the second twelve months; $875,000 during the third twelve months; and $1 million during the fourth twelve months and in each twelve month period thereafter. (See Definition 9 and Section 2.7.) Those inventory levels are designed to allow entry into the distribution market, while at the same time ensuring that any future distributor will maintain a broad range of products and will be able to adequately serve the industry. Varian, however, may increase these minimum inventory levels up to $7 million if it determines that higher levels are warranted. (See Section 2.7(e).)

We appreciate your interest in this case and in the proposed Final Judgment, which we believe is in the public interest. Your letter is being treated as a comment on the proposed Final Judgment. As a result, a copy of your letter and a copy of this response will be filed with the Court. In addition, your letter and this response will be published in the **Federal Register**. If you have any objections to your letter being treated as a comment, please let us know as soon as possible.

Sincerely,

P. Terry Lubeck,

Chief Litigation II Section, Antitrust Division.

[FR Doc. 92–5509 Filed 3–6–92; 8:45 am]

BILLING CODE 4410–01–M

DEPARTMENT OF LABOR

Employment and Training Administration

Emergency Unemployment Compensation Program; Emergency Unemployment Compensation Periods in All States

This notice announces the beginning of benefit periods under the Emergency Unemployment Compensation Program in all States beginning on November 17, 1991, changes in benefit levels that have occurred in eight States, and further changes in all States resulting from amendments to the law.

Background

The Emergency Unemployment Compensation Act of 1991 (Pub. L. 102–164) established the Emergency Unemployment Compensation (EUC) Program. The EUC Program took effect in all States with the week beginning on November 17, 1991. Under the EUC Program, individuals who have exhausted their rights to regular unemployment compensation under State (and Federal) unemployment compensation laws may be eligible to receive EUC benefits. Under the original law, individuals in a State could receive up to 6, 13 or 20 weeks of EUC benefits, depending on the measure of unemployment for that State, at the same weekly rate of benefits as previously received under the State law. Attached is a list of the States and the EUC benefit level in each State.

The first amendments to the law (Pub. L. 102–182) eliminated the 6 week tier and established the trigger levels so that all States which had been at the 6-week tier level were now eligible to pay up to 13 weeks, effective from the beginning of the program. Requirements for receipt of up to 20-weeks remained the same.

Under the Emergency Unemployment Compensation Act of 1991, as amended by Public Law 102–182, a State triggers onto a 20 week period for a week in which the adjusted insured unemployment rate (AIUR) equals or exceeds 5 percent or the average total unemployment rate (ATUR) equals or exceeds 9 percent. All other States are in a 13 week period. A change in the level of benefit duration from 13 to 20 weeks begins with the third week after the week in which (1) the AIUR in the State for the period consisting of such week and the immediately preceding 12 weeks is at least 5 percent, or (2) the ATUR in the State for the period consisting of the most recent 6-calendar month period for which data are published before the close of such week is at least 9 percent. A change in the level of benefit duration from 20 to 13 weeks begins with the third week after the week in which (1) the ATUR in the State for the period consisting of such week and the immediately preceding 12 weeks has dropped below 5 percent, and (2) the ATUR in the State for the period consisting of the most recent 6-calendar month period for which data are published before the close of such week is less than 9 percent.

The 20-week level in a State must have been in effect for at least 13 weeks before the State can drop to the 13-week level, no matter what the AIUR and ATUR levels are during such 13-week period. A 20-week benefit period will end the third week after the State does not meet the AIUR and ATUR requirement. Conversely, a State may trigger up to the 20-week level at any time, without regard to whether the State has been in a 13-week period for 13 weeks.

The EUC Program was amended by Public Law 102–244, effective for weeks of unemployment beginning after February 7, 1992. Section 1 of that law amended section 102(b)(2) of P.L. 102–164 to increase weeks of benefits in States in a 13-week period to 26 weeks, and States in a 20-week period to 33 weeks. All other trigger criteria remain unchanged.

In addition, the following changes have occurred in States since the beginning of the program:

- January 5, 1992—California to 20 weeks.
- January 12, 1992—Oregon to 20 weeks.
- January 19, 1992—Vermont to 20 weeks.
- January 26, 1992—Pennsylvania to 20 weeks.
- February 2, 1992—Arkansas and Washington to 20 weeks.

• February 16, 1992—Mississippi dropped to 26 weeks and New York increased to 33 weeks.

In addition, section 101(e) of Public Law 102–164 permits the Governor of a State to elect to trigger off an Extended Benefit Period in order to provide payment of EUC benefits to individuals who have exhausted their rights to regular compensation under the State law. As of February 22, 1992, the Governors of Alaska, Maine, and Vermont have elected to trigger off Extended Benefits and instead pay EUC benefits.

EMERGENCY UNEMPLOYMENT COMPENSATION BENEFIT LEVELS

	Original (Pub. L. 102–164)	Amended (Pub. L. 102–182)	Amended (Pub. L. 102–244)
Alabama	6	13	26
Alaska	20	20	33
Arizona	13	13	26
Arkansas	6	13	33
California	13	13	33
Colorado	6	13	26
Connecticut	20	20	33
Delaware	6	13	26
Dist. of Col.	13	13	26
Florida	13	13	26
Georgia	6	13	26
Hawaii	6	13	26
Idaho	6	13	33
Illinois	13	13	26
Indiana	6	13	26
Iowa	6	13	26
Kansas	13	13	26
Kentucky	6	13	26
Louisiana	6	13	26
Maine	20	20	33
Maryland	13	13	26
Massachusetts	20	20	33
Michigan	20	20	33
Minnesota	6	13	26
Mississippi	20	20	33
Missouri	13	13	26
Montana	6	13	26
Nebraska	6	13	26
Nevada	6	13	26
New Hampshire	13	13	26
New Jersey	20	20	33
New Mexico	13	13	26
New York	13	13	26
North Carolina	6	13	26
North Dakota	6	13	26
Ohio	6	13	26
Oklahoma	6	13	26
Oregon	13	13	33
Pennsylvania	13	13	33
Puerto Rico	20	20	
Rhode Island	20	20	33
South Carolina	6	13	26
South Dakota	6	13	26
Tennessee	6	13	26
Texas	13	13	26
Utah	6	13	26
Vermont	13	13	33
Virgin Islands	6	13	26
Virginia	6	13	26
Washington	13	13	33
West Virginia	20	20	33
Wisconsin	6	13	26
Wyoming	6	13	26

Information for Claimants

The duration of benefits payable in the Emergency Unemployment Compensation Period, and the terms and conditions on which they are payable, are governed by the Act and the operating instructions issued to the States by the U.S. Department of Labor. The State employment security agency will furnish a written notice of potential entitlement to each individual who has exhausted all rights to regular benefits and is potentially eligible for EUC benefits (20 CFR 615.13(c)).

Persons who believe they may be entitled to EUC benefits, or who wish to inquire about their rights under the Program, should contact the nearest State employment service office or unemployment compensation claims office in their locality.

Signed at Washington, DC, on March 2, 1992.

Roberts T. Jones,

Assistant Secretary of Labor.

[FR Doc. 92–5394 Filed 3–6–92; 8:45 am]

BILLING CODE 4510–30–M

Occupational Safety and Health Administration

Iowa State Standards; Notice of Approval

1. Background

Part 1953 of title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667; hereinafter called the Act) by which the Regional Administrators for Occupational Safety and Health (hereinafter called the Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State Plan which has been approved in accordance with section 18(c) of the Act and 29 CFR part 1902. On July 20, 1973, notice was published in the **Federal Register** (38 FR 19368) of the approval of the Iowa Plan and the adoption of subpart J of part 1952 containing the decision. Iowa was granted final approval under section 18(e) of the Act on July 2, 1985.

The Iowa Plan provides for the adoption of Federal standards (by reference after comments and public hearing). By letter dated January 8, 1992, from Walter H. Johnson, Deputy Labor Commissioner, to Alonzo L. Griffin, Area Director, and incorporated as part of the Plan, the State submitted State standards comparable to: Occupational Exposure to Asbestos, Tremolite, Anthophyllite, and Actinolite; extension of partial stay and amendment of final rule, 29 CFR 1910.1001, as published in the **Federal Register** (56 FR 43700, dated September 4, 1991).

This standard, which is contained in chapter 88 of the Code of Iowa (1983), was promulgated after public comment requested on October 30, 1991; hearing scheduled for November 21, 1991 (no comments were received); and resolution adopted by the Division of Labor Services on December 20, 1991, pursuant to Chapter 17a, Iowa Code. The standard was effective February 12, 1992; and notice of its adoption was published by the State on January 8, 1992.

The State also submitted State standards comparable to: Occupational Exposure to Asbestos, Tremolite, Anthophyllite, and Actinolite; extension of partial stay and amendment of final rule, 29 CFR 1926.58, as published in the **Federal Register** (56 FR 43700, dated September 4, 1991). This standard, which is contained in Chapter 88 of the Code of Iowa (1983), was promulgated after public comment requested on October 30, 1991; hearing scheduled for November 21, 1991 (no comments were received); and resolution adopted by the Division of Labor Services on December 20, 1991, pursuant to chapter 17a, Iowa Code. The standard was effective February 12, 1992; and notice of its adoption was published by the State on January 8, 1992.

The State also submitted State standards comparable to: Safety Standards for Stairways and Ladders Used in the Construction Industry; amendment, 29 CFR 1926.1052 and 29 CFR 1926.1053, as published in the **Federal Register** (56 FR 41794, dated August 23, 1991). This standard, which is contained in chapter 88 of the Code of Iowa (1983), was promulgated after public comment requested on October 30, 1991; hearing scheduled for November 21, 1991 (no comments were received); and resolution adopted by the Division of Labor Services on December 20, 1991, pursuant to chapter 17a, Iowa Code. The standard was effective February 12, 1992; and notice of its adoption was published by the State on January 8, 1992.

The Iowa Plan provides for the adoption of Federal standards (by reference after comments and public hearing). By letter dated November 15, 1991, from Walter H. Johnson, Deputy Labor Commissioner, to Alonzo L. Griffin, Area Director, and incorporated as part of the Plan, The State submitted

State standards comparable to: Hazardous Waste Operations and Emergency Response; Final Rule, corrections, 29 CFR 1910.120, as published in the the **Federal Register** (55 FR 15832, dated April 18, 1990).

This standard, which is contained in chapter 88 of the Code of Iowa (1983), was promulgated after public comment requested on July 24, 1991; hearing scheduled for August 15, 1991 (no comments were received); and resolution adopted by the Division of Labor Services on September 27, 1991, pursuant to chapter 17a, Iowa Code. The standard was effective November 20, 1991; and notice of its adoption was published by the State on October 16, 1991.

The State also submitted State standards comparable to: Occupational Exposure to Lead; final rule; corrections 29 CFR 1910.1025, as published in the **Federal Register** (55 FR 24686, dated May 31, 1991). This standard, which is contained in chapter 88 of the Code of Iowa (1983), was promulgated after public comment requested on July 24, 1991; hearing scheduled for August 15, 1991 (no comments were received); and resolution adopted by the Division of Labor Services on September 27, 1991, pursuant to chapter 17a, Iowa Code. The standard was effective November 20, 1991; and notice of its adoption was published by the State on October 16, 1991.

The Iowa Plan provides for the adoption of Federal Standards (by reference after comments and public hearing). By letter dated July 31, 1991, from Walter H. Johnson, Deputy Labor Commissioner, to Alonzo L. Griffin, Area Director, and incorporated as part of the Plan, the State submitted State standards comparable to: Hazardous Waste Operations and Emergency Response; Final Rule, corrections, 29 CFR 1910.120, as published in the **Federal Register** (55 FR 14073, dated April 13, 1990). This standard, which is contained in chapter 88 of the Code of Iowa (1983), was promulgated after public comment requested on May 15, 1991; hearing scheduled for June 6, 1991 (no comments were received); and resolution adopted by the Division of Labor Services on June 28, 1991, pursuant to chapter 17a, Iowa Code. The standard was effective August 28, 1991; and notice of its adoption was published by the State on July 24, 1991.

2. Decision

Having reviewed the State submission in comparison with the Federal standards, it has been determined that the State standards are identical to the comparable Federal standards and should therefore be approved.

3. Location of Supplement for Inspection and Copying

A copy of the standard supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Directorate of Federal/State Operations, Office of State Programs, room N3700, 200 Constitution Avenue, NW., Washington, DC 20210; Office of the Regional Administrator, Occupational Safety and Health Administration, 406 Federal Office Building, 911 Walnut Street, Kansas City, Missouri 64106; and Division of Labor Services, 1000 East Grand Avenue, Des Moines, Iowa 50319.

4. Public Participation

Under 20 CFR 1953.2(c) of this chapter, the Assistant Secretary may prescribe alternative procedures to espedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Iowa State Plan as a proposed change and for making the Regional Administrator's approval effective upon publication for the following reasons:

1. The standards are identical to the comparable Federal standards and are therefore deemed to be at least as effective.

2. The standards were adopted in accordance with the procedural requirements of State law and further public participation and notice would be unnecessary.

This decision is effective march 9, 1992. (Section 18, Pub. L. 91–596, 84 Stat. 1608 (29 U.S.C. 667)).

Signed Kansas City, Missouri, this 7th day of February, 1992.

John T. Phillips.

Regional Administrator.

[FR Doc. 92–5395 Filed 3–6–92; 8:45 am]

BILLING CODE 4510–26–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (92–17)]

NASA Advisory Council (NAC), Aeronautics Advisory Committee (AAC); Meeting

AGENCY: National Aeronautics and Space Administration

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of NASA Advisory Council, Aeronautics Advisory Committee.

DATE: April 3, 1992, 9a.m. to 4:30 p.m.

ADDRESS: National Aeronautics and Space Administration, Federal Building 10B, room 625, 600 Independence Avenue, SW., Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Ms. Catherine Smith, Office of Aeronautics and Space Technology, National Aeronautics and Space Administration, Washington, DC 20546, 202/453–2367.

SUPPLEMENTARY INFORMATION: The NAC Aeronautics Advisory Committee was established to provide overall guidance and direction to the aeronautics research and technology activities in the Office of Aeronautics and Space Technology (OAST). The Committee, chaired by Mr. Phil M. Condit, is composed of 17 members. The meeting will be open to the public up to the seating capacity of the room (approximately 30 persons including the Committee members and other participants).

Type of Meeting: Open

Agenda

April 3, 1992

9 a.m.—Opening Remarks
9:15 a.m.—NASA and OAST Update.
9:30 a.m.—Budget Update.
10 a.m.—Fiscal Year 1993 Aeronautics Budget Status, Strategy and Program Direction.
12 Noon—Group Discussion.
1 p.m.—AAC/Aerospace Research and Technology Subcommittee Discipline Reviews.
2 p.m.—Ad Hoc Study Reports
2:45 p.m.—NASA Responses to Ad Hoc Recommendations.
3:30 p.m.—General Discussion
4:30 p.m.—Adjourn.

Dated: March 3, 1992.

John W. Gaff,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 92–5398 Filed 3–6–92; 8:45 am]

BILLING CODE 7510–01–M

[Notice (92–18)]

Aerospace Safety Advisory Panel; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting change.

"Federal Register" Citation of Previous Announcements: 57 FR 20, Notice Number 92–08, January 30, 1992.

Previously Announced Times and Date of Meeting: March 18, 1992, 2 p.m. to 3:30 p.m.

Changes in the Meeting: Date changed to March 17, 1992, 4:30 p.m. to 6 p.m.

Contact Person for More Information: Arthur V. Palmer, Code Q–1, National Aeronautics and Space Administration, Washington, DC 20546, 202/453–8971.

Dated: March 3, 1992.

John W. Gaff,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 92–5399 Filed 3–6–92; 8:45 am]

BILLING CODE 7510–01–M

NATIONAL CREDIT UNION ADMINISTRATION

Public Information Collection Requirement Submitted to OMB for Review

March 2, 1992.

The National Credit Union Administration has submitted the following public information collection requirements to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96–511. Copies of the submissions may be obtained by calling the NCUA Clearance Officer listed. Comments regarding information collections should be addressed to the OMB reviewer listed and to the NCUA Clearance Officer, NCUA, Administrative Office, room 7344, 1776 G Street, Washington, DC 20456.

National Credit Union Administration

OMB Number: 3133–0067.

Form Number: NCUA Form 5310.

Type of Review: Reinstatement of a previously approved collection for which approval has expired.

Title: Corporate Credit Union Monthly Report.

Description: Federally insured corporate credit unions are required by section 202(a) of the Federal Credit Union Act to make reports of financial condition to the National Credit Union Administration upon dates determined by it.

Respondents: Federally-insured corporate credit unions.

Estimated Number of Respondents: 33.

Estimated Burden Hours per Response: 1 hour.

Frequency of Response: Monthly.

Estimated Total Reporting Burden: 396 hours.

Clearance Officer: Wilmer A. Theard, (202) 682–9700, National Credit Union Administration, room 7344, 1776 G Street, NW., Washington, DC 20456.

OMB Reviewer: Gary Waxman (202) 395–7340, Office of Management and Budget, room 3208, New Executive Office Building, Washington, DC 20503.

Becky Baker,

Secretary of the NCUA Board.

[FR Doc. 92–5391 Filed 3–6–92; 8:45 am]

BILLING CODE 7535–01–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Agency Information Collection Under OMB REVIEW

AGENCY: National Endowment for the Humanities.

ACTION: Notice.

SUMMARY: The National Endowment for the Humanities (NEH) has sent to the Office of Management and Budget (OMB) the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

DATE: Comments on this information collection must be submitted on or before April 8, 1992.

ADDRESSES: Send comments to Ms. Susan Daisey, Assistant Director, Grants Office, National Endowment for the Humanities, 1100 Pennsylvania Avenue NW, room 310, Washington, DC 20506 (202–786–0494) and Mr. Daniel Chenok, Office of Management and Budget, New Executive Office Building, 726 Jackson Place NW, room 3002, Washington, DC 20503 (202–395–7316).

FOR FURTHER INFORMATION CONTACT: Ms. Susan Daisey, Assistant Director, Grants Office, National Endowment for the Humanities, 1100 Pennsylvania Avenue NW., room 310, Washington, DC 20506 (202) 786–0494 from whom copies of forms and supporting documents are available.

SUPPLEMENTARY INFORMATION: All of the entries are grouped into new forms, revisions, extensions, or reinstatements. Each entry is issued by NEH and contains the following information: (1) The title of the form; (2) the agency form number, if applicable; (3) how often the form must be filled out; (4) who will be required or asked to report; (5) what the form will be used for; (6) an estimate of the number of responses; (7) the frequency of response; (8) an estimate of the total number of hours needed to fill out the form; (9) an estimate of the total annual reporting and recordkeeping burden. None of these entries are subject to 44 U.S.C. 3504(h).

Category: Revisions.

Title: Guidelines and Application Forms for the Reference Materials Program.

Form Number: Not Applicable.

Frequency of Collection: Annual.

Respondents: Humanities Researchers and Institutions.

Use: Application for funding.

Estimated Number of Respondents: 149 per year.

Frequency of Response: Once.

Estimated Hours for Respondents to Provide Information: 52 hours per respondent.

Estimated Total Annual Reporting and Recordkeeping Burden: 14,468 hours

Thomas S. Kingston,

Assistant Chairman for Operations.

[FR Doc. 92–5410 Filed 3–6–92; 8:45 am]

BILLING CODE 7536–01–M

Public Partnership Office 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 Office of Public Partnership (States: Arts Projects in Underserved Communities Section) will be held on March 30–31, 1992, from 9 a.m.–5:30 p.m. and April 1 from 9 a.m.–12:30 p.m. in room M–09 at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

This meeting will be open to the public on a space available basis. The topics for discussion will be introductory remarks, application review, review of rankings and recommendation of awards, discussion of issues raised in application review, guidelines review and other issues.

Any interested person may observe meetings, or portions thereof, which are open to the public, and may be permitted to participate in the discussions at the discretion of the meeting chairman and with the approval of the full-time Federal employee in attendance.

If you need special accommodations due to a disability, please contact the Office of Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue NW., Washington, DC 20506, 202/682–5532, TTY 202/682–5496, at lease 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: March 3, 1992.

Yvonne M. Sabine,

Director, Council and Panel Operations, National Endowment of the Arts.

[FR Doc. 92–5409 Filed 3–6–92; 8:45 am]

BILLING CODE 7537–01–M

NUCLEAR REGULATORY COMMISSION

Documents Containing Reporting or Recordkeeping Requirements: Office of Management and Budget Review

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of the Office of Management and Budget Review of Information Collection.

SUMMARY: The Nuclear Regulatory Commission has recently submitted to the Office of Management and Budget (OMB) for review the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

1. *Type of submission, new revision or extension:* Revision.
2. *The title of the information collection:* "Licensee Event Report."
3. *The form number if applicable:* NRC Forms: 366, 366A, and 366B.
4. *How often the collection is required:* On Occasion.
5. *Who will be required or asked to report:* Holders of Operating Licenses for Commercial Nuclear Power Plants.
6. *An estimate of the number of responses:* 2,120.
7. *An estimate of the total number of hours needed annually to complete the requirement or request:* Approximately 50 hours per response. The total industry burden is 106,000 hours.
8. Section 3504(h), Public Law 96–511 does not apply.
9. *Abstract:* NRC collects reports of operational events at commercial nuclear power plants in order to incorporate lessons of that experience in the licensing process and to feed back the lessons of that experience to the nuclear industry.

Copies of the submittal may be inspected or obtained for a fee from the NRC Public Document Room, 2120 L Street NW., Lower Level, Washington, DC.

Comments and questions can be directed by mail to the OMB reviewer: Ronald Minsk, Office of Information and Regulatory Affairs (3150–0104), NEOB–3019, Office of Management and Budget, Washington, DC 20503.

Comments can also be submitted by telephone at (202) 395–3084.

The NRC Clearnace Officer is Brenda Jo. Shelton, (301) 492–8132.

Dated at Bethesda, Maryland, this 27th day of February 1992.

For the Nuclear Regulatory Commission.

Gerald F. Cranford,

Designated Senior Official for Information Resources Management.

[FR Doc. 92–5407 Filed 3–6–92; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–423]

Northeast Nuclear Energy Co., Millstone Nuclear Power Station, Unit No. 3; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of a license amendment to Northeast Nuclear Energy Company, et al. (the licensee) for the Millstone Nuclear Power Station, Unit No. 3, located at the licensee's site in New London County, Connecticut.

Environmental Assessment

Identification of the Proposed Action:

The proposed amendment would:

- Improve overall diesel generator reliability and performance by conforming plant requirements to NRC Generic Letter 84–15.
- Reduce the diesel generator loading criteria in order to ensure that operations at the upper limit of the load band do not lead to overload conditions.
- Eliminate the fast cold repetitive starting of the diesel generators, and make changes concerning instrumentation and test standards. In addition, clarify the remedial measure for inoperability of the required full capacity battery chargers.

The Need for the Proposed Action

The license amendment is needed to enhance diesel generator reliability by minimizing severe test conditions which can lead to premature failure.

Environmental Impacts of the Proposed Action

The Commission has completed its evaluation of the proposed revision to the TS. The impact of the above change has been evaluated in the licensee's proposal for amendment dated March 28, 1990 which has been evaluated by the staff using NRC-approved methodology. The TS change will not increase the probability or consequences of accidents. No changes are being made in the types of any effluents that may be released offsite, and there is no significant increase in the allowable individual or cumulative occupational radiation exposure. In addition, the TS change described is a refinement, rather than a substantial change in the operation of the facility. Therefore, the Commission concludes that there are no significant radiological environmental impacts associated with this proposed TS amendment.

With regard to potential nonradiological impacts, the proposed amendment does involve features located entirely within the restricted area as defined in 10 CFR part 20. It does not affect nonradiological plant effluents and has no other environmental impact. Therefore, the Commission concludes that there are no significant nonradiological impacts associated with the proposed amendment.

Alternatives to the Proposed Action

It has been concluded that there is no measurable impact associated with the proposed amendment; any alternatives to the amendment would have either essentially the same or greater environmental impact.

Alternative Use of Resources

This action does not involve the use of any resources different from or beyond the scope of resources used during normal plant operation, which were assessed in the Final Environmental Statement relating to plant operation.

Agencies and Persons Consulted

The Commission's staff reviewed the licensee's request that supports the proposed amendment. The staff did not consult other agencies or persons.

Finding of No Significant Impact

Based upon the foregoing environmental assessment, the Commission concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed amendment.

For further details with respect to this action, see the request for license amendment dated March 25, 1990, as supplemented July 24, 1990, and November 22, 1991, which are available

for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555, and at the local public document room located at the Learning Resources Center, Thames Valley State Technical College, 574 New London Turnpike, Norwich, Connecticut 06360.

Dated at Rockville, Maryland this 3rd day of March 1992.

For the Nuclear Regulatory Commission.

John F. Stolz,

Director, Project Directorate I–4, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 92–5408 Filed 3–6–92; 8:45 am]

BILLING CODE 7590–01–M

NUCLEAR WASTE TECHNICAL REVIEW BOARD

Full Board meeting

Pursuant to the Nuclear Waste Technical Review Board's (the Board) authority under section 5051 of Public Law 100–203 of the Nuclear Waste Policy Amendments Act (NWPAA) of 1987, the Board will help hold its spring Board meeting April 7–8, 1992. The meeting will be held at the Adolphus Hotel, 1321 Commerce Street, Dallas, Texas 7502; (214) 742–8200.

The Board is holding the meeting to gain additional insight into issues the Board has raised concerning the U.S. Department of Energy's (DOE) program to characterize the Yucca Mountain site in Nevada. In the Nuclear Waste Policy Amendments Act of 1987 (NWAPAA), Congress directed the DOE to determine the suitability of the Yucca Mountain as a potential site for the nation's first permanent repository for spent nuclear fuel and defense high-level waste. In the same law, Congress established the Board to review and evaluate the DOE's work.

On Tuesday, April 7, the Board has invited representatives of the Department of Energy (DOE) to discuss three ongoing or recently completed studies: The Performance Assessment (PA), the Early Site Suitability Evaluation (ESSE), and the next phase of the Test Prioritization Task (TPT). The Board is interested in reviewing the scope and depth of he DOE's latest performance assessment and finding out how the results compare with the results reached by other groups, such as the Nuclear Regulatory Commission (NRC) and the Electric Power Research Institute (EPRI). The Board has also asked for a presentation summarizing the study methodology and conclusions reached in the ESSE. The ESSE program was conducted by the DOE in an effort to assess early site suitability. Last, the Board will be briefed on the second phase of the TPT study. Its original purpose was to identify, in some order of priority, those tests that need to be conducted at the Yucca Mountain site to detect potentially unsuitable site conditions. In addition to assigning priority to the scientific tests, the first phase recommended that the TPT be expanded to enhance its use as a management tool. The Board wants to learn more about the second phase of the TPT, including its potential application and relationship to the DOE's most recent performance assessment and the early site suitability evaluation.

On April 8, the Board has asked the DOE to address ongoing and proposed site-characterization activities. First, the DOE has been asked to provide an overview of the surface-based drilling program and to describe the technology being developed to improve the performance of the Lang 300 drill rig. Second, the Board has requested a progress report on the Exploratory Shaft Facility (ESF) design activities that have been undertaken since the September 1991 Structural Geology & Geoengineering Panel meeting. Third, the Board will review the DOE's responses to Board recommendations in the Fourth Report about enhancing the ESF design and gaining early access to the Ghost Dance Fault. Fourth, the Board will be given an update on the DOE's efforts to secure permits to characterize the site, including a description of the additional permits required for underground exploration. Finally, pending its availability, the Board has requested that the DOE make a presentation on engineered barriers, originally scheduled for a February 10 meeting of the Board's panel on engineered barrier system.

The public is welcome to attend the meeting as observers. Transcripts of the meeting will be available on a library-loan basis from Ms. Victoria Reich, Board Librarian, beginning May 26, 1992.

For further information, contact Paula N. Alford, Director, External Affairs, 1100 Wilson Boulevard, suite 910, Arlington, Virginia 22209; (703) 235–4473.

Dated: March 4, 1992.

William D. Barnard,

Executive Director, Nuclear Waste Technical Review Board.

[FR Doc. 92–5388 Filed 3–6–92; 8:45 am]

BILLING CODE 6820–AM–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–30437; File No. SR–NASD–91–37]

Self-Regulatory Organizations; Order Approving Proposed Rule Change of the National Association of Securities Dealers, Inc., Amending Schedule G to the By-Laws To Require Transaction Reporting for Exchange-Listed Securities Until 5:15 p.m. and Use of a Special Indicator for Certain Pricing Formula Trades

March 3, 1992.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), on August 2, 1991, the National Association of Securities Dealers, Inc. ("NASD" or "Association") filed with the Securities and Exchange Commission ("Commission" or "SEC") a proposed rule change to amend Schedule G to the By-Laws to require members to continue real-time trade reporting of transactions in exchange-listed securities until 5:15 p.m. and to use a special indicator to denote transactions priced on an average-weighting or other special pricing formula.

Notice of the proposed rule change was given in Securities Exchange Act Release No. 29632 (August 30, 1991), 56 FR 46022. The Commission received no comments on the proposal. This order grants approval of the proposed rule change.

I. Description of the Proposed Rule Change

Current trade reporting obligations for listed securities in Schedule G to the NASD By-Laws require members to report transaction within 90 seconds after execution from 9:30 a.m. to 4:30 p.m. Eastern time. The commencement of the New York Stock Exchange's after-hours sessions in June, 1991 prompted the NASD to permit voluntary 90-second reporting by members until 5:15 p.m., to coincide with the extended hours of the Consolidated Tape Association ("CTA"). This rule change extends the reporting hours specified in Schedule G for listed securities until 5:15 p.m., so that 90-second reporting will be mandatory for all reporting members unitl that time. This will enable the automated capture and dissemination of transactions in listed securities occurring between 4 p.m. and 5:15 p.m. in the over-the-counter market.

In addition, the proposal requires the use of the ".SLD" identifier for certain

trades reported after 4 p.m.[1] The NASD states that confusion has arisen recently regarding a limited number of agency cross trades executed after 4 p.m. that have been reported at a price based on an average-weighting or other formula rather than a current negotiated price. An example of such a transaction would be a trade negotiated during the trading day to be executed after 4 p.m. at a price equal to the average of weighted prices of transactions taking place during the trading day. The NASD states that certain institutions find average-weighting trades attractive because they ensure that the institutions will not purchase at a high for the day or sell at the low.

Trade reports such as these, although made in a timely fashion, often do not relate to the closing price on the primary exchanges but, until now, have not carried an identifier describing their specialized nature. To alleviate confusion with regard to these trade reports, the NASD proposed modifications to Schedule G to provide for the use of an indicator. Although there are various specialized sale condition indicators employed in the reporting of consolidated transaction data to vendors, none accurately describes average-weighted trades. Until a new indicator is implemented, the amendment provides for the use of the .SLD late trade indicator to denote these "formula" trades and to specify that these trades would be exempted from the normal interpretation that printing trades .SLD as a course of conduct would subject a firm to disciplinary action.

The Commission understands that the NASD and the other CTA participants have worked to devise a permanent identifier to be used for these trades. Under this agreement, a "B" identifier would be used for disseminating average-weighting trades. Another identifier would be required for inputting average-weighting trades. The Commission understands that the NASD is still determing the appropriate identifier for incoming data.[2]

II. Discussion

The Commission finds that approval of this proposed rule change is consistent with the Act, in particular, section 15A(b)(6), in that it will foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, and remove impediments to and perfect the mechanism of a free and open market. In addition, the Commission finds that the proposed rule change furthers the objective set forth in section 11A(a)(1)(C)(iii) of ensuring the availability to brokers, dealers and investors of information with respect to quotations for and transactions in securities.

The Commission believes that mandatory 90-second reporting until 5:15 p.m. will enhance transparency of transactions and thereby permit investors and market professionals to follow after-hours trading activity in listed securities. Market transparency is one of the paramount goals of the Commission and any advances in transparency are to be encouraged. In addition, the amendments will assure the efficient integration of this information into NASD's automated surveillance systems. The Commission believes that these measures are consistent with the goals of the Act in that they facilitate securities transactions and remove impediments to a free and open market.

Although the Commission believes that the proposed rule is consistent with the Act, the Commission encourages the NASD to implement the new, permanent identifier as soon as practicable. The NASD has stated that it will work with CTA participants to undertake the technical enhancements necessary to implement a new indicator so that any investor confusion with respect to these agency cross trades will be eliminated. The Commission encourages the NASD and CTA to work together towards this goal. In the meantime, the Commission concludes that the use of the .SLD indicator to designate average-weighting or other special formula trades furthers the purposes of the statute.

It is Therefore Ordered, Pursuant to section 19(b)(2) of the Act, that the rule change be, and hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30-3(a)(12).

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92-5401 Filed 3-6-92; 8:45 am]

BILLING CODE 8010-01-M

[1] The CTA Plan, the plan that governs trade reporting for New York and American Stock Exchange securities and certain regional listed securities that substantially meet American Stock Exchange listing standards, provides that any trade report made more than 90 seconds after execution must be designated as late by appending the ".SLD" identifier.

[2] The permanent identifier should be filed with the Commission for approval pursuant to Rule 19(b).

Self-Regulatory Organizations; Applications of Unlisted Trading Privileges and of Opportunity for Hearing; Boston Stock Exchange, Incorporated

March 3, 1992.

The above named national secruties exchange has filed applications with the Securities and Exchange Commission ("Commission") pursuant to section 12(f)(1)(B) of the Securities Exhange Act of 1934 and rule 12f-1 thereunder for unlisted trading privileges in the following securities:

International Recovery Corp.
Common Stock, $.01 Par Value (File No. 7-8047)

Hi-Lo Automative, Inc.
Common Stock, $.01 Par Value (File No. 7-8048)

Kasler Corp.
Common Stock, $.01 Par Value (File No. 7-8049)

Mid-American Waste Systems, Inc.
Common Stock, $.001 Par Value (File No. 7-8050)

Timberland Co.
Class A Common Stock, $.01 Par Value (File No. 7-8051)

Ambac, Inc.
Common Stock, $.01 Par Value (File No. 7-8052)

Allwaste, Inc.
Common Stock, $.01 Par Value (File No. 7-8053)

Amphenol Corp.
Class A Common Stock, $.01 Par Value (File No. 7-8054)

BET Holdings, Inc.
Class A Common Stock, No Par Value (File No. 7-8055)

Fruehauf Trailer Corp.
Common Stock, $.01 Par Value (File No. 7-8056)

Greiner Engineering, Inc.
Common Stock, $.50 Par Value (File No. 7-8057)

Guaranty National Corp.
Common Stock, $1.00 Par Value (File No. 7-8058)

HCA-Hospital Corp. of America
Common Stock, $.01 Par Value (File No. 7-8059)

Jundt Growth Fund, Inc.
Common Stock, $.01 Par Value (File No. 7-8060)

Kimco Realty Corp.
Common Stock, $.01 Par Value (File No. 7-8061)

Lakehead Pipe Line Partners, L.P.
Preferred Units, No Par Value (File No. 7-8062)

Nuveen Select Quality Municipal Fund
Common Stock, $.01 Par Value (File No. 7-8063)

Preferred Income Fund, Inc.
Common Stock, $.01 Par Value (File No. 7-8064)

Smart & Final, Inc.
Common Stock, $.01 Par Value (File No. 7-8065)

Van Kampen Merritt Florid Quality Municipal Trust
Shares Beneficial Interest, $.01 Par Value (File No. 7–8066)
Van Kampen Merritt California Quality Municipal Trust
Shares Beneficial Interest, $.01 Par Value (File No. 7–8067)
Van Kampen Merritt Municipal Trust
Shares Beneficial Interest, $.01 Par Value (File No. 7–8068)
Van Kempen Merritt New York Quality Municipal Trust
Shares Beneficial Interest, $.01 Par Value (File No. 7–8069)
Van Kempen Merritt Ohio Quality Municipal Trust
Shares Beneficial Interest, $.01 Par Value (File No. 7–8070)
Van Kempen Merritt Pennsylvania Quality Municipal Trust
Shares Beneficial Interest, $.01 Par Value (File No. 7–8071)
Vencor, Inc.
Common Stock, $.01 Par Value (File No. 7–8072)
Wabash National Corp.
Common Stock, $.01 Par Value (File No. 7–8073)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before March 24, 1992, written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, 450 5th Street, NW., Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulations, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 92–5341 Files 3–6–92; 8:45 am]

BILLING CODE 8010–01–M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Cincinnati Stock Exchange, Incorported

March 3, 1992

The above named national securities exchange has filed applications with the Securities and Exchange Commission ("Commission") pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and rule 12f–1 thereunder for unlisted trading privileges in the following securities:

American Adjustable Rate Term Trust, Inc.—1998
Common Stock, $0.01 Par Value (File No. 7–8106)
AutoZone, Inc.
Common Stock, $0.01 Par Value (File No. 7–8107)
Boise Cascade Corp.
$1.79 Dep. Shares (Rep. 1/10 of a share of Conv. Pfd. Ser. E Stock) (File No. 7–8108)
Electrocom Automation, Inc.
Common Stock, $0.05 Par Value (File No. 7–8109)
Environmental Elements Corp.
Common Stock, $0.01 Par Value (File No. 7–8110)
Federated Department Store, Inc.
Common Stock, $0.01 Par Value (File No. 7–8111)
Georgia Power Co.
$2.125 Class A Pfd. Stock, No Par Value (File No. 7–8112)
Global Health Sciences Fund
Shares of Beneficial Interest, $0.01 Par Value (File No. 7–8113)
Integon Corp.
Common Stock, $0.01 Par Value (File No. 7–8114)
LTV Corp.
$5.25 Cum Conv. Pfd. $50.00 Par Value (File No. 7–8115)
Margaretten Financial Corp.
Common Stock, $0.01 Par Value (File No. 7–8116)
Mellon Bank Corp.
8.50% Ser. J Pfd. Stock $1.00 Par Value (File No. 7–8117)
National Re Holdings Corp.
Common Stock, No Par Value (File No. 7–8118)
Olin Corp.
Ser. A Conv. Pfd. Stock (Pfd. Equity Red. Cum. Stock), $1.00 Par Value (File No. 7–8119)
Preferred Income Opportunity Fund, Inc.
Common Stock, $0.01 Par Value (File No. 7–8120)
Southern National Corp.
Depository Shares (Rep. ¼ Sh. 6¾% Cum. Conv. Pfd. Ser. A Stock, $5.00 Par Value (File No. 7–8121)
Strategic Global Income Fund, Inc.
Common Stock, $0.001 Par Value (File No. 7–8122)
Transamerica Corp.
Depositary Shares (Rep. 1/20 interest in a share of 8.50% Pfd. Ser. D Stock) (File No. 7–8123)
Tremont Corp.
Common Stock, $1.00 Par Value (File No. 7–8124)
Van Kampen Merritt California Quality Municipal Fund
Common Stock, $0.01 Par Value (File No. 7–8125)
Van Kampen Merritt Florida Quality Municipal Fund
Common Stock, $0.01 Par Value (File No. 7–8126)
Van Kampen Merritt Pennsylvania Quality Municipal Fund
Common Stock, $0.01 Par Value (File No. 7–8127)
Van Kampen Merritt New York Quality Municipal Fund
Common Stock, $0.01 Par Value (File No. 7–8128)
Van Kampen Merritt Ohio Quality Municipal Fund
Common Stock, $0.01 Par Value (File No. 7–8129)
Vencor, Inc.
Common Stock, $0.25 Par Value (File No. 7–8130)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before March 24, 1992, written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Johnathan G. Katz,

Secretary.

[FR Doc. 92–5342 Filed 3–6–92; 8:45 am]

BILLING CODE 8010–01–M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Midwest Stock Exchange, Incorporated

March 3, 1992.

The above named national securities exchange has filed applications with the Securities and Exchange Commission ("Commisson") pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and rule 12f–1 thereunder for unlisted trading privileges in the following securities:

Blackstone Insured Municipal Term Trust, Inc.
Common Stock, $.01 Par Value (File No. 7–8073)
Citizens Utilities Company
Series A Common Stock, $.25 Par Value (File No. 7–8074)

Citizens Utilities Company
Series B Common Stock, $.25 Par Value (File No. 7–8075)
Intercapital Insured Municipal Trust
Common Shares of Beneficial Interest, $.01 Par Value (File No. 7–8076)
Waterhouse Investor Services, Inc.
Common Stock, $.01 Par Value (File No. 7–8077)
Farragut Mortgage Company
Common Stock, $.10 Par Value (File No. 7–8078)
Musicland Stores Corporation
Common Stock, $.01 Par Value (File No. 7–8079)
SPS Transaction Services, Inc.
Common Stock, $.01 Par Value (File No. 7–8080)
Coleman Company
Common Stock, $.01 Par Value (File No. 7–8081)
HCA-Hospital Corp. of America
Class A Common Stock, $.01 Par Value (File No. 7–8082)
Allwaste, Inc.
Common Stock, $.01 Par Value (File No. 7–8083)
Specialty Chemical Resources, Inc.
Common Stock, $.01 Par Value (File No. 7–8084)
Cross Timbers Royalty Trust
Units of Beneficial Interest ("Trust Units"), No Par Value (File No. 7–8085)
Callaway Golf Company
Common Stock, $.01 Par Value (File No. 7–8086)

These securities are listed and registered on one or more other national securities exchange and is reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before March 24, 1992, written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such application is consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 92–5343 Filed 3–6–92; 8:45 am]

BILLING CODE 8010–01–M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Pacific Stock Exchange, Incorporated

March 3, 1992.

The above named national securities exchange has filed applications with the Securities and Exchange Commission ("Commission") pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and rule 12f–1 thereunder for unlisted trading privileges in the following security:

Hospital Corp. of America
Class A Common Stock, $.01 Par Value (File No. 7–8087)

This security is listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before March 24, 1992, written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, 450 5th Street, NW., Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 92–5344 Filed 3–6–92; 8:45 am]

BILLING CODE 8010–01–M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Philadelphia Stock Exchange, Incorporated

March 3, 1992.

The above named national securities exchange has filed applications with the Securities and Exchange Commission ("Commission") pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder for unlisted trading privileges in the following securities.

General Motors Corporation
Series C Conv. Pref. Stock, $0.10 Par Value (File No. 7–8088)
Citizens Utilities Company
Series A & B Common Stock, $.25 Par Value (File No. 7–8089)
Waterhouse Investor Services, Inc.
Common Stock, $.01 Par Value (File No. 7–8090)
Allou Health and Beauty Care, Inc.
Class B Warrants (File No. 7–8091)
Blackstone Insured Municipal Term Trust, Inc.
Common Stock, $.01 Par Value (File No. 7–8092)
Intercapital Insured Municipal Trust
Shares of Beneficial Interest, $.01 Par Value (File No. 7–8093)
Sears, Roebuck & Co.
$3.75 Depositary Shares "Percs" (File No. 7–8094)
SPS Transaction Services, Inc.
Common Stock, $0.01 Par Value (File No. 7–8095)
Coleman Company, Inc.
Common Stock, $.01 Par Value (File No. 7–8096)
Musicland Stores Corp.
Common Stock, $.01 Par Value (File No. 7–8097)
BankAmerica Corporation
3 3/8 Cum. Pfd. Stock, No Par Value (File No. 7–8098)
Farragut Mortgage Company, Inc.
Common Stock, $.10 Par Value (File No. 7–8099)
Hospital Corporation of America
Class A Common Stock, $.01 Par Value (File No. 7–8100)
Republic New York Corporation
Cumulative Preferred Stock, No Par Value (File No. 7–8101)
Piper Jaffray, Inc.
Common Stock, $1.00 Par Value (File No. 7–8102)
Callaway Golf Company
Common Stock, $.01 Par Value (File No. 7–8103)
Allwaste, Inc.
Common Stock, $0.01 Par Value (File No. 7–8104)
Georgia Power Company
Preferred Stock, No Par Value (File No. 7–8105)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before March 24, 1992, written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, 450 5th Street, NW., Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair

and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 92-5345 Filed 3-6-92; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[License No. 06/06-0211]

Energy Assets, Inc; License Surrender

Notice is hereby given that Energy, Assets, Inc. 4900 Republic Bank Center, 700 Louisiana, Houston, TX 77002 has surrendered its License to operate as a small business investment company under the Small Business Investment Act of 1958, as amended (Act). Energy Assets, Inc. was licensed by the Small Business Administration on April 2, 1979.

Under the authority vested by the Act and pursuant to the Regulations promulgated thereunder, the surrender of the license was accepted on February 17, 1992, and accordingly, all rights, privileges, and franchises derived therefrom have been terminated.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: February 28, 1992.

Wayne S. Foren,

Associate Administrator for Investment.

[FR Doc. 92-5352 Filed 3-6-92; 8:45 am]

BILLING CODE 8025-01-M

Public Meeting

The National Small Business Development Center Advisory Board will hold a public meeting on Monday, March 16, 1992, from 9 a.m. to 4:30 p.m., and on Tuesday, March 17th from 9 a.m. to 12 noon, in the Fifth Floor Conference Room, at the Small Business Administration, 409 3rd Street, SW., Washington, DC 20416, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Judith Dunn, SBA, room 6750, 409 3rd Street, SW., Washington, DC 20416, (202) 205-7301.

Dated: February 27, 1992.

Caroline J. Beeson,

Assistant Administrator, Office of Advisory Councils.

[FR Doc. 92-5350 Filed 3-6-92; 8:45 am]

BILLING CODE 8025-01-M

Region IV Advisory Council Meeting; Pubic Meeting

The U.S. Small Business Administration Region IV Advisory Council, located in the geographical area of Birmingham, will hold a public meeting from 9 a.m. to 2 p.m., on Tuesday, March 17, 1992, at SouthTrust Bank of Alabama, SouthTrust Tower, 420 North 20th Street, 8th Floor, Birmingham, Alabama, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Mr. James C. Barksdale, District Director, U.S. Small Business Administration, 2121 8th Avenue, North, suite 200, Birmingham, Alabama 35203, (205) 731-1341.

February 27, 1992.

Caroline J. Beeson,

Assistant Administrator, Office of Advisory Councils.

[FR Doc. 92-5348 Filed 3-6-92; 8:45 am]

BILLING CODE 8025-01-M

Region IV Advisory Council Meeting; Public Meeting

The U.S. Small Business Administration Region IV Advisory Council, located in the geographical area of Jackson, will hold a public meeting from 9 a.m. to 12:30 p.m., on Friday, March 27, 1992, in the Jackson District Office of the U.S. Small Business Administration, Jackson, Mississippi, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Mr. Jack Spradling, District Director, U.S. Samll Business Administration, 101 W. Capitol Street, suite 400, Jackson, Mississippi 39201 (601) 965-5371.

Februrary 27, 1992

Caroline J. Beeson,

Assistant Administrator, Office of Advisory Councils.

[FR Doc. 92-5349 Filed 3-6-92; 8:45 am]

BILLING CODE 8025-01-M

Region V Advisory Council; Public Meeting

The U.S. Small Business Administration Region V Advisory Council, located in the geographical area of Cleveland, will hold a public meeting from 9 a.m. to 1 p.m., Friday, March 13, 1992 at the AJC Federal Office Building, 1240 East Ninth Street, room 769, Cleveland, Ohio, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Norma M. Nelson, District Director, U.S. Small Business Administration, 1240 East Ninth Street, room 317, Cleveland, Ohio 44199-2095, (216) 522-4180.

Dated: February 27, 1992.

Caroline J. Beeson,

Assistant Administrator, Office of Advisory Councils.

[FR Doc. 92-5351 Filed 3-6-92; 8:45am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

[Public Notice 1581]

Israel; International Atomic Energy Agency Participation

Determination Under Title I of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, Fiscal Year 1991 (Pub. L. 101-513), and the Joint Resolution. Making Further Continuing Appropriations for the Fiscal Year 1992 and for Other Purposes (Pub. L. 102-145).

Pursuant to Title I of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, Fiscal Year 1991 (Pub. L. 101-513) and the Joint Resolution Making Further Continuing Appropriations for the Fiscal Year 1992 and for Other Purposes (Pub. L. 102-145), I hereby determine that Israel is not being denied its right to participate in the activities of the International Atomic Energy Agency.

This determination shall be provided to Congress and published in the **Federal Register.**

Dated: February 7, 1992.

James A. Baker III,

Secretary of State.

[FR Doc. 92-5387 Filed 3-6-92; 8:45 am]

BILLING CODE 4710-10-M

DEPARTMENT OF TRANSPORTATION

Employee Protection Program Investigations

AGENCY: Department of Transportation.

ACTION: Notice of the Issuance of Order 92-3-9 in the following dockets:

Airlift International—Docket 38418
American Airlines—Docket 38570
Continental Airlines—Docket 38720
Frontier Airlines—Docket 45234
Pan American World Airways—Docket 38883
Republic Airlines—Docket 41072
Transamerica Airlines—Docket 44397
Trans World Airlines—Docket 38184

United Airlines—Docket 38571
Western Airlines—Docket 41061

Notice

In Order 92–3–9, issued March 3, 1992, the Department is requiring that at least one party in interest in each of these ten investigations except that in Docket 44397 identify himself or herself by filing a notice in the appropriate docket no later than 120 days after the order's issuance. It is taking this step to avoid conducting any investigation for which no person would claim benefits even if qualifying dislocations were found and Congress were to appropriate funds for the Employee Protection Program. Due to the long time lag between the initial filings in these dockets and the Department's order reactivating these investigations last November, it is necessary to ascertain the existence of at least one party in interest in each case.

In addition, the Department is asking that anyone who knows the address of any of the individuals listed in the attached appendix inform James Craun, Deputy Director of the Office of Aviation Analysis, in writing as soon as possible at the following address: U.S. Department of Transportation, P–51, 400 Seventh St. SW., Washington, DC 20590. These individuals have been on our service lists but no longer reside at the addresses indicated in the appendix.

Anyone wishing to obtain a copy of Order 92–3–9 can do so by contacting Mr. Craun.

DATES: Notices are due 120 days after the order's issuance. Addresses of lost parties should be provided as soon as possible.

ADDRESSES: Notices should be filed in the appropriate dockets and addressed to the Docket Section, Documentary Services Division, U.S. Department of Transportation, 400 Seventh Street SW., room 4107, Washington, DC 20590. Addresses of lost parties should be sent to James Craun at the address stated above.

Dated: March 3, 1992.

Jeffrey N. Shane,

Assistant Secretary for Policy and International Affairs.

Lost Parties

Docket 38418

J.H. Flynn, Loomis Trailer Park, Liberty, NY 12754

Docket 38570

J.M. Schlee, 7548 Jean Ann Dr., Ft. Worth, TX 76118

Docket 38571

R. Danakjy, 15580 Willowbrook Dr., Reno, NV 89511

L.K. Smith, Box 13137, Sarasota, FL 33578

Transport Workers' Union of America Lodge 540–TWU, 142 Mineola Ave. STE 2A, Roslyn Heights, NY 11577

Docket 38720

I.L. Baehr, 21241 S.E. 258th St., Maple Valley, WA 98038

J. Brikman, 13058 Hedda Lane, Cerritos, CA 90701

W.M. Kennedy, 60 E. Lynn #4, Seattle, WA 98102

Docket 41072

D. Baerwald, 424 W. 17th St., Sioux Falls, SD 57104

Docket 44397

D.E. Moore, 1830 East 5770 South, Ogden, UT 84403

J. Reicher, 2 Ford Dr. West, Massapequa, NY 11758

Docket Unknown

S. Gordon, 4850 Stanford Ave. NE, Seattle, WA 98105

[FR Doc. 92–5377 Filed 3–6–92; 8:45 am]

BILLING CODE 4910–62–M

Federal Highway Administration

Environmental Impact Statement: Shawano County, WI

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Revised notice of intent.

SUMMARY: The FHWA is issuing this revised notice to advise the public that an environmental impact statement will not be prepared for a proposed highway project in Shawano County, Wisconsin.

FOR FURTHER INFORMATION CONTACT: Robert Cooper, Federal Highway Administration, 4502 Vernon Boulevard, Madison, Wisconsin, 53705; Telephone: (608) 264–5940. Carol Cutshall, Wisconsin Department of Transportation, Office of Environmental Analysis, 4802 Sheboygan Avenue, Madison, Wisconsin, 53705; Telephone: (608) 267–4473. William Nicholson, Wisconsin Department of Transportation, Highway 29 Project Management Team, 1681 Second Avenue South, Wisconsin Rapids, Wisconsin, 54495; Telephone: (715) 421–8365.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Wisconsin Department of Transportation will not prepare an environmental impact statement as previously intended on a proposal to improve State Trunk Highway 29 (STH 29) from near Bonduel to the east Shawano County Line. Based on further review of the project and related impacts it was determined that an environmental assessment would be prepared.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Issued on: February 28, 1992.

Robert W. Cooper,

District Engineer.

[FR Doc. 92–5301 Filed 3–6–92; 8:45 am]

BILLING CODE 4910–22–M

National Highway Traffic Safety Administration

Highway Safety Programs; Amendment of Conforming Products List of Calibrating Units for Breath Alcohol Testers

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice.

SUMMARY: This notice amends the Conforming Products List for instruments which have been found to conform to the Model Specifications for Calibrating Units for Breath Alcohol Testing (49 FR 48865).

EFFECTIVE DATE: March 9, 1992.

FOR FURTHER INFORMATION CONTACT: Mrs. Robin Mayer, Office of Alcohol and State Programs, NTS–21, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590; Telephone: (202) 366–9825.

SUPPLEMENTARY INFORMATION: On August 19, 1975, (40 FR 36167), the National Highway Traffic Safety Administration (NHTSA) published the Standards for Calibrating Units for Breath Alcohol Testers. A Qualified Products List of Calibrating Units for Breath Alcohol Testers, of devices which met this standard, was first issued on November 30, 1976, (41 FR 53384).

On December 14, 1984, (49 FR 48864), NHTSA converted this standard to Model Specifications for Calibrating Units for Breath Alcohol Testers, and published in Appendix B (49 FR 48872), a Conforming Products List (CPL) of calibrating units which where found to conform to the Model Specifications. Amendments to the CPL have been published in the **Federal Register** since that time.

Since the last publication of the CPL for calibrating units, the PLD of Florida, Inc., model BA 500 calibration device has been tested and found to meet the requirements of the Model Specifications. The Conforming Products

List is therefore amended to read as follows:

Conforming Products List of Calibrating Units for Breath Alcohol Testers (Manufacturer and Calibrating Unit)

1. Century Systems, Inc., Arkansas City, KA: Breath Alcohol Simulator BAS311.
2. CMI, Inc., Owensboro, KY: Toxitest II.
3. Federal Signal Corporation, CMI, Inc., Minturn, CO: Toxitest Model ABS 120.
4. Guth Laboratories, Inc., Harrisburg, PA: Model 34C Simulator; Model 34C Cal DOJ; Model 34C–FM; Model 34C–NPAS; and Model 10–4.
5. Intoximeters, Inc., St. Louis, MO: Nalco Breath Alcohol Standard.
6. Luckey Laboratories, Inc., San Bernardino, CA: Simulator.
7. PLD of Florida, Inc. Rockledge, FL: BA 500.
8. Protection Devices, Inc., Dayton, NJ: LS34 Model 6100.
9. Smith & Wesson Electronic Co., Springfield, MA: Mark II–A Simulator.
10. Systems Innovation, Inc., Hallstead, PA: True-Test MD 901.

[23 U.S.C. 402; delegations of authority at 49 CFR 1.50 and 501.8]

Michael B. Brownlee,

Associate Administrator for Traffic Safety Programs.

[FR Doc. 92–5297 Filed 3–3–92; 3:56 pm]

BILLING CODE 4910–59–M

Highway Safety Program; Amendment of Conforming Products List of Evidential Breath Testing Devices

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice.

SUMMARY: This notice amends the Conforming Products List for instruments which have been found to conform to the Model Specifications for Evidential Breath Testing Devices (49 FR 48854).

EFFECTIVE DATE: March 9, 1992.

FOR FURTHER INFORMATION CONTACT: Mrs. Robin Mayer, Office of Alcohol and State Programs, NTS–21, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590; Telephone: (202) 366–9825.

SUPPLEMENTARY INFORMATION: On November 5, 1973, the National Highway Traffic Safety Administration (NHTSA) published the Standards for Devices to Measure Breath Alcohol (38 FR 30459). A Qualified Products List of Evidential Breath Measurement Devices comprised of instruments that met this standard was first issued on November 21, 1974, (39 FR 41399).

On December 14, 1984, (49 FR 48854), NHTSA converted this standard to Model Specifications for Evidential Breath Testing Devices, and published in Appendix D to that notice (49 FR 48864), a Conforming Products List (CPL) of instruments that were found to conform to the Model.

Specifications. Amendments to the CPL have been published in the **Federal Register** since that time.

Since the last publication of the CPL, two (2) breath measurement devices have been tested and found to conform to the requirements of the Specifications for mobile and non-mobile evidential breath testers: Intoximeters, Inc., Alcomonitor and Alco-Sensor IV. Since the Alco-Sensor IV has been found to conform, the Intoximeters RBT IV is also deemed to be in conformance, and is hereby added to the Conforming Products List. Further, the list has been corrected through the change of the Intoximeters Alco-Sensor IIIA to the RBT III–A. This is a model designation correction only

The Conforming Products List is therefore amended to read as follows:

CONFORMING PRODUCTS LIST OF EVIDENTIAL BREATH MEASUREMENT DEVICES

Manufacturer and model	*Mobile*	*Non-mobile*
Alcohol Countermeasures System, Inc., Port Huron, MI:		
Alert J3AD	X	X
BAC Systems, Inc., Ontario, Canada:		
Breath Analysis Computer		X
CAMEC Ltd., North Shields, Tyne and Ware, England		
IR Breath Analyzer	X	X
CMI, Inc., Owensboro, KY		
Intoxilyzer Model:		
1400	X	X
4011	X	X
4011A	X	X
4011AS	X	X
4011AS–A	X	X
4011AS–AQ	X	X
4011 AW	X	X
4011A27–10100	X	X
4011A27–10100 with filter	X	X
5000	X	X
5000 (w/Cal. Vapor Re-Circ.).	X	X
5000 (w/⅜" ID Hose option).	X	X
5000 (CAL DOJ)	X	X
5000 (VA)	X	X
PAC 1200	X	X
SD–2	X	X
Decator Electronics, Decator, IL:		
Alco-Tector model 500		X
Intoximeters, Inc., St. Louis, MO:		
Photo Electric Intoximeter		X
GC Intoximeter MK II	X	X
GC Intoximeter MK IV	X	X
Auto Intoximeter	X	X
Intoximeter Model:		
3000	X	X
3000 (rev B1)	X	X
3000 (rev B2)	X	X
3000 (rev B2A)	X	X
3000 (rev B2A) w/FM option.	X	X
3000 (Fuel Cell)	X	X
3000 D	X	X
3000 DFC	X	X
Alcomonitor		X
Alco-Sensor III	X	X
Alco-Sensor IV	X	X
RBT III	X	X
RBT III–A	X	X
RBT IV	X	X
Komyo Kitagawa, Kogyo, K.K.:		
Alcolyzer DPA–2	X	X
Breath Alcohol Meter PAM 101B.	X	X
Life-Loc, Inc., Wheat Ridge, CO:		
PBA 3000–P	X	X
Lion Laboratories, Ltd., Cardiff, Wales, UK		
Alcolmeter Model:		
AE–D1	X	X
SD–2	X	X
EBA	X	X
Auto-Alcolmeter		X
Luckey Laboratories, San Bernadino, CA		
Alco-Analyzer Model:		
1000		X
2000		X
National Draeger, Inc., Pittsburgh, PA		
Alcotest Model:		
7010	X	X
7110	X	X
7410	X	X
Breathalzyer Model:		
900	X	X
900A	X	X
900BG	X	X
National Patent Analytical Systems, Inc., Mansfield, OH:		
BAC Datamaster	X	X
Omicron Systems, Palo Alto, CA		
Intoxilyzer Model:		
4011	X	X
4011AW	X	X
Plus 4 Engineering, Minturn, CO:		
5000 Plus4	X	X
Siemans-Allis, Cherry Hill, NJ:		
Alcomat	X	X
Alcomat F	X	X
Smith and Wesson Electronics, Springfield, MA		
Breathalyzer Model:		
900	X	X
900A	X	X
1000	X	X
2000	X	X
2000 (non-Humidity Sensor)	X	X
Stephenson Corp.:		
Breathalyzer 900	X	X
U.S. Alcohol Testing, Inc./Protection Devices, Inc., Dayton, NJ:		
Alco-Analyzer 1000		X
Alco-Analyzer 2000		X
Verax Systems, Inc., Fairport, NY:		
The BAC Verifier	X	X
BAC Verifier Datamaster	X	X
BAC Verifier Datamaster II	X	X

(23 U.S.C. 402; delegations of authority at 49 CFR 1.50 and 501.8)

Michael B. Brownlee,
Associate Administrator for Traffic Safety Programs.

[FR Doc. 92-5296 Filed 3-3-92; 3:56 pm]
BILLING CODE 4910-59-M

[Docket No. 92-11; Notice 1]

Receipt of Petition for Determination that Nonconforming 1989 BMW 520iA Passenger Cars Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice of receipt of petition for determination that nonconforming 1989 BMW 520iA passenger car are eligible for importation.

SUMMARY: This notice requests comments on a petition submitted to the National Highway Traffic Safety Administration (NHTSA) for a determination that a 1989 BMW 520iA passenger car 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 April 8, 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.

G&K Automotive Conversion, Inc. of Anaheim, California (Registered Importer No. R-90-007) has petitioned NHTSA to determine whether 1989 BMW 520iA passenger cars are eligible for importation into the United States. The vehicle which G&K believes is substantially similar is the 1989 BMW 525iA. G&K has submitted information indicating that Bayerische Motoren-Werke A.G., the company that manufactured the 1989 BMW 525iA, certified that vehicle as conforming to all aplicable Federal motor vehicle safety standards and offered it for sale in the United States.

The petitioner contends that the 520iA is substantially similar to the 525iA with respect to most aspects of performance governed by applicable Federal motor vehicle safety standards and regulations. The petitioner stated that the two models differ only with regard to engine size, and surmised that the less-powered 520iA may not have been introduced into the United States because of low sales potential in that market. The petitioner further speculated that the 520iA's absence from the United States market could be attributed to "legislative restrictions such as the strict emission control requirements in the United States."

G&K submitted information with its petition intended to demonstrate that the 1989 model 520iA, as originally manufactured, conforms to many Federal motor vehicle safety standards in the same manner as the 1989 BMW 525iA 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 520iA is identical to the certified 1989 model 525iA with respect to compliance with Standards Nos. 102 Transmission Shift Level Sequence * * *, 103 Defrosting and Defogging Systems, 104 Windshield Wiping and Washing Systems, 106 Brake Hoses, 107 Reflecting Surfaces, 109 New Pneumatic Tires, 113 Hood Latch Systems, 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; (c) recalibration of the speedometer/odometer from kilometers to miles per hour.

Standard No. 105 *Hydraulic Brake Systems:* (a) Modification of the electrical circuit powering the brake failure indicator lamp so that it activates when the ignition switch is turned to the "on" position; (b) information molded into the brake fluid reservoir cap is incomplete and must be supplemented to comply with the standard.

Standard No. 108 *Lamps, Reflective Devices and Associated Equipment:* (a) Installation of U.S.-model headlamp assemblies; (b) modification of models equipped with integral parking lamps and headlamps to permit the parking lamp to be activated independently of the headlamp; (c) installation of front and rear sidemarker lamps and reflex reflectors; (d) installation of U.S.-model taillamp assemblies; (e) installation of a high mounted stop lamp.

Standard No. 110 *Tire Selection and Rims*: Installation of a tire information placard.

Standard No. 110 *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 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 520iA 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: April 8, 1992.

Authority: 15 U.S.C. 1397(c)(3)(A) (i) (II) and (C) (iii); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: February 27, 1992.

William A. Boehly,

Associate Administrator for Enforcement.

[FR Doc. 92–5357 Filed 3–6–92; 8:45 am]

BILLING CODE 4910–59–M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

March 3, 1992.

The Department of the 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: New.
Form Number: None.
Type of Review: New collection.
Title: Customer Survey for the Form 1040EZ–1 1992 Test.
Description: A 1992 filing season test of the Form 1040EZ–1 was conducted among 342,000 taxpayers in Texas, Rhode Island, and Washington. This survey of a sample of approximately 3,000 of them will ascertain their reactions to the new form and estimate the amount of burden to be saved through use of the new form.
Respondents: Individuals or households.
Estimated Number of Respondents: 3,000.
Estimated Burden Hours Per Respondent: 10 minutes.
Frequency of Response: Other (One-time survey).
Estimated Total Reporting Burden: 500 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. 92–5400 Filed 3–6–92; 8:45 am]

BILLING CODE 4830–01–M

Public Information Collection Requirements Submitted to OMB for Review

Dated: March 3, 1992.

The Department of Treasury has made revisions and resubmitted 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 3172 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

Internal Revenue Service

OMB Number: 1545–1144.
Form Number: IRS Form 706GS(D).
Type of Review: Resubmission
Title: Generation-Skipping Transfer Tax Returns for Distributions
Description: Form 706GS(D) is used by the distributees to compute and report the Federal Generation-Skipping Transfer (GST) tax imposed by Internal Revenue Code (IRC) section 2601. IRS uses the information to enforce this tax and to verify that the tax has been properly computed.
Respondents: Individuals or households.
Estimated Number of Respondents/ Recordkeepers: 1,000.
Estimated Burden Hours Per Respondent/Recordkeeper:
Recordkeeping—7 minutes.
Learning about the law or the form—28 minutes.
Preparing the form—24 minutes
Copying, assembling and sending the form to IRS—19 minutes.
Frequency of Response: Annually.
Estimated Total Reporting/ Recordkeeping Burden: 1,020 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. 92–5337 Filed 3–6–92, 8:45 am]

BILLING CODE 4830–01–M

Public Information Collection Requirements Submitted to OMB for Review

Dated: March 3, 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: 1545–0720.
Form Number: IRS Forms 8038, 8038–G, 8038–GC and 8038–T.
Type of Review: Revision.
Title:

1. Information Return for Tax-Exempt Private Activity Bond Issues (8038).
2. Information Return for Tax-Exempt Governmental Obligations (8038–G).
3. Information Return for Small Tax-Exempt Governmental Bond Issues, Leases and Installment Sales (8038–GC).
4. Arbitrage Rebate (8038–T).

Description: Forms 8038, 8038–G and 8038–GC collect the information that IRS is required to collect by Code Section 149(e). IRS uses the information to complete the required study of tax-exempt bonds (requested by Congress). IRS also uses the information to assure that tax-exempt bonds are issued consistent with the rules of Internal Revenue Code (IRC) sections 141–149. Form 8038–T is used to implement the arbitrage rebate requirement.
Respondents: State or local governments, Businesses or other for-profit, Non-profit institutions.
Estimated Number of Respondents/ Recordkeepers: 77,000.
Estimated Burden Hours Per Respondent/Recordkeeper:

Form	Recordkeeping	Learning about the law or the form	Preparing, copying, assembling, and sending the form to IRS
8038	23 hrs., 26 min.	4 hrs., 38 min.	6 hrs., 26 min.
8038–G	13 hrs., 38 min.	1 hr., 29 min.	1 hr., 47 min.
8038–GC	3 hrs., 21 min.	1 hr., 34 min.	2 hrs., 53 min.
8038–T	4 hrs., 47 min.	1 hr., 41 min.	1 hr., 50 min.

Frequency of Response: Forms 8038 and 8038–G—Quarterly. Forms 8038–GC—Annually. Forms 8038–T—Other (at least once every 5 years.
Estimated Total Reporting/ Recordkeeping Burden: 1,443,925 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. 92–5338 Filed 3–6–92; 8:45 am]
BILLING CODE 4830–01–M

Public Information Collection Requirements Submitted to OMB for Review

Dated: March 2, 1992.

The Department of Treasury has made revisions and resubmitted 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: 1545–1145.
Form Number: IRS Form 706GS(T), Schedule A and Schedule B.
Type of Review: Resubmission.
Title: Generation-Skipping Transfer Tax Return for Terminations
Description: Form 706GS(T) is used by trustees to compute and report the Federal Generation-Skipping Transfer (GST) tax imposed by Internal Revenue Code (IRC) section 2601. IRS uses the information to enforce this tax and to verify that the tax has been properly computed.
Respondents: Individuals or households.
Estimated Number of Respondents/ Recordkeepers: 100.
Estimated Burden Hours Per Respondent/Recordkeeper:

	706GS(T)	Schedule A	Schedule B
Recordkeeping	40 min.	13 min.	13 min.
Learning about the law or the form.	28 min.	17 min.	4 min.
Preparing the form.	32 min.	38 min.	20 min.
Copying, assembling and sending the form to IRS.	20 min.	20 min.	20 min.

Frequency of Response: Annually.
Estimated Total Reporting/ Recordkeeping Burden: 689 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. 92–5339 Filed 3–6–92; 8:45 am]
BILLING CODE 4830–01–M

Public Information Collection Requirements Submitted to OMB for Review

Dated: March 2, 1992.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for reveiw and clearance under the Paperwork Reduction Act of 1980, Public Law 96–511. Copies of the subission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addresses 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: 1545–0212.
Form Number: IRS Form 5558.
Type of Review: Extension.
Title: Application for Extension of Time to File Certain Employee Returns.
Description: This form is used by employers to request an extension of time to file employee plan annual information returns and the employee plan excise tax return (5330). The data supplied on this form is used to

determine if such extension of time is warranted.

Respondents: Farms, Businesses or other for-profit.

Estimated Number of Respondents: 75,000.

Estimated Burden Hours Per Respondent: 36 minutes.

Frequency of Response: On occasion.

Estimated Total Reporting Burden: 44,525 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 Mangagmenet and Budget, room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 92–5340 Filed 3–6–92; 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 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 object to be included in the exhibit, "The Quedlinburg Treasury" (see list) [1] imported from abroad for the temporary exhibition without profit within the United States is of cultural significance. The object is imported pursuant to a loan agreement with the foreign lender. I also determine that the tempory exhibition or display of the listed exhibit object at the Dallas Museum of Art, Dallas Texas, beginning on or about March 7, 1992, to on or about May 24, 1992, is the national interest.

Public notice of this determination is ordered to be published in the **Federal Register.**

Dated: March 4, 1992.

Alberto J. Mora,

General Counsel.

[FR Doc. 92–5516 Filed 3–5–92; 11:03 am]

BILLING CODE 8230–01–M

[1] A copy of this list may be obtained by contacting Mr. R. Wallace Stuart of the Office of the General Counsel of USIA. The telephone number is 202/619–5078, and the address is room 700, U.S. Information Agency, 301 Fourth Street, SW., Washington, DC 20547.

Central American Program of Undergraduate Scholarships, (CAMPUS)

AGENCY: United States Information Agency.

ACTION: Notice—Request for proposals.

SUMMARY: Subject to the availability of funds, the United States Information Agency (USIA) invites applications for the seventh Central American Program of Undergraduate Scholarships (CAMPUS) from accredited U.S. educational institutions to host groups of Central American undergraduate students for English language training and the final two years of their undergraduate studies. USIA anticipates awarding five or six grants under this competition.

DATES: Deadline for proposals: Proposals must be received at the U.S. Information agency by 5 p.m. E.D.T. on April 20, 1992. Faxed documents will not be accepted, nor will documents postmarked on April 20, 1992, but received at a later date. It is the responsibility of each grant applicant that proposals are received by the above deadline. Grants should begin September 1, 1992. The duration of the grant should be for thirty-four to thirty-five months. Note: The students will arrive in January, 1993. The grant start date allows for time to prepare for the students' arrival. No funds may be expended until the grant agreement is signed.

ADDRESSES: The original and fourteen copies of the completed application, and the original and two copies of the required U.S. Government forms, should be submitted by the deadline to: U.S. Information Agency, Ref: CAMPUS VII, Grants Management Office, E/XE, room 357, 301 Fourth St., SW., Washington, DC 20547.

FOR FURTHER INFORMATION CONTACT: Interested U.S. institutions should contact the Academic Exchange Programs Division, American Republics Branch, at the U.S. Information Agency, E/AEL, Room 246, 301 4th St., S.W., Washington, D.C. 20547 (202) 619–5365, to request detailed application packets which include specific guidelines for preparing proposals, all necessary forms, and specific budget preparation information.

SUPPLEMENTARY INFORMATION: Pursuant to the Bureau's authorizing legislation, programs must maintain a non-political character and should be balanced and representative of the diversity of American political, social and cultural life. Overall authority for this program is contained in the Mutual Educational and Cultural Exchange Act of 1961, as amended, Public Law 87–256 (Fulbright-Hays Act). The purpose of the Act is "to enable the Government of the United States to increase mutual understanding between the people of other countries; to strengthen the ties which unite us with other nations by demonstrating the educational and cultural interests, developments, and achievements of the people of the United States and other nations and thus to assist in the development of friendly, sympathetic and peaceful relations between the United States and the other countries of the world."

I. Background

A. Overview

The objectives of the program are to improve the range and quality of educational alternatives for talented young Central Americans of limited financial means, to match educational opportunities with regional needs, and to build lasting links betwwen the U.S. and Central America.

B. Program Scope and Calendar

Approximately 69 upper division transfer students from Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, Panama and Belize will be sponsored for up to 30 months of U.S. study toward a bachelor's degree, including intensive English language training and undergraduate academic coursework. In selecting student grantees, the Agency will seek those who, by prior academic preparation and performance, are likely to succeed in rigorous U.S. college courses.

USIA will award grants to five or six accredited U.S. colleges and universities to host nationally diverse groups of 10–15 student participants.

Applicant institutions should pledge administrative and faculty commitment, as well as instructional and counseling support, to implement an extensive range of educational and cultural program elements and to assist students in achieving academic and personal success.

The scholarship period will be for a maximum total of 30 months, including English language training as needed, appropriate academic programs, and program enhancements as specified below.

About 65 of the participants will be Spanish-speaking students from Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama, who will arrive in January 1993 to begin intensive English language training.

About four of the participants will be English-speaking Belizean students, who will also arrive in January, 1993. Since they will not require ESL training, they will begin academic coursework immediately, and continue through the last academic term ending by June 1995.

C. Student Selection

Selection will be conducted by a joint private sector-USIA team working with Central American organizations, universities, and USIS posts in Central America. The team will recommend the selection and placement of candidates to USIA; final selection is subject to review by the J. William Fulbright Foreign Scholarship Board.

D. Admission and Credit Transfer

Once student participants are identified, their application dossiers will be sent to the prospective host institution, which will have a specified time in which to review student qualifications and confirm admission.

E. Project Driectors' Workshop

USIA will hold a two-day conference in Washington, DC in October 1992, for university Project Directors. Project issues and policies will be discussed with USIA staff.

F. Plenary Arrival Orientation Program

USIA will conduct an orientation program for the students from Spanish-speaking countries in January, 1993 (the actual dates to be determined in accordance with the selected universities' academic calendars), in Miami, Florida.

II. The Program

A. Intensive English Language Program

Institutions shall provide intensive English as a Second Language programs responsive to widely varying levels of individual ability and rates of progress, to enable students to achieve adequate English fluency to enter regular academic courses in the fall of 1993.

Host institutions should be prepared to admit qualified students to regular academic coursework as soon as possible.

Provisions should be made for those students requiring some additional English tutoring during the first semester of academic coursework.

B. Nature and Level of Academic Program

CAMPUS students will enroll at each U.S. host institution as undergraduates seeking (unless otherwise specified) to earn a bachelor's degree during the scholarship period. As they will have completed at least two years of college-level study at recognized Central American institutions, CAMPUS students should in many ways be considered upper division (third and fourth year) students.

C. Academic Program: Guidance and Monitoring

Host institutions are expected to ensure that CAMPUS students are enrolled in a substantive undergraduate study program throughout the duration of scholarship. If careful assessment of a participant's prior studies suggests that a bachelor's degree can be earned before the program expiration date, that participant is expected to return home immediately after graduation. Conversely, if careful assessment while the student is pursuing studies in the U.S. suggests that a bachelor's degree cannot be earned within the scholarship period, USIA will work with the host institution to determine an appropriate course of action.

D. Academic Program: Fields of Study

Institutional grantees should expect to offer academic programs in three or more of the six following fields of study (with specializations indicated in parentheses):

1. Business Administration (including management, accounting, marketing, and finance);
2. Communications (including print and electronic journalism, mass media, and public relations);
3. Education (including administration, guidance, special education, teaching specialties in levels pre-K through secondary, and TESOL);
4. Social Sciences (including anthropology, agricultural economics, economics, geography, history, international relations, political science, psychology, and sociology);
5. Natural Sciences (including biology, botany, chemistry, ecology, genetics, geology, marine biology, mathematics, natural resources management, physics, plant physiology, and zoology);
6. Information Science (including computerized information systems analysis, design, and management).

The proposal should include a list of all major fields of study and the specializations offered in which, based on the institution's previous experience with Central American students and the standards of the departments involved, the students have a reasonable expectation of attaining a degree.

E. Special Programs and Services

The special needs of this foreign student group should be addressed in orientation programs treating social and cultural adaptation, introduction to preparation for U.S. scholarly traditions and classroom methodology, ongoing intercultural counseling, appropriate undergraduate coursework, and intellectual, cultural, and social enchancement activities to strengthen understanding of U.S. society and culture, promote group support, and enrich personal experiences. Guded cultural and social activities, e.g. attending a play, concert, lecture, sports event, or other community or cultural activities, are encouraged and should be offered during the entire length of the program. To the extent possible, faculty members or local citizens with relevant expertise should prepare and/or accompany the students for each activity.

III. Technical Format Requirements

Proposals must be submitted by the deadline. The proposal package should include one original and fourteen complete copies and all required documentation. Proposals should be presented as follows:

A. A Bureau Cover Sheet with the name of the institution, project directors with their addresses, telephone and fax numbers, and other required information. A sample cover sheet is included in the application packet.

B. An executive summary (two pages, double-spaced) should preface your proposal and include the university's experience with Central American students, an overview of the ESL program, and the three prioritized fields of study which the university considers most appropriate for these students.

C. A narrative of approximately thirty double-spaced pages addressing all requisite program features mentioned above, the university's objectives, proposed participants and activities, and a plan for institutional evaluation of the project. (Note: the Agency will monitor the program by requiring periodic reports and through USIA and outside contractor visits.) Number all pages (including budget and addenda) and provide a Table of Contents.

D. A comprehensive line item budget outlining specific expenditures. Detailed information, the required budget format, and other required forms are available in the application packet.

E. Documentation of institutional support for the program, including a signed letter of commitment from the institution's President or acting President and other supporting documents affirming the institution's ability to execute the project as proposed.

F. Applicants should refer to the application packets for additional required forms, documentation, and the arrangement of materials.

IV. Review Process

USIA will acknowledge receipt of all proposals and will review them for technical eligibility. Proposals will be deemed ineligible if they do not fully adhere to the guidelines established herein and in the application packet. Eligible proposals will be forwarded to panels of USIA officers for advisory review. All eligible proposals will also be reviewed by the American Republics area office, and the budget and contracts offices. Proposals may also be reviewed by the Agency's Office of General Counsel. Funding decisions are at the discretion of the Associate Director for Educational and Cultural Affairs. Final technical authority for grant awards resides with USIA's contracting officer.

V. Review Criteria

Technically eligible applications will be competitively reviewed according to the following criteria:

1. Overall quality. This includes academic rigor, a high level of institutional commitment and flexibility, the quality of the program plan, adherence of the activity to the criteria and conditions described above, and creative design in all program areas.

2. Feasibility of the program plan as it relates to the stated goals.

3. Value to U.S.-partners country relations. Assessments by USIA's American Republic's office and overseas officers of the need, potential impact and significance in the partner countries.

4. Cost effectiveness. The overhead and administrative components, as well as salaries and honoraria, should be kept as low as possible. All other items should be necessary and appropriate. Proposals should maximize cost-sharing through other private sector support as well as institutional direct funding contributions.

5. Institutional capacity. Proposed personnel and institutional resources should be adequate and appropriate to achieve the program's goals.

6. Potential for program excellence and/or track record of the applicant institution. The Agency will consider the past performance of prior grantees and the demonstrated potential of new applicants, as well as the CAMPUS program's potential for strengthening the institution's existing international program.

7. Follow-on Activities. Proposals should provide a plan for follow-on activity (without USIA support) which insures that USIA supported programs are not isolated events.

8. Evaluation Plan. Proposals should provide a plan for evaluation by the grantee institution.

Applicants should refer to the guidelines provided with the application packets for specific details.

Notice: The terms and conditions published in this RFP are binding and may not be modified by any USIA representative. Explanatory information provided by the Agency that contradicts published language will not be binding. Issurance of the RFP does not constitute an award commitment on the part of the Government. The final award cannot be made until funds have been fully appropriated by Congress, allocated, and committed through internal USIA procedures.

Notification

All applicants will be notified of the results of the review process on or about August 1, 1992. Funded proposals will be subject to periodic reporting and evaluation requirements.

Dated: March 2, 1992.

William P. Glade,

Associate Director, Bureau of Educational and Cultural Affairs.

[FR Doc. 92-5307 Filed 3-6-92; 8:45 am]

BILLING CODE 8230-01-M

Group Projects for International Visitor Grantees

AGENCY: United States Information Agency.

ACTION: Notice—Cancellation Request for Proposals.

Cancellation

The U.S. Information Agency finds it necessary to cancel one of the Group Projects for which it issued a Request for Proposals, published in the **Federal Register** on September 23, 1991, Volume 56, Number 184, Page 47987. Because of a lack of response from the U.S. Embassies on which we rely to nominate participants for group projects, we will be unable to conduct the Multi-Regional Project entitled "Regional and Ethnic Culture in the U.S.", scheduled for June 22–July 17, 1992. The deadline for submission of Proposals was to have been March 30, 1992.

Dated: March 2, 1992.

Barry Fulton,

Deputy Associate Director, Bureau of Educational and Cultural Affairs.

[FR Doc. 92-5306 Filed 3-6-92; 8:45 am]

BILLING CODE 8230-01-M

U.S. Advisory Commission on Public Diplomacy Meeting

AGENCY: United States Information Agency.

ACTION: Notice.

SUMMARY: A meeting of the U.S. Advisory Commission on Public Diplomacy will be held on March 11 in room 600, 301 4th Street SW., Washington, DC, from 10–12:30 a.m.

At 10 a.m. the Commission will meet with Mr. Tom Rogers, Chief Scientist, International Radio Satellite Corporation, to discuss international broadcasting technologies. Mr. Alberto Mora, USIA General Counsel, is scheduled to meet with the Commission at 11:45, to discuss domestic dissemination, use of the J–1 visa, and other legal issues.

FOR FURTHER INFORMATION CONTACT: Please call Gloria Kalamets, (202) 619–4468, if you are interested in attending the meeting. Space is limited and entrance to the building is controlled.

Dated: March 3, 1992.

Rose Royal,

Management Analyst, Federal Register Liaison.

[FR Doc. 92-5413 Filed 3-6-92; 8:45 am]

BILLING CODE 8230-01-M

Sunshine Act Meetings

Federal Register
Vol. 57, No. 46
Monday, March 9, 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 NATIONAL AND COMMUNITY SERVICE

TIME AND DATE: Monday, March 30, from 8:30 a.m. to 4:30 p.m.

PLACE: Williamsburg Room, Dept. of Agriculture, 14th and Jefferson Drive, Washington, D.C.

STATUS: The meeting will be open to the public with the exception of the 8:30–9:30 a.m. session which will be closed in order for the Board of Directors to discuss selection of the Executive Director. The closed session is pursuant to the Privacy Act

MATTERS TO BE CONSIDERED: The Board of Directors of the Commission on National and Community Service will meet on March 30, 1992 to discuss the grant process, committee reports, strategic planning, and Subtitle E. The public is invited to address the Board from 1:00 to 2:00 p.m. on March 30. The public is invited to address the Board specifically regarding Subtitle E programs. Statements should be limited to 3–5 minutes, although supplementary written information may be provided. Please provide at least 28 copies of any such materials, either in advance or at the meeting. If we receive requests to speak from more people than can be accommodated, we will select speakers to ensure representation of a variety of viewpoints. If there is not sufficient time for everyone present to speak, comments may be submitted in writing at that time. Persons wishing to comment should contact Cindy Radle at (202) 724–0600 by Thursday, March 26.

CONTACT PERSON FOR MORE INFORMATION: Terry Russell, General Counsel, Commission on National and Community Service, 529 14th Street, NW (Suite 428), Washington, D.C. 20045, (202) 724–0600.

Catherine Milton,

Executive Director, Commission on National and Community Service.

[FR Doc. 92–5615 Filed 3–5–92; 3:34 pm]

BILLING CODE 6829–BA–M

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 10:50 a.m. on Wednesday, March 4, 1992, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider matters relating to the Corporation's corporate activities.

In calling the meeting, the Board determined, on motion of Director C.C. Hope, Jr. (Appointive), seconded by Director T. Timothy Ryan, Jr., Director (Office of Thrift Supervision), concurred in by Vice Chairman Andrew C. Hove, Jr., Director Stephen R. Steinbrink (Acting Comptroller of the Currency), and Chairman William Taylor, that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(2), (c)(6), (c)(9)(B), and (c)(10) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2), (c)(6), (c)(9)(B), and (c)(10)).

The meeting was held in the Board Room of the FDIC Building located at 550–17th Street, N.W., Washington, DC.

Dated: March 5, 1992.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Deputy Executive Secretary.

[FR Doc. 92–5614 Filed 3–5–92; 3:33 pm]

BILLING CODE 6714–0–M

INTERSTATE COMMERCE COMMISSION

Commission Conference

TIME AND DATE: 10:00 a.m., Tuesday, March 10, 1992.

PLACE: Hearing Room A, Interstate Commerce Commission, 12th and Constitution Avenue, N.W., Washington, D.C. 20423.

STATUS: The Commission will meet to discuss among themselves the agenda items listed in the notice served on March 3, 1992. Although the conference is open for public observation, no public participation is permitted.

MATTER TO BE DISCUSSED: There has been a change in the agenda listed in the notice served March 3, 1992. The following item has been deleted from the agenda:

Finance Docket No. 29802, *Delaware and Hudson Railway Company v. Consolidated Rail Corporation—Reciprocal Switching Agreement.*

CONTACT PERSONS FOR MORE INFORMATION: Alvin H. Brown or A. Dennis Watson, Office of External Affairs, Telephone: (202) 927–5350, TDD: (202) 927–5721.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 92–5517 Filed 3–5–92; 10:55 am]

BILLING CODE 7035–01–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 meetings during the week of March 9, 1992.

A closed meeting will be held on Tuesday, March 10, 1992, at 2:30 p.m. An open meeting will be held on Wednesday, March 11, 1992, at 9:00 a.m., in Room 1C30.

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 Roberts, 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 Tuesday, March 10, 1992, at 2:30 p.m., will be:

Settlement of injunctive actions.
Institution of injunctive actions.
Settlement of administrative proceedings of an enforcement nature.
Institution of administrative proceedings of an enforcement nature.

The subject matter of the open meeting scheduled for Wednesday, March 11, 1992, at 9:00 a.m., will be:

1. Consideration of whether to issue for comment amendments to Regulation E under the Securities Act of 1933. Regulation E

provides a conditional exemption from registration under the 1933 Act for securities issued by small business investment companies that are registered under the Investment Company Act of 1940 and by business development companies the elect to be regulated under the 1940 Act. The proposed amendments would increase the aggregate offering price of (a) securities of a small business investment company that may be offered within a twelve-month period from $5 million to $15 million and (b) securities of a small business investment company or business development company offered by a person other than the issuer from $100,000 to $1.5 million. For further information, please contact Kathleen K. Clarke at (202) 272–2097.

2. Consideration of whether to publish revisions to the Guidelines for Form N–1A, the registration statement form for open-end management investment companies. The revised Guidelines would permit open-end management investment companies to increase the amount of assets held in illiquid securities from 10% to 15%. For further information, please contact Richard Pfordte at (202) 272–2103.

3. Consideration of whether to publish for comment proposed rule changes to faciliate capital formation by small businesses. The proposals involve revisions to Regulations A and D, a definition of "small business issuer," new forms and disclosure requirements for such companies and revisions to the exemptive rules regarding the use of trust indentures. For further information, please contact Teresa E. Iannaconi at (202) 272–2553.

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: Holly Smith at (202) 272–2100.

Dated: March 4, 1992.

Jonathan G. Katz,

Secretary.

[FR Doc. 92–5532 Filed 3–5–92; 2:27 pm]

BILLING CODE 8010–01–M

Federal Register

Monday
March 9, 1992

Part II

Department of Commerce

Bureau of the Census

Qualifying Urbanized Areas for the 1990 Census; Notice

DEPARTMENT OF COMMERCE

Bureau of the Census

[Docket No. 920132-2032]

Qualifying Urbanized Areas for the 1990 Census

AGENCY: Bureau of the Census, Commerce.

ACTION: Notice.

SUMMARY: This document provides the list of urbanized areas that qualified based on the results of the 1990 Census of Population and Housing [1] for the United States and Puerto Rico. The Census Bureau determined these urbanized areas using the final criteria that were published in the **Federal Register** on October 22, 1990 (55 FR 42592).[2]

The Bureau of the Census identifies and delineates urbanized areas to provide better data on the separation of the urban and rural population and housing in the vicinity of large cities. Because the Census Bureau identifies and tabulates data for urbanized areas solely for the purpose of statistical presentation and comparison, it does not take into account or attempt to anticipate any nonstatistical uses that others may make of these areas or their associated data, nor does it attempt to meet the requirements of any such nonstatistical program uses. Nevertheless, the Census Bureau recognizes that some Federal and State agencies are required by statute to use the Census Bureau defined urbanized areas for allocating program funds, setting program standards, and implementing other aspects of their programs. If a Federal or State agency voluntarily uses these urbanized areas or their associated data in a nonstatistical program, it is the agency's responsibility to ensure that the results are appropriate for such use. In considering the appropriateness of such nonstatistical program uses, the Census Bureau urges each agency to consider permitting appropriate modifications of the urbanized area results specifically for purposes of its program. When an agency permits such modifications, the Census Bureau urges each agency to use descriptive terminology that clearly avoids confusion with the Census Bureau's official urbanized areas.

As a result of the 1990 census, there are 396 urbanized areas in the United States and nine additional urbanized areas in Puerto Rico. Three 1990 urbanized areas resulted from merging previously qualifying areas: St. Petersburg merged with Tampa, FL; Newport News-Hampton with Norfolk, VA; and Meriden with New Haven, CT. Two areas that qualified as urbanized areas in 1980, Danville, IL and Enid, OK, no longer qualify because their 1990 census populations were lower than the required 50,000.

An alphabetical list of qualified urbanized areas follows; a footnote "1" identifies newly qualified urbanized areas.

Urbanized area	Population
Abilene, TX	107,836
Akron, OH	527,863
Albany, GA	87,223
Albany—Schenectady—Troy, NY	509,106
Albuquerque, NM	497,120
Alexandria, LA	86,001
Allentown—Bethlehem—Easton, PA—NJ	410,436
Alton, IL	86,236
Altoona, PA	76,551
Amarillo, TX	157,934
Anchorage, AK	221,883
Anderson, IN	74,037
Anderson, SC	52,492
Annapolis, MD	78,590
Ann Arbor, MI	222,061
Anniston, AL	68,150
Antioch—Pittsburg, CA	153,768
Appleton—Neenah, WI	160,918
Asheville, NC	110,429
Athens, GA	73,282
Atlanta, GA	2,157,806
Atlantic City, NJ	169,993
Auburn—Opelika, AL	56,510
Augusta, GA—SC	286,538
Aurora, IL	192,043
Austin, TX	562,008
Bakersfield, CA	302,605
Baltimore, MD	1,889,873
Bangor, ME	61,402
Baton Rouge, LA	365,943
Battle Creek, MI	77,921
Bay City, MI	74,118
Beaumont, TX	122,841
Bellingham, WA	59,317
Beloit, WI—IL	56,076
Benton Harbor, MI	57,744
Billings, MT	88,181
Biloxi—Gulfport, MS	179,643
Binghamton, NY	158,405
Birmingham, AL	622,074
Bismarck, ND	66,476
Bloomington, IN	71,440
Bloomington—Normal, IL	94,186
Boise City, ID	167,941
Boston, MA	2,775,370
Boulder, CO	98,910
Bremerton, WA	112,977
Bridgeport—Milford, CT	413,863
Bristol, CT	92,418
Bristol, TN—Bristol, VA	52,563
Brockton, MA	160,910
Brownsville, TX	117,676
Brunswick, GA [1]	50,066
Bryan—College Station, TX	107,599
Buffalo—Niagara Falls, NY	954,332
Burlington, NC	74,053
Burlington, VT	87,088
Canton, OH	244,576
Casper, WY	52,248
Cedar Rapids, IA	136,190
Champaign—Urbana, IL	115,524
Charleston, SC	393,956
Charleston, WV	164,418
Charlotte, NC	455,597
Charlottesville, VA	67,553
Chattanooga, TN—GA	296,955
Cheyenne, WY	61,890
Chicago, IL—Northwestern Indiana	6,792,087
Chico, CA	71,831
Cincinnati, OH—KY	1,212,675
Clarksville, TN—KY	97,581
Cleveland, OH	1,677,492
Colorado Springs, CO	352,989
Columbia, MO	75,854
Columbia, SC	328,349
Columbus, GA—AL	220,698
Columbus, OH	945,237
Corpus Christi, TX	270,006
Crystal Lake, IL [1]	72,498
Cumberland, MD—WV	54,655
Dallas—Fort Worth, TX	3,198,259
Danbury, CT—NY	116,240
Danville, VA	54,315
Davenport—Rock Island—Moline, IA—IL	264,018
Davis, CA [2]	52,711
Dayton, OH	613,467
Daytona Beach, FL	221,341
Decatur, AL	63,541
Decatur, IL	96,039
Deltona, FL [1]	58,053
Denton, TX [1]	66,445
Denver, CO	1,517,977
Des Moines, IA	293,666
Detroit, MI	3,697,529
Dothan, AL	58,925
Dover, DE [1]	50,787
Dubuque, IA—IL	63,705
Duluth, MN—WI	122,971
Durham, NC	205,355
Eau Claire, WI	80,293
Elgin, IL	123,899
Elkhart—Goshen, IN	98,787
Elmira, NY	66,612
El Paso, TX—NM	571,017
Erie, PA	177,666
Eugene—Springfield, OR	189,192
Evansville, IN—KY	183,087
Fairfield, CA	99,964
Fall River, MA—RI	144,358
Fargo—Moorhead, ND—MN	121,336
Fayetteville, NC	241,763
Fayetteville—Springdale, AR	74,880
Fitchburg—Leominster, MA	82,249
Flint, MI	326,023
Florence, AL	69,186
Florence, SC	54,659
Fort Collins, CO	105,809
Fort Lauderdale—Hollywood—Pompano Beach, FL	1,238,134
Fort Myers—Cape Coral, FL	220,552
Fort Pierce, FL	126,342
Fort Smith, AR—OK	94,486
Fort Walton Beach, FL	112,522
Fort Wayne, IN	248,424
Frederick, MD [1]	58,393
Fredericksburg, VA [1]	56,718
Fresno, CA	453,388
Gadsden, AL	71,630
Gainesville, FL	126,215
Galveston, TX	58,263
Gastonia, NC	113,637
Glens Falls, NY	56,475
Goldsboro, NC	60,230
Grand Forks, ND—MN	58,103
Grand Junction, CO	71,938
Grand Rapids, MI	436,336

[1] All references to population counts and densities relate to data reported in the 1990 Census of Population and Housing.

[2] Any urbanized area delineated as a result of a special census conducted by the Census Bureau during this decade (an intercensal urbanized area), at the request and expense of local officials, will be qualified using these criteria and the population counts reported in that special census.

Urbanized area	Population
Great Falls, MT	63,506
Greeley, CO	71,578
Green Bay, WI	161,931
Greensboro, NC	194,508
Greenville, NC [1]	55,884
Greenville, SC	248,173
Hagerstown, MD—PA—WV	70,206
Hamilton, OH	118,315
Harlingen, TX	79,309
Harrisburg, PA	292,904
Hartford—Middletown, CT	546,198
Hattiesburg, MS	59,757
Hemet—San Jacinto, CA	90,929
Hesperia—Apple Valley—Victorville, CA [1]	153,176
Hickory, NC	69,914
High Point, NC	106,686
Holland, MI [1]	62,418
Honolulu, HI	632,603
Houma, LA	65,879
Houston, TX	2,901,851
Huntington—Ashland, WV—KY—OH	169,594
Huntsville, AL	180,315
Hyannis, MA [1]	66,713
Idaho Falls, ID [1]	56,356
Indianapolis, IN	914,761
Indio—Coachella, CA [1]	56,038
Iowa City, IA	71,372
Ithaca, NY [1]	50,132
Jackson, MI	78,126
Jackson, MS	289,285
Jackson, TN	53,031
Jacksonville, FL	738,413
Jacksonville, NC	101,297
Janesville, WI	52,995
Johnson City, TN	82,382
Johnstown, PA	77,841
Joliet, IL	170,717
Joplin, MO	60,208
Kailua, HI	114,506
Kalamazoo, MI	164,430
Kankakee, IL	59,695
Kannapolis, NC [3]	78,177
Kansas City, MO—KS	1,275,317
Kenosha, WI	94,292
Killeen, TX	137,876
Kingsport, TN—VA	87,403
Kissimmee, FL [1]	55,419
Knoxville, TN	304,466
Kokomo, IN	57,146
La Crosse, WI—MN	78,928
Lafayette, LA	129,592
Lafayette—West Lafayette, IN	100,103
Lake Charles, LA	119,067
Lakeland, FL	147,628
Lancaster, PA	193,583
Lancaster—Palmdale, CA	187,190
Lansing—East Lansing, MI	265,095
Laredo, TX	123,651
Las Cruces, NM	81,471
Las Vegas, NV	697,348
Lawrence, KS	65,755
Lawrence—Haverhill, MA—NH	237,362
Lawton, OK	92,634
Lewiston—Auburn, ME	71,598
Lewisville, TX [1]	79,433
Lexington-Fayette, KY	220,701
Lima, OH	68,621
Lincoln, NE	192,558
Little Rock—North Little Rock, AR	305,353
Lodi, CA [1]	55,590
Logan, UT [1]	50,401
Lompoc, CA [1]	56,591
Longmont, CO [1]	52,464
Longview, TX	76,429
Longview, WA—OR	57,123
Lorain—Elyria, OH	224,087
Los Angeles, CA	11,402,946
Louisville, KY—IN	754,956
Lowell, MA—NH	181,651
Lubbock, TX	187,906
Lynchburg, VA	98,138
McAllen—Edinburg—Mission, TX	263,192
Macon, GA	129,496
Madison, WI	244,336
Manchester, NH	114,918
Mansfield, OH	76,521
Medford, OR	66,974
Melbourne—Palm Bay, FL	305,978
Memphis, TN—AR—MS	825,193
Merced, CA [2]	64,742
Miami—Hialeah, FL	1,914,660
Middletown, OH	98,822
Midland, TX	91,999
Milwaukee, WI	1,226,293
Minneapolis—St. Paul, MN	2,079,676
Missoula, MT	57,196
Mobile, AL	300,912
Modesto, CA	230,609
Monessen, PA	65,072
Monroe, LA	110,737
Montgomery, AL	210,007
Muncl, IN	88,073
Muskegon, MI	106,252
Myrtle Beach, SC [1]	58,384
Napa, CA	68,049
Naples, FL	94,344
Nashua, NH	96,791
Nashville, TN	573,294
Newark, OH	54,063
New Bedford, MA	139,082
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Newburgh, NY	71,584
New Haven—Meriden, CT [4]	451,486
New London—Norwich, CT	156,286
New Orleans, LA	1,040,226
Newport, RI	53,481
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Norwalk, CT	108,888
Ocala, FL	68,004
Odessa, TX	113,672
Ogden, UT	259,147
Oklahoma City, OK	784,425
Olympia, WA	95,471
Omaha, NE—IA	544,292
Orlando, FL	887,126
Oshkosh, WI	58,935
Owensboro, KY	60,645
Oxnard—Ventura, CA	480,482
Palm Springs, CA	129,025
Panama City, FL	103,667
Parkersburg, WV—OH	58,683
Pascagoula, MS	59,386
Pensacola, FL	253,558
Peoria, IL	242,353
Petersburg, VA	103,526
Philadelphia, PA-NJ	4,222,211
Phoenix, AZ	2,006,239
Pine Bluff, AR	61,941
Pittsburgh, PA	1,678,745
Pittsfield, MA	55,047
Pocatello, ID	53,903
Port Arthur, TX	109,560
Port Huron, MI	62,774
Portland, ME	120,220
Portland—Vancouver, OR—WA	1,172,158
Portsmouth—Dover—Rochester, NH—ME	114,960
Pottstown, PA [1]	53,371
Poughkeepsie, NY	148,527
Providence—Pawtucket, RI—MA	846,293
Provo—Orem, UT	220,556
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Punta Gorda, FL [1]	67,033
Racine, WI	121,788
Raleigh, NC	305,925
Rapid City, SD	61,124
Reading, PA	186,267
Redding, CA	78,364
Reno, NV	213,747
Richland—Kennewick—Pasco, WA	116,118
Richmond, VA	589,980
Riverside—San Bernardino, CA	1,170,196
Roanoke, VA	178,277
Rochester, MN	73,560
Rochester, NY	619,653
Rockford, IL	207,826
Rock Hill, SC	58,757
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Rome, GA	51,589
Round Lake Beach—McHenry, IL—WI	112,693
Sacramento, CA	1,097,005
Saginaw, MI	140,079
St. Cloud, MN	74,037
St. Joseph, MO—KS	75,395
St. Louis, MO—IL	1,946,526
Salem, OR	157,079
Salinas, CA	122,225
Salt Lake City, UT	789,447
San Angelo, TX	85,408
San Antonio, TX	1,129,154
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San Francisco—Oakland, CA	3,629,516
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Santa Barbara, CA	182,163
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Santa Fe, NM	63,023
Santa Maria, CA	88,989
Santa Rosa, CA	194,560
Sarasota—Bradenton, FL	444,385
Savannah, GA	198,630
Scranton—Wilkes-Barre, PA	388,225
Seaside—Monterey, CA	133,188
Seattle, WA	1,744,086
Sharon, PA—OH	52,816
Sheboygan, WI	61,012
Sherman-Denison, TX	55,522
Shreveport, LA	256,489
Simi Valley, CA	128,043
Sioux City, IA—NE—SD	96,211
Sioux Falls, SD	100,843
Slidell, LA [1]	54,084
South Bend—Mishawaka, IN—MI	237,932
Spartanburg, SC	104,801
Spokane, WA	279,038
Springfield, IL	124,524
Springfield, MO	159,086
Springfield, OH	88,649
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Syracuse, NY	388,918
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Tampa—St. Petersburg—Clearwater, FL [4]	1,708,710
Taunton, MA	58,884
Temple, TX	58,710
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Titusville, FL [1]	51,549
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Topeka, KS	132,711
Trenton, NJ—PA	298,602
Tucson, AZ	579,235
Tulsa, OK	474,668
Tuscaloosa, AL	106,428
Tyler, TX	79,703
Utica—Rome, NY	158,553
Vacaville, CA [1]	71,535
Vero Beach, FL [1]	64,707
Victoria, TX	55,122
Vineland—Millville, NJ	94,236
Visalia, CA	83,594
Waco, TX	144,372

Urbanized area	Population
Warner Robins, GA	60,976
Washington, DC—MD—VA	3,363,031
Waterbury, CT	175,067
Waterloo—Cedar Falls, IA	108,260
Watsonville, CA [1]	51,378
Wausau, WI	57,352
West Palm Beach—Boca Raton—Delray Beach, FL	794,848
Wheeling, WV—OH	84,507
Wichita, KS	338,789
Wichita Falls, TX	97,151
Williamsport, PA	57,425
Wilmington, DE—NJ—MD—PA	449,616
Wilmington, NC	101,357
Winston-Salem, NC	185,184
Winter Haven, FL	86,427
Worcester, MA—CT	315,666
Yakima, WA	88,054
York, PA	142,675
Youngstown—Warren, OH	361,627
Yuba City, CA	77,167
Yuma, AZ—CA	70,955
Puerto Rico	
Aguadilla, PR	99,936
Arecibo, PR	88,967
Caguas, PR	190,922
Cayey, PR [1]	53,945
Humacao, PR [1]	57,144
Mayagüez, PR	110,904
Ponce, PR	190,079
San Juan, PR	1,221,086
Vega Baja—Manatí, PR	112,272
The following previously recognized urbanized areas no longer qualify based on the results of the 1990 census:	
Danville, IL—IN	46,870
Enid, OK	45,870

[1] New urbanized area.
[2] This urbanized area initially qualified after the 1980 census based on the results of a special census.
[3] This urbanized area was called Concord, NC in 1980.
[4] This 1990 urbanized area resulted from the merger of two previously recognized urbanized areas.

ADDRESSES: Persons wishing to obtain additional information should write to: Mr. Robert W. Marx, Chief, Geography Division, Bureau of the Census, Washington, DC 20233.

FOR FURTHER INFORMATION CONTACT: Mr. Marx at the address given above or telephone (301) 763–5636.

Dated: February 11, 1992.

Barbara Everitt Bryant,

Director, Bureau of the Census.

[FR Doc. 92–4049 Filed 3–6–92; 8:45 am]

BILLING CODE 3510–07–M

federal register

Monday
March 9, 1992

Part III

Environmental Protection Agency

40 CFR Part 47

National Environmental Education Act Grants Regulations; Interim Final Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 47

[FRL-4026-7]

National Environmental Education Act Grants Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Interim final rule.

SUMMARY: The Environmental Protection Agency (EPA) is promulgating an interim final rule on the award of financial assistance under section 6 of the National Environmental Education Act (NEEA). This rule codifies policies and procedures for financial assistance awarded by EPA to eligible agencies, institutions and organizations to support projects related to environmental education and training.

EFFECTIVE DATES: EPA is publishing this rule as an interim final rule which is effective on March 9, 1992. EPA will accept public comments on this rule until April 8, 1992.

ADDRESSES: Comments may be mailed to Mr. George Walker, Office of Environmental Education (A-107), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

The docket for this rule and copies of the public comments submitted will be available for public inspection and copying at a reasonable fee at EPA Headquarters Library, Public Information Reference Unit, room 2904, 401 M Street, telephone (202) 260-5926.

FOR FURTHER INFORMATION CONTACT: Mr. George Walker, (202) 260-4484.

SUPPLEMENTARY INFORMATION:

I. Background

On November 16, 1990, Congress enacted and the President signed the National Environmental Education Act (NEEA), Public Law 101-619. In section 6 of the NEEA, it established a program for grants and cooperative agreements to support projects related to environmental education and training, and directed EPA to publish a regulation to implement the program. This regulation implements the statutory requirements of section 6 of the NEEA. The definitions, eligibility requirements, solicitation procedures, priorities for award, and limits on amount of award are taken directly from the NEEA.

The NEEA also establishes a maximum Federal share of 75% for demonstration projects. As a policy matter, to ensure that recipients are committed to successful completion of projects, EPA has decided to apply this maximum to all types of grants awarded under section 6. Thus, as a general rule, all grant recipients in this program will be expected to provide at least a 25% match, including in-kind contributions.

In addition to the requirements of the Act, recipients must comply with the provisions of EPA's general assistance regulations at 40 CFR parts 30 and 31, as appropriate.

This regulation applies only to the environmental education program established by section 6 of the NEEA. It does not govern the Environmental Education and Training Program to train education professionals authorized by section 5, nor the Internship/Fellowship Program authorized by section 7 of the NEEA. EPA will develop separate guidance for these programs.

II. Executive Order 12291

Under Executive Order 12291, EPA must judge whether a new regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation does not satisfy any of the criteria the Executive Order specifies for a major rulemaking, and therefore this is not subject to a Regulatory Impact Analysis.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

III. Paperwork Reduction Act

The information collection requirements in this rule have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* and have been assigned control number 2030-0020.

Public reporting burden for this collection of information is estimated at 19 hours per response, including time for reviewing instructions, gathering information, preparing the application package and status reports, maintaining records on the data needed, and completing the collection of information.

Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: Chief, Information Policy Branch, Regulatory Management Division (PM-223Y); EPA; 401 M St., SW., Washington, DC 20460, and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, marked "Attention: Desk Officer for EPA."

IV. Regulatory Flexibility Act

EPA did not develop a Regulatory Flexibility Analysis for this regulation because it is exempt from notice and comment rulemaking under section 553 of the APA, and therefore, is not subject to the analytical requirements of sections 603 and 604 of the Regulatory Flexibility Act (5 U.S.C. 603 and 604).

List of Subjects in 40 CFR Part 47

Grant programs—education, Grant programs—environmental protection, and Reporting and recordkeeping requirements.

Dated: February 27, 1992.

William K. Reilly,

Administrator.

For the reasons set out in the preamble, title 40, chapter I of the Code of Federal Regulations is amended by adding a new part 47 to read as follows:

PART 47—NATIONAL ENVIRONMENTAL EDUCATION ACT GRANTS

Sec.

47.100 Purpose and scope.
47.105 Definitions.
47.110 Eligible applicants.
47.115 Award amount and matching requirements.
47.120 Solicitation notice and proposal procedures.
47.125 Eligible and priority projects and activities.
47.130 Project performance.
47.135 Disputes.

Authority: 20 U.S.C. 5505.

§ 47.100 Purpose and scope.

This regulation codifies policy and procedures for the award of grants or cooperative agreements under section 6 of the NEEA. Specifically, this regulation defines eligible applicants, eligible activities, EPA priorities for selecting recipients, funding limits, and matching requirements. Projects funded under this regulation are also subject to the Code of Federal Regulations (40 CFR) part 31 for State and local recipients, and part 30 for other than State and local recipients. Those regulations contain Federal audit and other general administrative requirements. This regulation does not apply to the programs implemented under sections 5 and 7 of the NEEA.

§ 47.105 Definitions.

(a) *Environmental education* and *environmental education and training* mean educational activities and training activities involving elementary, secondary, and postsecondary students, as such terms are defined in the State in which they reside, and environmental education personnel, but does not include technical training activities directed toward environmental management professionals or activities

primarily directed toward the support of noneducational research and development;

(b) *Federal agency* or *agency of the United States* means any department, agency or other instrumentality of the Federal Government, any independent agency or establishment of the Federal Government including any Government corporation;

(c) *Local education agency* means any education agency as defined in section 198 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 3381) and shall include any tribal education agency, as defined in § 47.105(f);

(d) *Not-for-profit* organization means an organization, association, or institution described in section 501(c)(3) of the Internal Revenue Code of 1986, which is exempt from taxation pursuant to the provisions of section 501(a) of such Code;

(e) *Noncommercial education broadcasting entities* means any noncommercial educational broadcasting station (and/or its legal nonprofit affiliates) as defined and licensed by the Federal Communications Commission;

(f) *Tribal education agency* means a school or community college which is controlled by an Indian tribe, band, or nation, including any Alaska Native village, which is recognized as eligible for special programs and services provided by the United States to Indians because of their status as Indians and which is not administered by the Bureau of Indian Affairs;

(g) Refer to 40 CFR parts 30 and 31 for definitions for budget period, project period, continuation award, cooperative agreement, grant agreement, and other Federal assistance terms.

§ 47.110 Eligible applicants.

Any local education agency (including any tribal education agency), college or university, State education agency or environmental agency, not-for-profit organization, or noncommercial educational broadcasting entity may submit an application to the Administrator in response to the solicitations described in § 47.120.

§ 47.115 Award amount and matching requirements.

(a) Individual awards shall not exceed $250,000, and 25 percent of all funds obligated under this section in a fiscal year shall be for individual awards of not more than $5,000.

(b) The Federal share shall not exceed 75 percent of the total project costs. The non-Federal share of project costs may be provided by in-kind contributions and other noncash support. In cases where the EPA determines that a proposed project merits support and cannot be undertaken without a higher rate of Federal support, the EPA may approve awards with a matching requirement other than that specified in this paragraph, including full Federal funding.

§ 47.120 Solicitation notice and proposal procedures.

Each fiscal year the Administrator shall publish a solicitation for environmental education grant proposals. The solicitation notice shall prescribe the information to be included in the proposal and other information sufficient to permit EPA to assess the project.

§ 47.125 Eligible and priority projects and activities.

(a) Activities eligible for funding shall include, but not be limited to, environmental education and training programs for:

(1) Design, demonstration, or dissemination of environmental curricula, including development of educational tools and materials;

(2) Design and demonstration of field methods, practices, and techniques, including assessment of environmental and ecological conditions and analysis of environmental pollution problems;

(3) Projects to understand and assess a specific environmental issue or a specific environmental problem;

(4) Provision of training or related education for teachers, faculty, or related personnel in a specific geographic area or region; and

(5) Design and demonstration of projects to foster international cooperation in addressing environmental issues and problems involving the United States and Canada or Mexico.

(b) EPA shall give priority to those proposals which will develop:

(1) A new or significantly improved environmental education practice, method, or technique;

(2) An environmental education practice, method, or technique which may have wide application;

(3) An environmental education practice, method, or technique which addresses a skill or scientific field identified as a priority in the report which will be developed within two years of enactment pursuant to section 9(d) of the Act; and

(4) An environmental education practice, method, or technique which addresses an environmental issue which, in the judgment of EPA, is of a high priority.

§ 47.130 Performance of grant.

(a) Each project shall be performed by the recipient, or by a person satisfactory to the recipient and to the EPA. Workplans shall accompany all applications, shall identify who will be performing activities, and shall be approved by EPA prior to funding.

(b) Budget periods normally will not exceed one year. Project periods may be longer, and additional funding may be awarded for continuations.

(c) Procurement procedures, which are found in 40 CFR part 33 for all recipients other than State and local governments. Procurement procedures for State and local governments are described in 40 CFR part 31. These procedures include provisions for small purchase procedures.

§ 47.135 Disputes.

Disputes arising under these grants shall be governed by 40 CFR 30.1200 for recipients other than State and local governments and 40 CFR 31.70 for State and local governments.

[FR Doc. 92-5263 Filed 3-6-92; 8:45 am]
BILLING CODE 6560-50-M

Federal Register

Monday
March 9, 1992

Part IV

The President

Proclamation 6409—National Day of Prayer, 1992

Part IV

The President

Proclamation 6403—National Day of Prayer, 1992

Federal Register
Vol. 57, No. 46
Monday, March 9, 1992

Presidential Documents

Title 3—

The President

Proclamation 6409 of March 5, 1992

National Day of Prayer, 1992

By the President of the United States of America

A Proclamation

We live during a time of great and historic change, a time that has seen the rise of newly democratic nations and the fall of once firmly entrenched totalitarian regimes. While such progress is cause for optimism and hope, the dramatic pace of global developments and the uncertainty they generate can also leave us with a faint sense of anticipation and unease. As we seek to chart a proper course in a world that is changing by the hour, our observance of a National Day of Prayer reminds us that we can always place our trust in the steady, unfailing light that is the love of God.

Time and again, Scripture tells us of the constancy of the Almighty. Indeed, His kingdom is an everlasting kingdom, wrote the Psalmist, and His dominion endures throughout all generations.

Our ancestors trusted in the faithfulness of the Almighty, and they frequently turned to Him in humble, heartfelt prayer. When they finally reached these shores, the early settlers gave thanks for their very lives—and for the promise of freedom in a new land. Members of the Continental Congress began their deliberations with prayer, and later when members of that same body pledged their lives, their fortunes, and their sacred honor in support of our Nation's independence, they did so "with a firm reliance on the protection of Divine Providence."

Today we know that their trust was well placed; their faith, richly rewarded. The great American experiment in liberty and self-government has not only endured but prospered. The triumph of freedom in this country has inspired the advance of human rights and dignity around the globe.

Although much has transpired since our ancestors prayed for divine mercy and direction, this occasion calls us to remember, as did Ben Franklin and his contemporaries, "that God governs in the affairs of men." The One to whom George Washington turned when he knelt in the snow at Valley Forge is the same God who heard the prayers of President Lincoln nearly a century later during the darkest hours of the Civil War. While our needs today may be different, we are no less dependent on the help of Almighty God. Therefore, let us likewise seek His forgiveness, strength, and guidance.

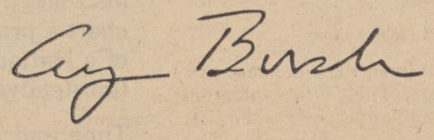
Whatever our individual religious convictions may be, each of us is invited to join in this National Day of Prayer. Indeed, although we may find our own words to express it, each of us can echo this timeless prayer of Solomon, the ancient king who prayed for, and received, the gift of wisdom:

> The Lord our God be with us, as He was with our fathers; may He not leave us or forsake us; so that He may incline our hearts to Him, to walk in all His ways . . . . that all the peoples of the earth may know that the Lord is God; there is no other.

Since the approval of the joint resolution of the Congress on April 17, 1952, calling for the designation of a specific day to be set aside each year as a National Day of Prayer, recognition of such a day has become a cherished annual event. Each President since then has proclaimed a National Day of Prayer annually under the authority of that resolution, continuing a tradition that dates back to the Continental Congress. By Public Law 100–307, the first Thursday in May of each year has been set aside as a National Day of Prayer.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim May 7, 1992, as a National Day of Prayer. I urge all Americans to gather together on that day in homes and places of worship to pray, each after his or her own manner, in thanksgiving to Almighty God. On this occasion, let us also pray for His continued blessing upon our families and Nation.

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



[FR Doc. 92–5663
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Billing code 3195–01–M

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This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with "P L U S" (Public Laws Update Service) on 202–523–6641. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202–512–2470).

H.R. 476/P.L. 102–249

Michigan Scenic Rivers Act of 1991. (Mar. 3, 1992; 106 Stat. 45; 8 pages) Price: $1.00

Last List March 6, 1992

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3 (1990 Compilation and Parts 100 and 101)	(869-013-00002-1)	14.00	[1] Jan. 1, 1991
4	(869-013-00003-0)	15.00	Jan. 1, 1991
5 Parts:			
1-699	(869-013-00004-8)	17.00	Jan. 1, 1991
700-1199	(869-013-00005-6)	13.00	Jan. 1, 1991
1200-End, 6 (6 Reserved)	(869-013-00006-4)	18.00	Jan. 1, 1991
7 Parts:			
0-26	(869-013-00007-2)	15.00	Jan. 1, 1991
*27-45	(869-017-00006-1)	12.00	Jan. 1, 1992
46-51	(869-013-00009-9)	17.00	Jan. 1, 1991
52	(869-013-00010-2)	24.00	Jan. 1, 1991
53-209	(869-013-00011-1)	18.00	Jan. 1, 1991
210-299	(869-013-00012-9)	24.00	Jan. 1, 1991
300-399	(869-013-00013-7)	12.00	Jan. 1, 1991
400-699	(869-017-00014-1)	15.00	Jan. 1, 1992
700-899	(869-013-00015-3)	19.00	Jan. 1, 1991
900-999	(869-013-00016-1)	28.00	Jan. 1, 1991
1000-1059	(869-013-00017-0)	17.00	Jan. 1, 1991
1060-1119	(869-013-00018-8)	12.00	Jan. 1, 1991
1120-1199	(869-013-00019-6)	10.00	Jan. 1, 1991
1200-1499	(869-013-00020-0)	18.00	Jan. 1, 1991
1500-1899	(869-013-00021-8)	12.00	Jan. 1, 1991
1900-1939	(869-013-00022-6)	11.00	Jan. 1, 1991
1940-1949	(869-013-00023-4)	22.00	Jan. 1, 1991
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2000-End	(869-013-00025-1)	10.00	Jan. 1, 1991
8	(869-013-00026-9)	14.00	Jan. 1, 1991
9 Parts:			
1-199	(869-013-00027-7)	21.00	Jan. 1, 1991
200-End	(869-013-00028-5)	18.00	Jan. 1, 1991
10 Parts:			
0-50	(869-013-00029-3)	21.00	Jan. 1, 1991
51-199	(869-013-00030-7)	17.00	Jan. 1, 1991
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400-499	(869-013-00032-3)	20.00	Jan. 1, 1991
500-End	(869-013-00033-1)	27.00	Jan. 1, 1991
11	(869-013-00034-0)	12.00	Jan. 1, 1991
12 Parts:			
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200-219	(869-013-00036-6)	12.00	Jan. 1, 1991
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800-1299	(869-013-00073-1)	18.00	Apr. 1, 1991
1300-End	(869-013-00074-9)	7.50	Apr. 1, 1991
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28	(869–013–00104–4)	28.00	July 1, 1991
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1910 (§§ 1910.1000 to end)	(869–013–00110–9)	14.00	July 1, 1991
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1926	(869–013–00112–5)	12.00	July 1, 1991
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200–699	(869–013–00115–0)	15.00	July 1, 1991
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600–End	(869–013–00199–1)	17.00	Oct. 1, 1991
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[1] Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

[2] 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.

[3] 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.

[4] 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.

[5] 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.

[6] No amendments to this volume were promulgated during the period July 1, 1989 to June 30, 1991. The CFR volume issued July 1, 1989, should be retained.

[7] No amendments to this volume were promulgated during the period July 1, 1990 to June 30, 1991. The CFR volume issued July 1, 1990, should be retained

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102d Congress, 2nd Session, 1992

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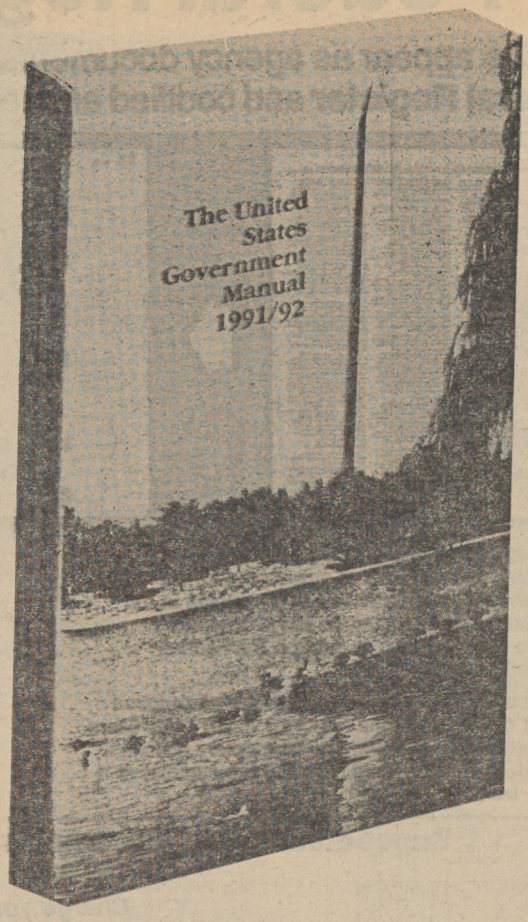

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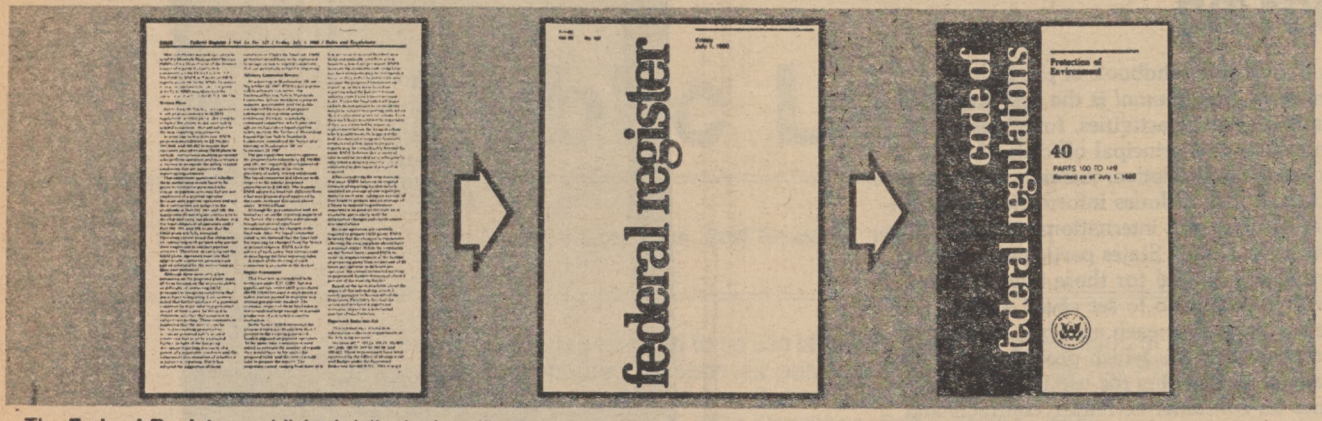

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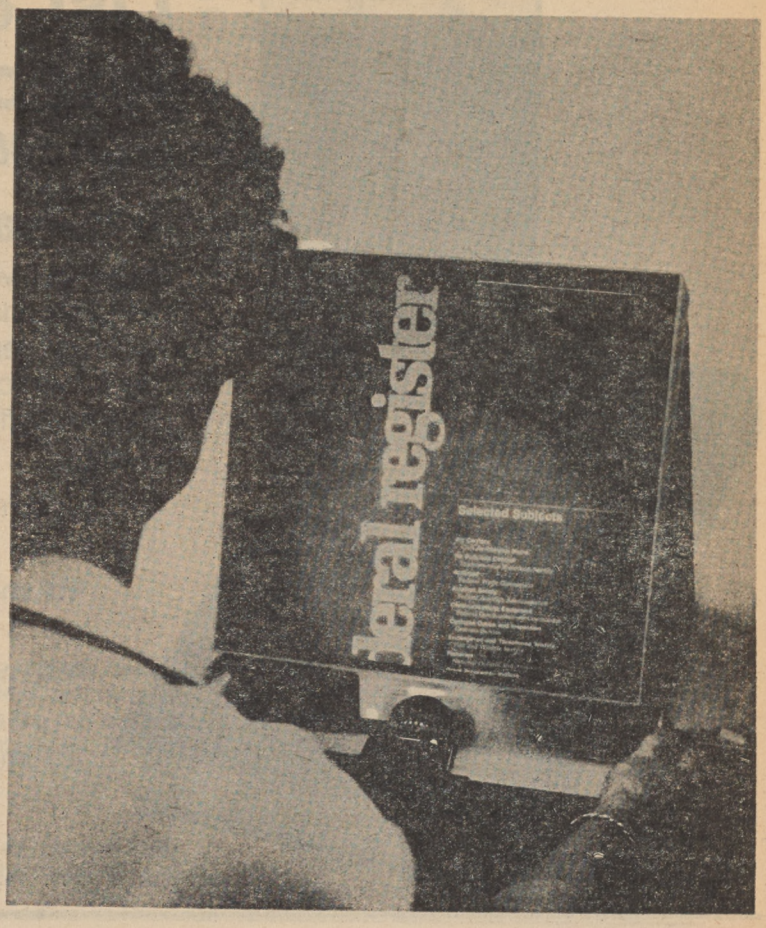

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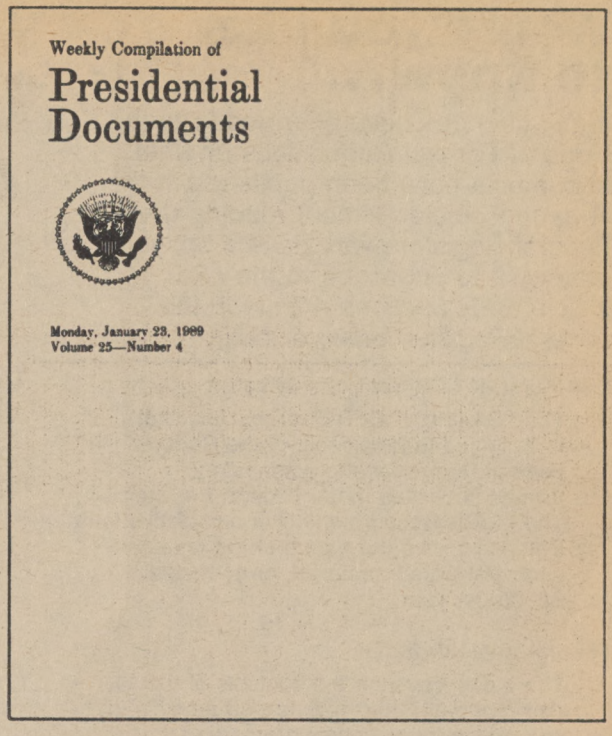

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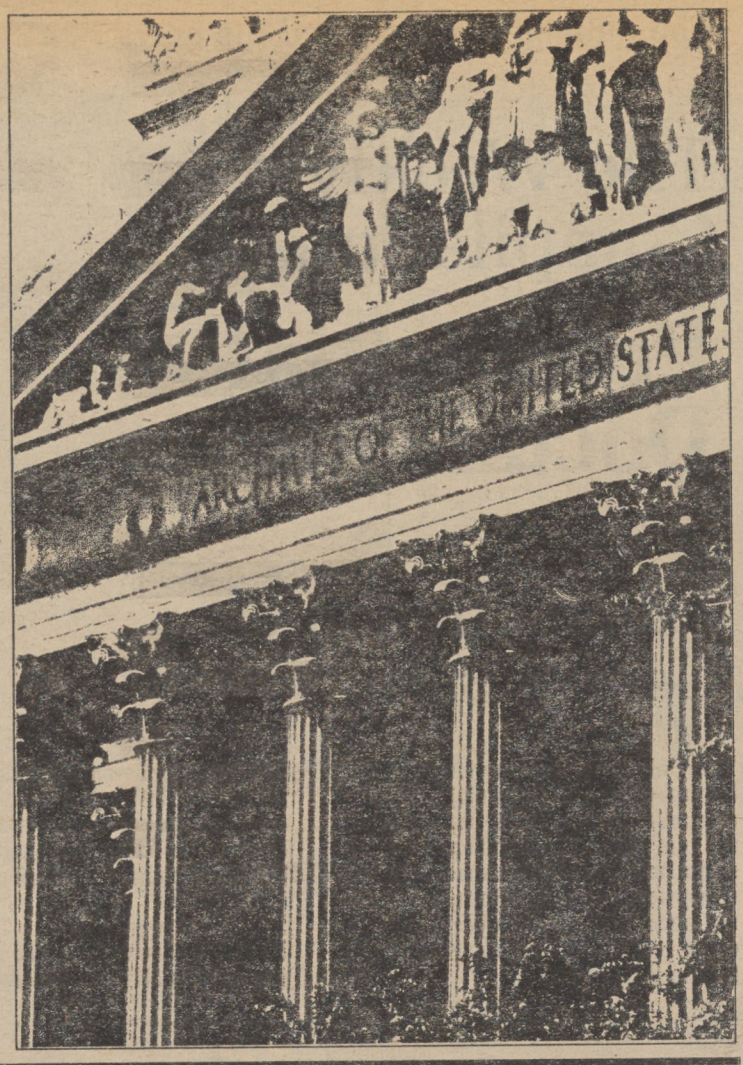

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