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Friday
November 29, 1991

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Presidential Documents

Title 3—

The President

Proclamation 6381 of November 25, 1991

National Accessible Housing Month, 1991

By the President of the United States of America

A Proclamation

We Americans cherish the many blessings that we enjoy in this land of freedom and opportunity—including our ability to decide where we live and work. During much of our Nation's history, however, that prerogative has frequently been denied to persons with disabilities. For example, in the past, it has often been difficult for a person who uses a wheelchair to find a home where doorways, baths, and other structural features can accommodate his or her needs. Even now, when an elderly American can no longer climb stairs, he or she may face the emotionally and financially difficult task of finding a suitable single-story dwelling.

Fortunately, all that is changing. In recent years, we have taken important steps to promote equal opportunities for people with disabilities. The Fair Housing Amendments Act, which prohibits discrimination in housing, went into effect in 1989. This legislation provides Americans with disabilities the opportunity to choose their places of residence with the same degree of freedom as other citizens.

The enactment of the historic Americans with Disabilities Act of 1990 offered additional evidence of our commitment to removing the physical, attitudinal, and statutory barriers that have too often prevented these individuals from enjoying the same opportunities as other Americans. This legislation, the world's first comprehensive declaration of equality for persons with disabilities, prohibits discrimination in employment, transportation, and public accommodations.

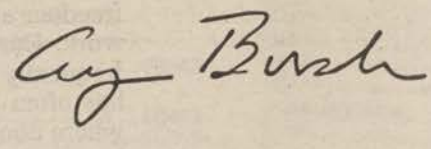
Clearly, our Nation has recognized its obligation to become more conscious of, and responsive to, the environmental and structural obstacles that persons with disabilities face on a daily basis. However, we also have a practical interest in doing so: indeed, it is estimated that 70 percent of all Americans will, at some time in their lives, have a temporary or permanent disability.

While the Federal Government has been leading efforts to ensure equal opportunity for persons with disabilities, the public and private sectors share responsibility for promoting the full integration of these Americans into the social and economic mainstream. It is heartening to note that thousands of concerned individuals and organizations have been working together to meet that responsibility. For example, a number of private sector entities have designed a public education campaign that answers questions about barrier-free home designs, which allow easy entry and movement throughout the house. On March 6, 1991, the Department of Housing and Urban Development published "Fair Housing Accessibility Guidelines," which instruct builders and developers on how to comply with the accessibility requirements of the Fair Housing Amendments Act. Public and private sector efforts such as these are not only helping to create more accessible housing for persons with disabilities but also facilitating their full participation in the social and economic life of our country.

The Congress, by Senate Joint Resolution 184, has designated the month of November 1991 as "National Accessible Housing Month" and has authorized and requested the President to issue a proclamation in observance of this month.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby designate November 1991 as National Accessible Housing Month. I call upon local and State governments, appropriate Federal agencies, and the people of the United States to observe this month with appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fifth day of November, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and sixteenth.



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Presidential Documents

Proclamation 6382 of November 25, 1991

National Family Caregivers Week, 1991 and 1992

By the President of the United States of America

A Proclamation

Each day millions of Americans provide nursing care and other forms of assistance to relatives who are incapacitated by age, illness, or disability. These family caregivers not only help to support loved ones who might otherwise be forced to live in an institutional setting but also exemplify the kind of unconditional love and commitment that is the essence of family life.

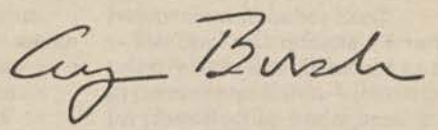
Family caregivers perform their various tasks freely and without compensation—and often at considerable sacrifice to themselves. Many of these individuals assist relatives in need while juggling the traditional demands of home, family, and career. The Department of Health and Human Services reports that nearly one-third of our Nation's family caregivers are older Americans—the spouses and siblings of the frail elderly. Statistics, however, cannot fully measure the physical, emotional, and financial costs that are incurred by family caregivers as they help with nursing care, transportation, shopping, cooking, household maintenance, and a host of other needs.

As a Nation, we owe a great debt of gratitude to family caregivers. These unsung heroes and heroines deserve our respect and our support. This week, let us recognize the importance of respite and day care services to family caregivers, and let us reaffirm our commitment to the American tradition of neighbor helping neighbor. Let us also resolve to work together, throughout the public and private sectors, to ensure that this Nation's senior citizens have the opportunities and the services that they need to live with dignity and security in the comfort of their own homes.

The Congress, by House Joint Resolution 125, has designated the weeks of November 24 through November 30, 1991, and November 22 through November 28, 1992, as "National Family Caregivers Week" and has authorized and requested the President to issue a proclamation in observance of these weeks.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim the weeks of November 24 through November 30, 1991, and November 22 through November 28, 1992, as National Family Caregivers Week. I urge all Americans to observe these weeks with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fifth day of November, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and sixteenth.



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Rules and Regulations

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DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Parts 103 and 204

[INS No. 1434-91]

RIN 1115-AC59

Employment-Based Immigrants

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This final rule implements section 121 of the Immigration Act of 1990, Public Law 101-649, November 29, 1990 (IMMACT), by providing petitioning procedures for employment-based immigrants under sections 203(b)(1) through (5) of the Immigration and Nationality Act (Act). It will also implement new immigrant classifications and requirements established by Public Law 101-649, and clarify, for the general public and businesses, requirements for classification and admission for these new immigrant classifications. This rule is necessary to help American businesses hire highly skilled, specially trained personnel to fill increasingly sophisticated jobs for which domestic personnel cannot be found.

EFFECTIVE DATE: November 29, 1991.

FOR FURTHER INFORMATION CONTACT: Edward H. Skerrett, Senior Immigration Examiner, or Carla J. Hengerer, Immigration Examiner, Adjudications Division, Immigration and Naturalization Service, 425 I Street NW., room 7122, Washington, DC 20536, telephone (202) 514-3946.

SUPPLEMENTARY INFORMATION: On July 5, 1991, at 56 FR 30703, the Immigration and Naturalization Service published a proposed rule with request for comments from interested parties by August 5, 1991.

The Service received 340 comments on the proposed rule. All of the comments were reviewed and considered in writing this final rule. The discussion which follows groups the comments into major subject areas where comments were made, provides the Service position on the issue, and indicates any revisions made based on the comments.

Procedural Issues

There were four procedural issues in the proposed rule which elicited a substantial number of comments: Filing of petitions only at Service Centers, transition to the new law, priority dates, and determination of the ability of a prospective employer to pay the immigrant's wage.

The Service proposed that petitions for employment-based immigrants be filed only at the four Service Centers. In effect, this means the elimination of concurrent filing at local offices of employment-based petitions with applications for permanent residence (Form I-485). There were two reasons for this proposal. First, it appears that as of October 1, 1991, visa numbers will be current for the new employment-based classifications, and the Service did not want an oppressive workload to fall to local offices. Second, during the transition to the provisions of the new law, training and guidance could be concentrated at the four Service Centers.

One hundred and fourteen commenters objected to this proposal, for the most part seeing it not only as shifting work to the Service Centers but also as increasing the total Service workload. Some of these commenters suggested that concurrent filings be suspended only temporarily.

As provided in a final rule published by the Service on October 2, 1991 (56 FR 49839), the Service will not reinstate concurrent filing. As explained in the preamble to that rule, the Service wishes to ensure uniformity of adjudication, to the degree possible. This goal seems best accomplished if jurisdiction over these petitions is assigned to the four Service Centers, rather than to the many local offices. However, the Service intends to monitor the adjudication process during its first few months under the new regulatory scheme in order to determine whether reinstatement of concurrent filing becomes desirable. The final rule thus provides that petitions may be specifically designated for local filing by the Associate Commissioner for Examinations. This would permit a general reinstatement of concurrent filing or more limited designations, if appropriate.

A great number of commenters expressed concern about the transition to the provisions of the new law. Most of these commenters felt that the Service should provide for automatic conversion of third and sixth preference petitions to the new classifications. The proposed rule instead contained the requirement, imposed by the Act, that a new employment-based immigration petition must be filed by October 1, 1993 to retain a priority date established for a third or sixth preference petition before October 1, 1991. On October 1, 1991, however, the President signed into law the Armed Forces Immigration Adjustment Act of 1991, Public Law 102-110. Section 4 of this law created essentially the conversion system suggested by the commenters. Any third or sixth preference petition filed before October 1, 1991, and approved on any date will be deemed a petition approved under sections 203(b)(2) or 203(b)(3) of the Act, respectively. The final rule has been adjusted to reflect this change to the statute.

In the proposed rule, the Service indicated that for classification under sections 203(b)(1), (2), and (3) of the Act, the priority date of the petition would be the date the petition was properly filed with the Service. This proposal resulted in 186 comments. The public concern arose from the fact that many petitions under the new classifications will continue to be accompanied by individual labor certifications from the Department of Labor. Commenters pointed to lengthy processing times at some Department of Labor certifying offices and suggested that both employers and aliens in some areas of the country would be disadvantaged. The most significant objection to this proposal came from the Department of Labor itself.

The final rule reflects a return to priority date establishment as continued in current regulation. When a petition for classification under section 203(b)(2) or (3) of the Act is accompanied by an

individual labor certification from the Department of Labor, the priority date will be the earliest date the application for certification was accepted for processing by any office within the employment service system of the Department of Labor. For a petition which was not preceded by an individual application to the Department of Labor, including a petition with an application for Schedule A determination or with evidence that the alien's occupation is a shortage occupation within the Department of Labor's Labor Market Information Program, the priority date will be the date on which the petition is properly filed with the Service.

As a consequence of this modification, the paragraph in the proposed rule concerning labor certification applications filed before October 1, 1991 is unnecessary and will be removed from the final rule.

The final rule also contains a new provision, 8 CFR 204.5(e), which should help to alleviate past problems with employment-based priority dates. This part will allow an alien to retain the priority date of an employment-based petition on his or her behalf which has been approved under sections 203(b) (1), (2), or (3) of the Act. This priority date, once established, will apply to subsequent petitions on behalf of the alien under sections 203(b) (1), (2), or (3) of the Act. It will only be lost if the initial petition is revoked under sections 204(e) or 205 of the Act. The priority date will not, however, be applicable to petitions under section 203(b) (4) or (5) of the Act, or to family-based classifications. Nor will a petitioning employer be permitted to substitute a different alien for the original on a labor certification and retain the original priority date.

Section 204.5(d) of the final rule has also been changed to provide a method for assigning priority dates to petitions for classification as a special immigrant under section 203(b)(4) of the Act. The priority date for such a petition shall be the date the completed, signed petition, including all initial evidence and the correct fee, is properly filed with the Service. An alien whose application for such special immigrant classification under the prior law was filed before October 1, 1991 but had not been adjudicated as of that date must file a Form I-360 for classification under section 203(b)(4). However, the priority date shall be the date the alien submitted the application under prior law for an immigrant visa or adjustment of status.

The final general issue which met with some public response was the issue of the ability of the prospective employer to pay the wage. Twelve commenters found the requirement, as stated in the proposed rule, to be restrictive or cumbersome. Suggestions ranged from accepting types of financial evidence other than an annual report or tax return to waiving the requirement for established employers or asking for documentation only in questionable cases.

The Service will retain the requirement as provided in the proposed rule, with two modifications. First, the final rule will allow organizations which employ at least 100 workers to submit a statement from a financial officer of the organization on the organization's ability to pay the wage. Second, the final rule will permit organizations to demonstrate ability to pay the wage by submitting an audited financial statement.

Aliens of Extraordinary Ability

Four commenters questioned how the standards in the proposed rule for a showing "extraordinary ability" under the first employment-based classification related to those required for a showing of "exceptional ability" under the Department of Labor's Schedule A/Group II. Schedule A/Group II, found at 20 CFR 656.10, exempts certain aliens of "exceptional ability" from the need to obtain an individual labor certification. IMMACT created a new immigrant visa preference classification for aliens of "extraordinary ability" (as well as a new nonimmigrant visa classification for such aliens). It also carried over a separate immigrant visa preference classification for aliens of "exceptional ability." It is the Service's duty, then, to discern the standards that Congress meant to apply to these two classifications. The legislative history indicates at House Report 101-723, p. 59, that Congress intended for IMMACT's "extraordinary ability" classification to be comparable to the Department of Labor's "exceptional ability" standard set out in Schedule A/Group II. Unfortunately, IMMACT also uses the term "exceptional ability" when referring to certain immigrants under the new second employment-based classification; yet IMMACT indicates that its "exceptional ability" classification is a less restrictive one than its "extraordinary ability" classification. Therefore, IMMACT's "exceptional ability" classification is necessarily also less restrictive than the Department of Labor's Schedule A/Group II "exceptional ability" standard.

Despite the undesirable confusion, however, the Service must use the terms selected by Congress. Accordingly, the rule's standards governing "extraordinary ability" are comparable to the Schedule A/Group II standards governing "exceptional ability" and the rule's standards governing "exceptional ability" are less restrictive than the Schedule A/Group II standards governing "exceptional ability." An alien meeting the criteria for "extraordinary" under 8 CFR 204.5(h) need not obtain a labor certification. An alien who fails to meet these criteria may qualify as "exceptional" by meeting the criteria of 8 CFR 204.5(k) however, such a petition must be accompanied by a labor certification. An alien who would also meet the criteria for "exceptional" under Schedule A/Group II—though that alien might also qualify under the rule as "extraordinary"—has the additional option, if visa availability or other circumstances make it desirable, to seek classification as an "exceptional" alien under section 203(b)(2), thereby avoiding the necessity of the employer obtaining an individual labor certification.

The Service received essentially three sorts of objections to its standards for extraordinary ability. First, three commenters argued that the definition itself—a level of ability indicating that the alien is one of the "few who has risen to the very top" of the field—was too stringent, and suggested that the word "few" be removed from the definition. Second, nineteen commenters believed that the criteria governing the determination of extraordinary ability could exclude some aliens who do in fact possess extraordinary ability in business. Finally, one commenter felt that all athletes performing at a major league level should be deemed to have extraordinary ability.

To address the objection to the definition itself, the Service reexamined the legislative history on this point. In House Report 101-723, the House Committee on the Judiciary used the words "small percentage" where the proposed rule used "few." The final rule has been revised accordingly.

After considering the objection concerning business persons, the Service has concluded that the truly extraordinary business person can qualify based on the criteria set forth in the proposed rule. Several of the criteria, including such indicia of achievement as awards, articles by or about the alien in major publications, and salary level, are written in terms broadly applicable even within the business community. In addition, 8 CFR 204.5(h)(4) permits those who believe the established criteria do not readily apply to their occupation to

submit comparable evidence of extraordinary ability.

The Service disagrees that all athletes performing at the major league level should automatically meet the "extraordinary ability" standard. Performance at that level may frequently help to establish that the athlete meets several of the listed criteria. However, section 203(b)(1)(A)(i) of the Act, as amended by section 121(a) of Public Law 101–649, states that the alien's extraordinary ability must be "demonstrated by sustained national or international acclaim." Not all athletes, particularly those new to major league competition, would be able to meet this standard. A blanket rule for all major league athletes would contravene Congress' intent to reserve this category to "that small percentage of individuals who have risen to the very top of their field of endeavor."

For clarification, the Service has subdivided some of the eligibility criteria so that there are now ten. This part has also been changed to make clear that athletic and business-related contributions of major significance will meet the criterion relating to the alien's original contributions in the field.

Outstanding Professors and Researchers

There were two primary areas of comment regarding the proposed rule as it relates to outstanding professors and researchers.

Sixty-five commenters, several from major academic institutions, advised that it is unusual for colleges and universities to place researchers in tenured or tenure-track positions. In the final rule, the Service recognizes that a research position having no fixed term and in which the employee will ordinarily have an expectation of permanent employment is "comparable" to a tenured or tenure-track position within the meaning of section 203(b)(1)(B)(iii)(II) of the Act. The final rule has been modified to reflect this recognition.

Fifty-nine commenters urged the Service to consider significant research toward an advanced degree as counting toward determination of the three-year requirement of teaching and/or research experience. A few commenters also felt that teaching experience gained by a candidate for an advanced degree should count in meeting the teaching/research requirement.

The final rule reflects that research or teaching experience gained while working on an advanced degree will count toward the three-year requirement only if the advanced degree has been granted and only if the research is recognized within the academic field as outstanding, or if the alien had full responsibility for courses taught. Experience as a laboratory or teaching assistant will not qualify toward the three-year research or teaching requirement.

Five commenters felt that the requirement that a teaching offer be for a tenured or tenure-track position was too stringent, and a few commenters felt that the requirement of three years of experience was unfair. Both of these requirements are statutory; therefore, the Service could not change the final rule on either point.

Finally, the Service changed the evidentiary criterion at 8 CFR 204.5(i)(3)(i)(A). In the proposed rule, the petitioner was required to submit evidence that the alien had received major international awards. The word "international" has been removed in order to accommodate the possibility that an alien might be recognized internationally as outstanding for having received a major award that is not international.

Certain Multinational Executives and Managers

Seventy-two commenters found the proposed definition of affiliate, as applied to multinational executives and managers, to be too restrictive. For the most part, the commenters felt that the definition did not reflect business reality.

In the final regulation, the definition of affiliate will be changed to comport with the current definition of affiliate as found at 8 CFR 214.2(1)(1)(ii)(L) as it applies to nonimigrant intracompany transferees. This definition is broader and more attuned to the commenters' concerns than the definition in the proposed rule. This part of the final rule does not require that a group of individuals entirely own and control two legal entities in order for the entities to be considered affiliated. Nor does this part require each individual in the group directly to own and control the same proportion of each entity.

One commenter noted the inclusion of international accounting partnerships in the definition and urged that similar arrangements in other industries be included. The inclusions of international accounting partnerships as affiliates was through a specific provision of Public Law 101–649 at section 206(a), which mandated that the Service apply that inclusion when adjudicating petitions for classification under section 203(b)(1)(C). The Service has no authority to extend this application beyond international accounting partnerships.

Another commenter objected that the proposed rule required that the affiliate of an international accounting partnership must market its services under the same internationally recognized name. This commenter noted that some of these firms do not always use the same name in different countries. The Service may be flexible in accepting evidence, such as annual reports, demonstrating that the various affiliates of the accounting partnership use substantially the same name. The statute specifically limits this subsection, however, to accounting partnerships that market their accounting services "under the same internationally recognized name," and the Service cannot deviate from this requirement.

Two commenters felt that the requirement of the regulation that the United States entity be doing business for one year went beyond the language of the statute. One of these commenters also felt that the language "which has employees" must be removed from the definition of doing business in that staffing levels are not controlling when determining managerial or executive capacities.

The language "which has employees" has been removed in the final regulation, but the requirement of doing business for one year will be retained. This requirement is similar to one pertaining to intra-company transferees under the L–1 nonimmigrant classification. The requirement, which has been in existence for a number of years, provides for a one-year limitation on the initial admission of an L–1 nonimmigrant coming to a new business. After one year the alien may apply for an extension of stay, provided the qualifying United States entity is still in operation. The Service has found that the one-year time limit is important as a measure of the viability of the United States employer. It should be noted that, although this rule prohibits the approval of an immigrant visa petition on behalf of an multi-national executive or manager coming to work for a new business, a qualified alien would not be precluded from obtaining L–1 nonimmigrant status for one year and then seeking adjustment of status to that of lawful permanent resident based on this immigrant visa classification.

Aliens Who Are Members of the Professions Holding Advanced Degrees or Aliens of Exceptional Ability

The statute indicates that members of the professions holding advanced degrees or their equivalent may qualify for this classification. The Joint

Explanatory Statement of the Committee of Conference on this point says that the equivalent of an advanced degree shall be "a bachelor's degree with at least five years progressive experience in the professions." In the proposed rule, the Service followed this guidance and required the alien to have a United States advanced degree or a foreign equivalent advanced degree. To qualify for the exception, the petitioner must demonstrate that the alien has at least a bachelor's degree, or a foreign equivalent degree, plus five years of progressive experience in the profession. The Service interpreted this combination to equate with a master's degree, and indicated that if a doctoral degree was customarily required by the specialty, the alien would be required to have a doctorate. The Service notes that a foreign advanced degree determined by an evaluator to be the equivalent of a United States doctorate will qualify.

Eighty-three commenters felt that the requirement that aliens have degrees, both for this classification and for professional status in the third classification, was too restrictive. Several commenters were perplexed that no substitute of experience alone for a baccalaureate was allowed. Some pointed to past Service case law which allowed for substitution of experience for academic work. Some pointed to the Service's regulations pertaining to H–1B nonimmigrants which allow for equivalence of experience, and some pointed to section 214(i) of the Act, as amended by section 205(c) of the Immigration Act of 1990, wherein equivalency to the bachelor's or higher degree is permitted for H–1B nonimmigrants. Other commenters pointed to certain countries where possession of a degree is not the usual norm for classification as a professional.

The final rule will not change with regard to academic requirements for either professionals holding advanced degrees or professionals in the third classification. The Act states that, in order to qualify under the second classification, alien members of the professions must hold "advanced degrees or their equivalent." As the legislative history discussed above indicates, the equivalent of an advanced degree is "a bachelor's degree with at least five years progressive experience in the professions." Because neither the Act nor its legislative history indicates that bachelor's or advanced degrees must be United States degrees, the Service will recognize foreign equivalent degrees. But both the Act and its legislative history make clear that, in order to qualify as a professional under the third classification or to have experience equating to an advanced degree under the second, an alien must have at least a bachelor's degree. Therefore, the Service believes that, to carry out Congress' intent, it must require a bachelor's degree in both contexts, and cannot permit an alien to meet this minimum requirement through experience alone. The Service also maintains that the equivalent of an advanced degree—a baccalaureate plus five years of progressive experience in the professions—equates to no more than a master's degree. Persons formerly qualifying for third preference by virtue of education and experience equating to a bachelor's degree will qualify for the third employment category as skilled workers with more than two years of training and experience. These individuals as well as holders of baccalaureate degree will fall into the same preference category.

Seventeen commenters felt that the criteria pertaining to a showing of exceptional ability were not flexible enough to demonstrate that a business person was of exceptional ability. The Service disagrees. Several of the criteria, concerning such indicia of achievement as degrees of higher education, experience, salary level, and membership in professional associations, are written in terms broadly applicable within the business community. The Service has, however, changed this part to permit those who believe the established criteria do not readily apply to their occupation to submit comparable evidence of exceptional ability.

With regard to the level of work the alien will be performing in the United States, the final rule clarifies that the job offer portion of the individual labor certification, the Schedule A application, or the Pilot Program application must show that the job requires a professional holding an advanced degree (or its equivalent) or an alien of exceptional ability.

Four commenters asked whether an exemption from, or waiver of, the job offer for an exceptional alien constituted waiver of the labor certification. The Service has consulted with Congressional sources and the Department of Labor on this issue, and all parties are in agreement that exemption from, or waiver of, the job offer constitutes waiver of the labor certification. The final rule reflects this determination.

Since the final rule clarifies that exemption from the job offer requirement constitutes exemption from the labor certification requirement, the Service has removed the requirement that the alien present evidence that he or she is in a traditionally self-employed occupation or that his or her occupation is a shortage occupation within the Department of Labor's Labor Market Information Pilot Program.

One commenter indicated that the job offer exemption should be available to professionals as well as aliens of exceptional ability. The statute, however, limits this provision to aliens of exceptional ability.

Some commenters also asked that the phrase "in the national interest" be defined. One commenter suggested that the phrase should apply to any alien who would substantially benefit prospectively the national economy, cultural or educational interests, or welfare of the United States. The Act itself requires this showing of all aliens seeking to qualify as "exceptional," but adds the "national interest" test to permit a job offer waiver for certain aliens who have already satisfied the "prospective national benefit" test. The Service, therefore, cannot equate the two standards. Congress has not provided a more particular definition of the phrase in the national interest. The Service believes it appropriate to leave the application of this test as flexible as possible, although clearly an alien seeking to meet the standard must make a showing significantly above that necessary to prove "prospective national benefit." The burden will rest with the alien to establish that exemption from, or waiver of, the job offer will be in the national interest. Each case will be judged on its own merits.

Skilled Workers, Professionals, and Other Workers

As noted in the previous section, 83 commenters objected to the requirement that an alien actually possess a baccalaureate degree (or a foreign equivalent degree) and that the Service has made no allowance for an alien to qualify through experience in the profession. Once again, the language of the statute states that the professional must have a baccalaureate. The Service, therefore, will make no change in the final rule.

Thirty-eight commenters urged the Service to allow education to count when calculating the required two years of training or experience for skilled workers. The final rule contains a part wherein post-secondary education will count when calculating this requirement.

Thirty commenters indicated that the proposed regulation was not clear on how the Service would distinguish

between skilled and other workers. The final rule reflects that this determination will be based on the requirements of training and/or experience placed on the job by the prospective employer, as certified by the Department of Labor. In a Schedule A or Pilot Program case, the petitioner will be required to demonstrate to the Service, through a showing of industry standards or employers' past practice, that the job is skilled: i.e., one which requires at least two years of training and/or experience.

With regard to the work a professional will be doing in the United States, the final rule clarifies that the job offer portion of the individual labor certification, the Schedule A application, or the Pilot Program application must show that the job requires a professional holding a baccalaureate degree.

Religious Workers

Nineteen commenters objected to what they construed as a requirement in the proposed rule that an alien seeking to qualify as a minister within the meaning of section 101(a)(27) of the Act must possess a baccalaureate degree. The proposed rule, however, imposed no such requirement. Rather, it must be demonstrated that the alien has been authorized by a recognized religious denomination to conduct religious worship and to perform other duties usually performed by authorized members of the clergy of that religion.

Some commenters objected to the definition of minister as being unfairly biased toward Christian religions. It was the Service's intent to draft a broad enough definition to be applicable to non-Christian ministers of religion. The final rule has therefore been amended to make clear that the guiding principle is that there be a reasonable connection between the activities performed and the religious calling of the minister. The Service will indicate in its operations instructions the circumstances under which ordained Buddhist monks, commissioned officers of the Salvation Army, ordained deacons, and others may be considered as ministers of religion.

Thirty-eight commenters objected to the requirement that religious professionals possess the minimum of a United States baccalaureate degree or its foreign equivalent and that there was no provision for qualification as a religious professional through experience. The commenters noted that the Act does not specify a degree requirement for a religious worker in a professional capacity.

The rule included this requirement for two reasons. First, while the Act does not define the term professional in the context of religious workers, it does so in the context of "skilled workers, professionals, and other workers." There the Act specifies that a "professional" must have a baccalaureate degree. The Act does not require a United States degree, and the Service will therefore recognize an equivalent foreign degree. The Act does not, however, refer to gaining baccalaureate degree equivalency through experience, as the legislative history does with respect to an advanced degree. Therefore, the Service believes that, to carry out Congress's intent, it must require a baccalaureate for professionals in all employment-based immigrant contexts. Second, the distinction between religious professionals and other workers in a religious vocation or occupation will have little practical effect. The visa numbers for both groups are limited to a total of no more than 5,000 a year. Therefore, a religious worker may be admitted within the 5,000 limit whether or not he or she is deemed a religious professional. Therefore, the Service has not changed this requirement in the final rule.

Several commenters felt that the definition of bona fide nonprofit, religious organization in the United States should be broader and should not make specific reference to exemption from taxation as described in section 501(c)(3) of the Internal Revenue Code of 1986 as it relates to religious organizations. Commenters also objected to the requirement that proof of the organization's tax-exempt status be part of the petition's initial evidence.

The Service views the definition and the requirement that proof of tax-exempt status be furnished as fair. If a religious organization relies for its tax-exempt status on its governing body, then that proof should be submitted with the petition. The Internal Revenue Service (IRS) routinely makes decisions concerning the non-profit nature of any organization which is seeking tax-exempt status. Whenever IRS has already made a determination in this regard, the Service will defer to that decision. However, because churches, unlike other religious organizations, are not required to apply for tax-exempt status (and thereby prove that they are non-profit organizations) in order to claim exemption, the final rule has been revised to provide that if for any reason an organization has never sought such tax-exempt status from IRS, the Service will allow the organization to submit to the Service the same documentation required by IRS.

Some commenters felt that the definition of religious denomination was written with an unfair bias toward western religious tradition. The definition has been rewritten in the final rule to show that, in addition to evidence of the listed factors, a petitioner may submit evidence of comparable indicia of a bona fide religious denomination.

Some additional commenters noted that the proposed regulation did not take into consideration the existence of bona fide inter-denominational religious organizations, such as the Billy Graham Evangelistic Association. The Service will accommodate these organizations in the final rule by treating them as denominations provided that they can establish that their United States organizations are exempt from taxation pursuant to section 501(c)(3) of the Internal Revenue Code.

A few commenters felt that certain additional religious occupations should be placed in the definition of religious occupation. No such change in the final rule is necessary, however, because the definition is written in terms general enough to comprise occupations in addition to those listed. Further, the rule clearly states that the list of examples is illustrative rather than exhaustive.

Some commenters objected that the definition of religious vocation—a calling to religious life "as evidenced by the taking of vows"—was overly restrictive. The Service agrees that the definition should not exclude those faiths in which "a calling to religious life" may be demonstrated by comparable means other than taking vows. The definition has been revised accordingly.

Employment Creation Immigrants

In an effort to effectuate the intent of Congress in enacting the employment creation provisions of the Immigration Act of 1990 and to respond positively where possible to the comments on the proposed rule, the Service has included a number of substantive changes in the final rule.

The title of Form I–526 referred to at 8 CFR 204.6(a) has been changed from "Petition for Immigrant Entrepreneur," which is the title of the form as found in the proposed rulemaking, to "Immigrant Petition by Alien Entrepreneur." Additionally, an internal inconsistency in the proposed rulemaking has been clarified. The proposed rule stated at § 204.6(a) that "the petition must be signed by the petitioner or by his or her authorized representative," and at § 204.6(c) that it could be filed only by the alien entrepreneur. Accordingly, the

reference to authorized representatives has been removed from § 204.6(a).

The Service received suggestions that District Offices and suboffices, rather than the Service Centers, should have jurisdiction to adjudicate immigrant petitions by alien entrepreneurs. The Service has considered this alternative but concluded that the final rule should remain as proposed. The Service is concerned with uniformity of adjudication and is concentrating its training in this area at the Service Centers. The need for consistent adjudication of the often highly technical proposals in these new petitions outweighs, for the time being, any benefit offered by permitting their filing in District Offices or sub-offices.

The Service has decided, however, to assign jurisdiction for adjudication of Form I–526 only to the Service Center having jurisdiction over the area in which the alien entrepreneur's new commercial enterprise is principally doing business. Petitioners may not file with the Service Center having jurisdiction over the area in which the enterprise is established. This change is designed to facilitate a more even distribution of petitions among the jurisdictions of the four Service Centers.

Definitions

The definition of capital was limited in the proposed rule by excluding all types of intangible property, cash equivalents, and debt financing arrangements. Two commenters recommended that intangible property count as capital; four recommended that cash equivalent count; and fifty-six recommended that indebtedness count. Two commenters, on the other hand, felt that it was both reasonable and commercially viable to exclude debt from the definition.

Under the final rule, the definition of capital includes cash equivalents—such as certificates of deposit, Treasury bonds, or other instruments that can be converted readily into cash—and indebtedness. To qualify as capital, indebtedness must be secured by assets owned by the alien entrepreneur, provided that the alien entrepreneur is personally and primarily liable and that the assets of the new commercial enterprise upon which the petition is based are not used to secure any of the indebtedeness. This requirement is designed to ensure that, by investing capital, the alien entrepreneur has placed funds or other capital assets directly at risk.

The Service has expanded the definition of capital for two reasons. First, the legislative history of the Act suggests that Congress intended the definition to be broad. Discussing the employment creation provision in Senate Report 101–55, the Senate Committee on the judiciary endorsed the requirements set out for nonimmigrant "treaty investors" at 22 CFR 41.51. In note 5.1–2 to 22 CFR 41.51, the Department of State has indicated that "investment" includes the investment of debt. Second, the overwhelming majority of those commenting on this issue supported such a change, believing that excluding debt from the definition of capital would ignore modern business practice and serverly limit the number of investors eligible or willing to apply under the employment creation provision.

The definition has also been changed to exclude assets "directly or indirectly" acquired by unlawful means. These words were added to effectuate Congress's intent that the visa process be discontinued "if it becomes known to the Government that the money invested was obtained by the alien through other than legal means (such as money obtained through the sale of illegal drugs)." S. Rep. No. 101–55, 101st Cong., 1st Sess. 21 (1989).

Fifty-seven commenters objected to the proposed definition of invest, which required the net infusion of capital into the United States economy from abroad. This requirement has therefore been eliminated in the final rule. After further review, the Service agrees that Congress has not specifically required that capital come from abroad in the statute or during its discussion in the Senate Judiciary Committee. Imposing such a requirement would therefore exceed Congressional intent, ignore modern business practices, and create grave enforcement problems.

The definition of commercial enterprise was clarified and expanded to encompass wholly-owned subsidiaries of holding companies. Ten commenters stated that the definition should be expanded, and six commenters specifically called for the inclusion of the holding company/subsidiary example under the commercial enterprise definition. Two commenters called for the definition of commercial enterprise to encompass not-for-profit entities. Because not-for-profit entities do not fundamentally "engage in commerce," the Service does not find the inclusion of such entities to be consistent with the statute.

Seventeen commenters suggested that independent contractors be included in the definition of employee. The final rule defines employee to include only those persons directly employed in a full-time position by the new enterprise. This section specifically excludes independent contractors. The Service recognizes that certain business enterprises rely heavily on independent contractors, and that the required investment of capital may result in creating opportunities for new and existing independent contracts. Yet the Service interprets the Act to require the creation of long-term, full-time employment by the enterprise. Accordingly, the Service has concluded that independent contractors, whose relationship with the enterprise is less than that of employer-employee and may often last only a short time, do not properly fall within the definition of employee.

In the proposed rule, the definition of full-time employment did not contain a specific reference to the concept of job-sharing. The Service has added a direct reference to job-sharing and a specific exclusion of part-time employment. Under the common job-sharing arrangement, two employees simply combine to fill what is clearly demonstrated as one full-time employment position. Therefore, the Service interprets the Act to require the creation of the requisite number of full-time employment positions, even if two employees combine to fill a single position. Several commenters sought the inclusion of part-time employment within the definition through the use of various formulae for combining hours worked to obtain the equivalent of a normal work week. The Service cannot accept these suggestions. Even putting aside the complications that such formulae would invite, the Act precludes their use: Section 203(b)(5) of the Act requires that the new commercial enterprise must "create full-time employment." The service therefore cannot find that part-time employment is consistent with the clear language of the statue.

The final rule includes a definition of the term troubled business. In the proposed rule, the Service sought comments relating to the concept of job creation and its relation to job retention within a failing business. Five commenters felt that job retention should count toward meeting the statutory requirement of employment creation. Additionally, the Service determined that job retention comports with Congressional intent. See S. Debate on Conf. Rep. S 358, 136 Cong. Rec. S17105–18 (Oct. 1989). Therefore, the term "troubled business" has been defined in the final rule, and the term is referenced within the final rule at 8 CFR 204.6(j)(3)(ii) relating evidentiary requirements of employment creation.

Required Amount of Capital

The proposed rule required a capital investment of one million dollars ($1,000,000) for all areas. Eighty-two commenters called for lowering the amount of capital required to make a qualifying investment in a targeted employment area to five hundred thousand dollars ($500,000). The commenters felt that lowering the investment capital requirement would promote the purpose of the Act to stimulate investment in rural and high unemployment areas. They further felt that viable businesses could be maintained with the lower investment amount. The final rule contains the lowered investment amount of five hundred thousands dollars ($500,000) for rural and high unemployment areas. No other adjustments in qualifying investment amounts were made. Although the Act gives the Attorney General authority to raise the qualifying investment amount for high employment areas, no commenters supported such a change and the Service does not wish to pursue any increase at the outset of the program.

Multiple Investors

Several commenters expressed concern that employment positions created as a result of the establishment of new enterprises by multiple investors, some of whom may not be seeking visas under the provision, should be allocated only to those alien entrepreneurs seeking classification under section 203(b)(5) of the Act. The final rule contains language permitting this practice and recognizes any reasonable agreements among alien entrepreneurs regarding identification and allocation of the created positions. The final rule also makes clear that, in the case of multiple investors, all sources of capital invested in the enterprise must be identified and must have been acquired by lawful means. This includes capital invested by individuals who are seeking visas under this section.

Establishment of a New Commercial Enterprise

The proposed rule allowed for three methods by which an alien entrepreneur could establish a new commercial enterprise: The creation of an original business, the purchase of an existing business with subsequent changes to that business's organization and operation, and the infusion of capital into an existing business such that a substantial increase in its net worth or number of employees resulted. Substantial was defined as 140 percent of the pre-investment figure.

Ten commenters felt that the 140 percent standard was too restrictive, and 18 commenters requested clarification of both the 140 percent standard and the change of operations language. Three commenters recommended clarification of the time at which net worth was measured.

The final rule restructures and clarifies the three establishment criteria. First, the language relating to the creation of an original business has been retained. Second, the provision relating to purchase of an existing business has been simplified, and the operational change language has been removed. Instead, the final rule now states that establishment may consist of the purchase of an existing business and the restructure or reorganization of that existing business into a new commercial enterprise. Third, the language regarding establishment through the expansion of an existing business, without bringing into existence a new commercial enterprise, has been clarified. Substantial change has been defined more precisely to mean a 40 percent increase either in the net worth or in the number of employees, so that the new net worth or number of employees amounts to at least 140 percent of the business's pre-expansion net worth or number of employees. For example, a business with a pre-expansion net worth of $5 million dollars would meet this criterion following a capital infusion of $2 million dollars, resulting in a net worth of $7 million dollars (i.e., 140% of pre-expansion net worth of $5 million dollars).

It was suggested that the Service abandon the 40 percent increase requirement in favor of a sliding scale rule, under which larger businesses could expand by smaller percentages and still qualify. The 40 percent rule, it was argued, might discourage investment in larger existing enterprises, since expanding by a fixed percentage becomes more difficult the larger the existing enterprise is. Although the Service appreciates this concern, it has concluded that the simplicity of application offered by the standard 40 percent rule is preferable, at least at the outset of the program. The Service has therefore retained the 40 percent standard but will consider, after assessing how the program operates under that standard, whether some modification is desirable.

The final rule has also been changed to clarify that the investor seeking to establish a new commercial enterprise through the expansion of an existing business is not exempt from the capital amount and employment creation requirements.

State Designation of a High Unemployment Area

The proposed rule did not contain any provision under which an area within a non-rural area—i.e., within either a metropolitan statistical area or a city or town with a population of 20,000 or more—could qualify as an area of high unemployment, and thus as a targeted employment area. Twelve commenters called for the Service to change the definition of targeted employment area and provide a method by which a component of a non-rural area could so qualify.

The Service cannot, of course, alter the statutory definition of targeted employment area. The Service has concluded, however, that the designation of smaller geographic or political areas within metropolitan statistical areas or within cities or towns with a population of 20,000 or more as areas of high unemployment would comport with the intent of Congress regarding targeted employment areas.

This part of the rule contains a method for the designation of such geographic or political subdivisions as areas of high unemployment. Under the final rule, a state government may delegate to any agency, board, or other appropriate state governmental entity the authority to certify that geographic or political subdivisions of non-rural areas within the state qualify as areas of high unemployment. The delegation must be reported to the Immigration and Naturalization Service through the Associate Commissioner for Examinations prior to issuance of any area designation. The evidence of such area designations that a state provides to a prospective alien entrepreneur should include a description of the boundaries of the geographic or political subdivision and the method or methods by which the unemployment statistics were obtained.

This part is not intended to place an unnecessary burden upon any state. With respect to geographic and political subdivisions of this size, however, the Service believes that the enterprise of assembling and evaluating the data necessary to select targeted areas, and particularly the enterprise of defining the boundaries of such areas, should not be conducted exclusively at the Federal level without providing some opportunity for participation from state or local government. This part of the rule is merely intended to afford the states a method whereby particular

areas of high unemployment within their boundaries may qualify as "targeted," and to allow alien entrepreneurs the opportunity to invest in such areas under the targeted employment area guidelines, including lowered investment amounts.

Initial Evidence

Establishment

The proposed rule contained initial evidence requirements relating to establishment of a new commercial enterprise. The final rule contains additional examples of the types of legal agreements evidencing the establishment of a new commercial enterprise. The final rule also provides for the possibility that a new commercial enterprise may be located in a jurisdiction and yet be organized in such a manner that no evidence of lawful creation may be available within that jurisdiction.

Investment

The evidentiary showing necessary to establish that the petitioner either has invested or is in the process of investing the required amount of capital is modeled after requirements used by the Department of State for nonimmigrant "treaty investors." As with that program, the concept of investment here connotes the placing of funds or other capital assets at risk for the purpose of generating a return on the funds placed at risk. Evidence of mere intent to invest, or of prospective investment arrangements entailing no present commitment, will not suffice to show that the petitioner is actively in the process of investing. The alien must show actual commitment of the required amount of capital. The final rule contains the evidentiary categories contained in the proposed rule, as well as an added category to accommodate the revised definitions of capital and invest.

Lawful Source of Capital

The final rule requires a petitioner to furnish additional evidence as part of the initial evidentiary showing. The petitioner must submit foreign business registration records, personal and commercial tax returns, evidence identifying any other sources of capital, and evidence of judicial or administrative actions involving money judgments against the petitioner. This additional evidentiary requirement carries out Congress's instruction that "processing of an individual visa not continue under this section if it becomes known to the Government that the money invested was obtained by the alien through other than legal means (such as money received through the sale of illegal drugs)." S. Rep. 101–55, p. 21.

Employment Creation

The initial evidence requirement relating to the creation of employment has been restructured and now encompasses the concept of job retention following the infusion of capital into a troubled business. In order to demonstrate that job retention meets the employment creation criteria, the alien entrepreneur's petition must be accompanied by evidence that the number of existing employees is being maintained or will be maintained at no less than the pre-investment level for a period of at least two years. This evidence shall be submitted using a copy of a comprehensive business plan and appropriate evidence of the required number of qualifying employees, such as the I–9 form or relevant IRS forms.

Engaged in Management

The proposed rule required the submission of evidence that the alien entrepreneur participated either in the day-to-day management of the new commercial enterprise or in policy formulation. Eight commenters objected to this requirement. The Senate Committee on the Judiciary specifically endorsed a requirement of some degree of participation on the part of the alien entrepreneur beyond mere passive investment. The final rule requires evidence of such participation, and contains additional language to address restrictions placed on limited partners.

Targeted Employment Areas

The proposed rule required the petitioner to provide evidence that the new commercial enterprise has been established within a targeted employment area. The final rule carries over this requirement but also provides for the submission by the petitioner of a letter from an authorized body of a State government which certifies that a particular geographic or political subdivision within a nonrural area qualifies as an area of high unemployment. Under the proposed rule, the high unemployment criteria could only be applied to metropolitan statistical areas or to cities or towns with a population of 20,000 or more. The final rule at 8 CFR 204.6(i) allows for designation of smaller areas within metropolitan statistical areas or within cities or towns with a population of 20,000 or more to be designated as areas of high unemployment, and the evidentiary requirement of a letter from a State government entity is contained therein. The final rule also relaxes requirements governing the source of data showing that an area is one of high unemployment and permits petitioners to submit evidence, without obtaining State certification, that a county within a metropolitan statistical area is one of high unemployment.

Removal of Conditions

The Service will publish a separate rule establishing the procedures and criteria for removal of the conditional basis of residence for employment creation immigrants. These procedures and criteria will take into account the requirements set forth in this rule, experience gained through the operation of the employment creation program, the views of the Interagency Working Group discussed below, and the Service's considerable experience in the process for removing conditions established by the Immigration Marriage Fraud Amendments of 1986.

Interagency Working Group

The Office of Management and Budget (OMB) has determined that, because of the employment creation provisions of 8 CFR 204.6, this is a major rule within the meaning of section 1(b) of Executive Order 12291. Under section 8(b) of E.O. 12291, OMB is exempting INS from preparing for this specific rule the regulatory impact analysis ordinarily required for a major rule. However, in the interest of public policy analysis and in order to assess the economic impact of the employment creation visa program, the Department of Justice and the Service have established an interagency working group chaired by the Service and composed of representatives from the Departments of State, Commerce, Treasury, Agriculture, and Labor and the Small Business Administration. The Service is now developing, in consultation with OMB, the formula by which the working group will collect and analyze data over a two-year period on such economic and demographic aspects of the program as level of investment, size of business, type of industry, and impact on targeted employment areas. The working group will focus on indicators of the program's success, such as estimates of how the program has affected different economic sectors and whether program investments have created long-term employment. As the Service devised the proposed and final rules, agencies within the working group contributed data on such issues as how to define targeted areas and where to set minimum investment levels.

Finally, this rule amends 8 CFR Part 103 to reflect that appellate jurisdiction over decisions on petitions for immigrant visa classification based on employment or as a special immigrant or entrepreneur under 8 CFR 204.5 and 8 CFR 204.6 rests with the Associate Commissioner, Examinations, except when denial of the petition is based upon lack of labor certification.

In accordance with 5 U.S.C. 605(b), the Commissioner of the Immigration and Naturalization Service certifies that this rule will not have a significant adverse economic impact on a substantial number of small entities. The Commissioner also certifies that this rule does not have Federalism implications warranting the preparation of a Federal Assessment in accordance with Executive Order 12612.

The information collection requirements contained in this rule have been cleared by OMB under the provisions of the Paperwork Reduction Act. Clearance numbers of these collections are contained in 8 CFR 299.5, Display of Control Numbers.

List of Subjects

8 CFR Part 103

Administrative practice and procedures, Archives and records, Authority delegations (Government agencies), Bonding, Fees, Forms, Freedom of Information, Organization and functions (Government agencies), Privacy, Reporting and recordkeeping requirements, Surety bonds.

8 CFR Part 204

Administrative practice and procedures, Aliens, Employment, Immigration, Petitions.

Accordingly, chapter I of title 8 of the Code of Federal Regulations is amended as follows:

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

1. The authority citation for part 103 continues to read as follows:

Authority: 5 U.S.C. 552, 552a; 8 U.S.C. 1101, 1103, 1201, 1304; 31 U.S.C. 9701; E.O. 12356, 47 FR 14874, 15557, 3 CFR, 1982 Comp., p. 166; 8 CFR part 2.

2. Section 103.1 is amended by revising paragraph (f)(2)(ii) to read as follows:

§ 103.1 Delegations of authority.

* * * * *

(f) * * *

(2) * * *

(ii) Petitions for immigrant visa classification based on employment or as a special immigrant or entrepreneur under §§ 204. 5 and 204.6 of this chapter except when the denial of the petition is based upon lack of a certification by the Secretary of Labor under section 212(a)(5)(A) of the Act;

* * * * *

PART 204—PETITION TO CLASSIFY ALIEN AS IMMEDIATE RELATIVE OF A UNITED STATES CITIZEN OR AS A PREFERENCE IMMIGRANT

3. The authority citation for part 204 is revised to read as follows:

Authority: 8 U.S.C. 1101, 1103, 1151, 1153, 1154, 1182, 1186a, 1255; 8 CFR Part 2.

4. Sections 204.5 and 204.6 are revised to read as follows:

§ 204.5 Petitions for employment-based immigrants.

(a) *General.* A petition to classify an alien under section 203(b)(1), 203(b)(2), or 203(b)(3) of the Act must be filed on Form I–140, Petition for Immigrant Worker. A petition to classify an alien under section 203(b)(4) (as it relates to special immigrants under section 101(a)(27)(C)) must be filed on Form I–360, Petition for Amerasian, Widow, or Special Immigrant. A separate Form I–140 or I–360 must be filed for each beneficiary, accompanied by the applicable fee. A petition is considered properly filed if it is:

(1) Accepted for processing under the provisions of part 103;

(2) Accompanied by any required individual labor certification, application for Schedule A designation, or evidence that the alien's occupation qualifies as a shortage occupation within the Department of Labor's Labor Market Information Pilot Program; and

(3) Accompanied by any other required supporting documentation.

(b) *Jurisdiction.* Form I–140 or I–360 must be filed with the Service Center having jurisdiction over the intended place of employment, unless specifically designated for local filing by the Associate Commissioner for Examinations.

(c) *Filing petition.* Any United States employer desiring and intending to employ an alien may file a petition for classification of the alien under section 203(b)(1)(B), 203(b)(1)(C), 203(b)(2), or 203(b)(3) of the Act. An alien, or any person in the alien's behalf, may file a petition for classification under section 203(b)(1)(A) or 203(b)(4) of the Act (as it relates to special immigrants under section 101(a)(27)(C) of the Act).

(d) *Priority date.* The priority date of any petition filed for classification under section 203(b) of the Act which is accompanied by an individual labor certification from the Department of Labor shall be the date the request for certification was accepted for processing by any office within the employment service system of the Department of Labor. The priority date of any petition filed for classification under section 203(b) of the Act which is accompanied by an application for Schedule A designation or with evidence that the alien's occupation is a shortage occupation within the Department of Labor's Labor Market Information Pilot Program shall be the date the completed, signed petition (including all initial evidence and the correct fee) is properly filed with the Service. The priority date of a petition filed for classification as a special immigrant under section 203(b)(4) of the Act shall be the date the completed, signed petition (including all initial evidence and the correct fee) is properly filed with the Service. The priority date of an alien who filed for classification as a special immigrant prior to October 1, 1991, and who is the beneficiary of an approved I–360 petition after October 1, 1991, shall be the date the alien applied for an immigrant visa or adjustment of status. In the case of a special immigrant alien who applied for adjustment before October 1, 1991, Form I–360 may be accepted and adjudicated at a Service District Office or sub-office.

(e) *Retention of section 203(b) (1), (2), or (3) priority date.*—A petition approved on behalf of an alien under sections 203(b) (1), (2), or (3) of the Act accords the alien the priority date of the approved petition for any subsequently filed petition for any classification under sections 203(b) (1), (2), or (3) of the Act for which the alien may qualify. In the event that the alien is the beneficiary of multiple petitions under sections 203(b) (1), (2), or (3) of the Act, the alien shall be entitled to the earliest priority date. A petition revoked under sections 204(e) or 205 of the Act will not confer a priority date, nor will any priority date be established as a result of a denied petition. A priority date is not transferable to another alien.

(f) *Maintaining the priority date of a third or sixth preference petition filed prior to October 1, 1991.*—Any petition filed before October 1, 1991, and approved on any date, to accord status under section 203(a)(3) or 203(a)(6) of the Act, as in effect before October 1, 1991, shall be deemed a petition approved to accord status under section 203(b)(2) or within the appropriate classification under section 203(b)(3), respectively, of the Act as in effect on or after October 1, 1991, provided that the alien applies for an immigrant visa or adjustment of status within the two

years following notification that an immigrant visa is immediately available for his or her use.

(g) *Initial evidence*—(1) *General.* Specific requirements for initial supporting documents for the various employment-based immigrant classifications are set forth in this section. In general, ordinary legible photocopies of such documents (except for labor certifications from the Department of Labor) will be acceptable for initial filing and approval. However, at the discretion of the director, original documents may be required in individual cases. Evidence relating to qualifying experience or training shall be in the form of letter(s) from current or former employer(s) or trainer(s) and shall include the name, address, and title of the writer, and a specific description of the duties performed by the alien or of the training received. If such evidence is unavailable, other documentation relating to the alien's experience or training will be considered.

(2) *Ability of prospective employer to pay wage.* Any petition filed by or for an employment-based immigrant which requires an offer of employment must be accompanied by evidence that the prospective United States employer has the ability to pay the proffered wage. The petitioner must demonstrate this ability at the time the priority date is established and continuing until the beneficiary obtains lawful permanent residence. Evidence of this ability shall be either in the form of copies of annual reports, federal tax returns, or audited financial statements. In a case where the prospective United States employer employs 100 or more workers, the director may accept a statement from a financial officer of the organization which establishes the prospective employer's ability to pay the proffered wage. In appropriate cases, additional evidence, such as profit/loss statements, bank account records, or personnel records, may be submitted by the petitioner or requested by the Service.

(h) *Aliens with extraordinary ability*—(1) An alien, or any person on behalf of the alien, may file an I–140 visa petition for classification under section 203(b)(1)(A) of the Act as an alien of extraordinary ability in the sciences, arts, education, business, or athletics.

(2) *Definition.* As used in this section:

Extraordinary ability means a level of expertise indicating that the individual is one of that small percentage who have risen to the very top of the field of endeavor.

(3) *Initial evidence.* A petition for an alien of extraordinary ability must be accompanied by evidence that the alien has sustained national or international acclaim and that his or her achievements have been recognized in the field of expertise. Such evidence shall include evidence of a one-time achievement (that is, a major, international recognized award), or at least three of the following:

(i) Documentation of the alien's receipt of lesser nationally or internationally recognized prizes or awards for excellence in the field of endeavor;

(ii) Documentation of the alien's membership in associations in the field for which classification is sought, which require outstanding achievements of their members, as judged by recognized national or international experts in their disciplines or fields;

(iii) Published material about the alien in professional or major trade publications or other major media, relating to the alien's work in the field for which classification is sought. Such evidence shall include the title, date, and author of the material, and any necessary translation;

(iv) Evidence of the alien's participation, either individually or on a panel, as a judge of the work of others in the same or an allied field of specification for which classification is sought;

(v) Evidence of the alien's original scientific, scholarly, artistic, athletic, or business-related contributions of major significance in the field;

(vi) Evidence of the alien's authorship of scholarly articles in the field, in professional or major trade publications or other major media;

(vii) Evidence of the display of the alien's work in the field at artistic exhibitions or showcases;

(viii) Evidence that the alien has performed in a leading or critical role for organizations or establishments that have a distinguished reputation;

(ix) Evidence that the alien has commanded a high salary or other significantly high remuneration for services, in relation to others in the field; or

(x) Evidence of commercial successes in the performing arts, as shown by box office receipts or record, cassette, compact disk, or video sales.

(4) If the above standards do not readily apply to the beneficiary's occupation, the petitioner may submit comparable evidence to establish the beneficiary's eligibility.

(5) *No offer of employment required.* Neither an offer for employment in the United States nor a labor certification is required for this classification; however, the petition must be accompanied by clear evidence that the alien is coming to the United States to continue work in the area of expertise. Such evidence may include letter(s) from prospective employer(s), evidence of prearranged commitments such as contracts, or a statement from the beneficiary detailing plans on how he or she intends to continue his or her work in the United States.

(i) *Outstanding professors and researchers.* (1) Any United States employer desiring and intending to employ a professor or researcher who is outstanding in an academic field under section 203(b)(1)(B) of the Act may file an I–140 visa petition for such classification.

(2) *Definitions.* As used in this section:

Academic field means a body of specialized knowledge offered for study at an accredited United States university or institution of higher education.

Permanent, in reference to a research position, means either tenured, tenure-track, or for a term of indefinite or unlimited duration, and in which the employee will ordinarily have an expectation of continued employment unless there is good cause for termination.

(3) *Initial evidence.* A petition for an outstanding professor or researcher must be accompanied by:

(i) Evidence that the professor or researcher is recognized internationally as outstanding in the academic field specified in the petition. Such evidence shall consist of at least two of the following:

(A) Documentation of the alien's receipt of major prizes or awards for outstanding achievement in the academic field;

(B) Documentation of the alien's membership in associations in the academic field which require outstanding achievements of their members;

(C) Published material in professional publications written by others about the alien's work in the academic field. Such material shall include the title, date, and author of the material, and any necessary translation;

(D) Evidence of the alien's participation, either individually or on a panel, as the judge of the work of others in the same or an allied academic field;

(E) Evidence of the alien's original scientific or scholarly research contributions to the academic field; or

(F) Evidence of the alien's authorship of scholarly books or articles (in scholarly journals with international circulation) in the academic field;

(ii) Evidence that the alien has at least three years of experience in teaching and/or research in the academic field. Experience in teaching or research while working on an advanced degree will only be acceptable if the alien has acquired the degree, and if the teaching duties were such that he or she had full responsibility for the class taught or if the research conducted toward the degree has been recognized within the academic field as outstanding. Evidence of teaching and/or research experience shall be in the form of letter(s) from current or former employer(s) and shall include the name, address, and title of the writer, and a specific description of the duties performed by the alien; and

(iii) An offer of employment from a prospective United States employer. A labor certification is not required for this classification. The offer of employment shall be in the form of a letter from:

(A) A United States university or institution of higher learning offering the alien a tenured or tenure-track teaching position in the alien's academic field;

(B) A United States university or institution of higher learning offering the alien a permanent research position in the alien's academic field; or

(C) A department, division, or institute of a private employer offering the alien a permanent research position in the alien's academic field. The department, division, or institute must demonstrate that it employs at least three persons full-time in research positions, and that it has achieved documented accomplishments in an academic field.

(j) *Certain multinational executives and managers.* (1) A United States employer may file a petition on Form I-140 for classification of an alien under section 203(b)(1)(C) of the Act as a multinational executive or manager.

(2) *Definitions.* As used in this section:

Affiliate means:

(A) One of two subsidiaries both of which are owned and controlled by the same parent or individual;

(B) One of two legal entities owned and controlled by the same group of individuals, each individual owning and controlling approximately the same share or proportion of each entity; or

(C) In the case of a partnership that is organized in the United States to provide accounting services, along with managerial and/or consulting services, and markets its accounting services under an internationally recognized name under an agreement with a worldwide coordinating organization that is owned and controlled by the member accounting firms, a partnership (or similar organization) that is organized outside the United States to provide accounting' services shall be considered to be an affiliate of the United States partnership if it markets its accounting services under the same internationally recognized name under the agreement with the worldwide coordinating organization of which the United States partnership is also a member.

Doing business means the regular, systematic, and continuous provision of goods and/or services by a firm, corporation, or other entity and does not include the mere presence of an agent or office.

Executive capacity means an assignment within an organization in which the employee primarily:

(A) Directs the management of the organization or a major component or function of the organization;

(B) Establishes the goals and policies of the organization, component, or function;

(C) Exercises wide latitude in discretionary decisionmaking; and

(D) Receives only general supervision or direction from higher level executives, the board of directors, or stockholders of the organization.

Managerial capacity means an assignment within an organization in which the employee primarily:

(A) Manages the organization, or a department, subdivision, function, or component of the organization;

(B) Supervises and controls the work of other supervisory, professional, or managerial employees, or manages an essential function within the organization, or a department or subdivision of the organization;

(C) If another employee or other employees are directly supervised, has the authority to hire and fire or recommend those as well as other personnel actions (such as promotion and leave authorization), or, if no other employee is directly supervised, functions at a senior level within the organizational hierarchy or with respect to the function managed; and

(D) Exercises direction over the day-to-day operations of the activity or function for which the employee has authority.

Multinational means that the qualifying entity, or its affiliate, or subsidiary, conducts business in two or more countries, one of which is the United States.

Subsidiary means a firm, corporation, or other legal entity of which a parent owns, directly or indirectly, more than half of the entity and controls the entity; or owns, directly or indirectly, half of the entity and controls the entity; or owns, directly or indirectly, 50 percent of a 50–50 joint venture and has equal control and veto power over the entity; or owns, directly or indirectly, less than half of the entity, but in fact controls the entity.

(3) *Initial evidence*—(i) *Required evidence.* A petition for a multinational executive or manager must be accompanied by a statement from an authorized official of the petitioning United States employer which demonstrates that:

(A) If the alien is outside the United States, in the three years immediately preceding the filing of the petition the alien has been employed outside the United States for at least one year in a managerial or executive capacity by a firm or corporation, or other legal entity, or by an affiliate or subsidiary of such a firm or corporation or other legal entity; or

(B) If the alien is already in the United States working for the same employer or a subsidiary or affiliate of the firm or corporation, or other legal entity by which the alien was employed overseas, in the three years preceding entry as a nonimmigrant, the alien was employed by the entity abroad for at least one year in a managerial or executive capacity;

(C) The prospective employer in the United States is the same employer or a subsidiary or affiliate of the firm or corporation or other legal entity by which the alien was employed overseas; and

(D) The prospective United States employer has been doing business for at least one year.

(ii) *Appropriate additional evidence.* In appropriate cases, the director may request additional evidence.

(4) *Determining managerial or exectuve capacities.*—(i) *Supervisors as managers.* A first-line supervisor is not considered to be acting in a managerial capacity merely by virtue of his or her supervisory duties unless the employees supervised are professional.

(ii) *Staffing levels.* If staffing levels are used as a factor in determining whether an individual is acting in a managerial or executive capacity, the reasonable needs of the organization, component, or function, in light of the overall purpose and stage of development of the organization, component, or function, shall be taken into account. An individual shall not be considered to be acting in a managerial or executive capacity merely on the basis of the number of employees that the individual supervises or has supervised or directs or has directed.

(5) *Offer of employment.* No labor certification is required for this classification; however, the prospective employer in the United States must

furnish a job offer in the form of a statement which indicates that the alien is to be employed in the United States in a managerial or executive capacity. Such letter must clearly describe the duties to be performed by the alien.

(k) *Aliens who are members of the professions holding advanced degrees or aliens of exceptional ability.* (1) Any United States employer may file a petition on Form I–140 for classification of an alien under section 203(b)(2) of the Act as an alien who is a member of the professions holding an advanced degree or an alien of exceptional ability in the sciences, arts, or business. If an alien is claiming exceptional ability in the sciences, arts, or business and is seeking an exemption from the requirement of a job offer in the United States pursuant to section 203(b)(2)(B) of the Act, then the alien, or anyone in the alien's behalf, may be the petitioner.

(2) *Definitions.* As used in this section:

Advanced degree means any United States academic or professional degree or a foreign equivalent degree above that of baccalaureate. A United States baccalaureate degree or a foreign equivalent degree followed by at least five years of progressive experience in the specialty shall be considered the equivalent of a master's degree. If a doctoral degree is customarily required by the specialty, the alien must have a United States doctorate or a foreign equivalent degree.

Exceptional ability in the sciences, arts, or business means a degree of expertise significantly above that ordinarily encountered in the sciences, arts, or business.

Profession means one of the occupations listed in section 101(a)(32) of the Act, as well as any occupation for which a United States baccalaureate degree or its foreign equivalent is the minimum requirement for entry into the occupation.

(3) *Initial evidence.* The petition must be accompanied by documentation showing that the alien is a professional holding an advanced degree or an alien of exceptional ability in the sciences, the arts, or business.

(i) To show that the alien is a professional holding an advanced degree, the petition must be accompanied by:

(A) An official academic record showing that the alien has a United States advanced degree or a foreign equivalent degree; or

(B) An official academic record showing that the alien has a United States baccalaureate degree or a foreign equivalent degree, and evidence in the form of letters from current or former employer(s) showing that the alien has at least five years of progressive post-baccalaureate experience in the specialty.

(ii) To show that the alien is an alien of exceptional ability in the sciences, arts, or business, the petition must be accompanied by at least three of the following:

(A) An official academic record showing that the alien has a degree, diploma, certificate, or similar award from a college, university, school, or other institution of learning relating to the area of exceptional ability;

(B) Evidence in the form of letter(s) from current or former employer(s) showing that the alien has at least ten years of full-time experience in the occupation for which he or she is being sought;

(C) A license to practice the profession or certification for a particular profession or occupation;

(D) Evidence that the alien has commanded a salary, or other renumeration for services, which demonstrates exceptional ability;

(E) Evidence of membership in professional associations; or

(F) Evidence of recognition for achievements and significant contributions to the industry or field by peers, governmental entities, or professional or business organizations.

(iii) If the above standards do not readily apply to the beneficiary's occupation, the petitioner may submit comparable evidence to establish the beneficiary's eligibility.

(4) *Labor certification or evidence that alien qualifies for Labor Market Information Pilot Program*—(i) *General.* Every petition under this classification must be accompanied by an individual labor certification from the Department of Labor, by an application for Schedule A designation (if applicable), or by documentation to establish that the alien qualifies for one of the shortage occupations in the Department of Labor's Labor Market Information Pilot Program. To apply for Schedule A designation or to establish that the alien's occupation is within the Labor Market Information Program, a fully executed uncertified Form ETA–750 in duplicate must accompany the petition. The job offer portion of the individual labor certification, Schedule A application, or Pilot Program application must demonstrate that the job requires a professional holding an advanced degree or the equivalent or an alien of exceptional ability.

(ii) *Exemption from job offer.* The director may exempt the requirement of a job offer, and thus of a labor certification, for aliens of exceptional ability in the sciences, arts, or business if exemption would be in the national interest. To apply for the exemption, the petitioner must submit Form ETA–750B, Statement of Qualifications of Alien, in duplicate, as well as evidence to support the claim that such exemption would be in the national interest.

(l) *Skilled workers, professionals, and other workers.* (1) Any United States employer may file a petition on Form I–140 for classification of an alien under section 203(b)(3) as a skilled worker, professional, or other (unskilled) worker.

(2) *Definitions.* As used in this part:

Other worker means a qualified alien who is capable, at the time of petitioning for this classification, of performing unskilled labor (requiring less than two years training or experience), not of a temporary or seasonal nature, for which qualified workers are not available in the United States.

Professional means a qualified alien who holds at least a United States baccalaureate degree or a foreign equivalent degree and who is a member of the professions.

Skilled worker means an alien who is capable, at the time of petitioning for this classification, of performing skilled labor (requiring at least two years training or experience), not of a temporary or seasonal nature, for which qualified workers are not available in the United States. Relevant post-secondary education may be considered as training for the purposes of this provision.

(3) *Initial evidence*—(i) *Labor certification or evidence that alien qualifies for Labor Market Information Pilot Program.* Every petition under this classification must be accompanied by an individual labor certification from the Department of Labor, by an application for Schedule A designation, or by documentation to establish that the alien qualifies for one of the shortage occupations in the Department of Labor's Labor Market Information Pilot Program. To apply for Schedule A designation or to establish that the alien's occupation is a shortage occupation with the Labor Market Pilot Program, a fully executed uncertified Form ETA–750 in duplicate must accompany the petition. The job offer portion of an individual labor certification, Schedule A application, or Pilot Program application for a professional must demonstrate that the job requires the minimum of a baccalaureate degree.

(ii) *Other documentation*—(A) *General.* Any requirements of training or experience for skilled workers, professionals, or other workers must be supported by letters from trainers or

employers giving the name, address, and title of the trainer or employer, and a description of the training received or the experience of the alien.

(B) *Skilled workers.* If the petition is for a skilled worker, the petition must be accompanied by evidence that the alien meets the educational, training or experience, and any other requirements of the individual labor certification, meets the requirements for Schedule A designation, or meets the requirements for the Labor Market Information Pilot Program occupation designation. The minimum requirements for this classification are at least two years of training or experience.

(C) *Professionals.* If the petition is for a professional, the petition must be accompanied by evidence that the alien holds a United States baccalaureate degree or a foreign equivalent degree and by evidence that the alien is a member of the professions. Evidence of a baccalaureate degree shall be in the form of an official college or university record showing the date the baccalaureate degree was awarded and the area of concentration of study. To show that the alien is a member of the professions, the petitioner must submit evidence showing that the minimum of a baccalaureate degree is required for entry into the occupation.

(D) *Other workers.* If the petition is for an unskilled (other) worker, it must be accompanied by evidence that the alien meets any educational, training and experience, and other requirements of the labor certification.

(4) *Differentiating between skilled and other workers.* The determination of whether a worker is a skilled or other worker will be based on the requirements of training and/or experience placed on the job by the prospective employer, as certified by the Department of Labor. In the case of a Schedule A occupation or a shortage occupation within the Labor Market Pilot Program, the petitioner will be required to establish to the director that the job is a skilled job, i.e., one which requires at least two years of training and/or experience.

(m) *Religious workers*—(1) An alien, or any person in behalf of the alien, may file an I–360 visa petition for classification under section 203(b)(4) of the Act as a section 101(a)(27)(C) special immigrant religious worker. Such a petition may be filed by or for an alien, who (either abroad or in the United States) for at least the two years immediately preceding the filing of the petition has been a member of a religious denomination which has a bona fide nonprofit religious organization in the United States. The alien must be coming to the United States solely for the purpose of carrying on the vocation of a minister of that religious denomination, working for the organization at the organization's request in a professional capacity in a religious vocation or occupation for the organization or a bona fide organization which is affiliated with the religious denomination and is exempt from taxation as an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 at the request of the organization. All three types of religious workers must have been performing the vocation, professional work, or other work continuously (either abroad or in the United States) for at least the two-year period immediately preceding the filing of the petition. Petitions for professional workers and other workers must be filed on or before September 30, 1994.

(2) *Definitions.* As used in this section:

Bona fide nonprofit religious organization in the United States means an organization exempt from taxation as described in section 501(c)(3) of the Internal Revenue Code of 1986 as it relates to religious organizations, or one that has never sought such exemption but establishes to the satisfaction of the Service that it would be eligible therefor if it had applied for tax exempt status.

Bona fide organization which is affiliated with the religious denomination means an organization which is closely associated with the religious denomination and which is exempt from taxation as described in section 501(c)(3) of the Internal Revenue Code of 1986 as it relates to religious organizations.

Minister means an individual duly authorized by a recognized religious denomination to conduct religious worship and to perform other duties usually performed by authorized members of the clergy of that religion. In all cases, there must be a reasonable connection between the activities performed and the religious calling of the minister. The term does not include a lay preacher not authorized to perform such duties.

Professional capacity means an activity in a religious vocation or occupation for which the minimum of a United States baccalaureate degree or a foreign equivalent degree is required.

Religious denomination means a religious group or community of believers having some form of ecclesiastical government, a creed or statement of faith, some form of worship, a formal or informal code of doctrine and discipline, religious services and ceremonies, established places of religious worship, religious congregations, or comparable indicia of a bona fide religious denomination. For the purposes of this definition, an inter-denominational religious organization which is exempt from taxation pursuant to section 501(c)(3) of the Internal Revenue Code of 1986 will be treated as a religious denomination.

Religious occupation means an activity which relates to a traditional religious function. Examples of individuals in religious occupations include, but are not limited to, liturgical workers, religious instructors, religious counselors, cantors, catechists, workers in religious hospitals or religious health care facilities, missionaries, religious translators, or religious broadcasters. This group does not include janitors, maintenance workers, clerks, fund raisers, or persons solely involved in the solicitation of donations.

Religious vocation means a calling to religious life evidenced by the demonstration of commitment practiced in the religious denomination, such as the taking of vows. Examples of individuals with a religious vocation include, but are not limited to, nuns, monks, and religious brothers and sisters.

(3) *Initial evidence.* Unless otherwise specified, each petition for a religious worker must be accompanied by:

(i) Evidence that the organization qualifies as a nonprofit organization in the form of either:

(A) Documentation showing that it is exempt from taxation in accordance with section 501(c)(3) of the Internal Revenue Code of 1986 as it relates to religious organizations (in appropriate cases, evidence of the organization's assets and methods of operation and the organization's papers of incorporation under applicable state law may be requested); or

(B) Such documentation as is required by the Internal Revenue Service to establish eligibility for exemption under section 501(c)(3) of the Internal Revenue Code of 1986 as it relates to religious organizations; and

(ii) A letter from an authorized official of the religious organization in the United States which (as applicable to the particular alien) establishes:

(A) That, immediately prior to the filing of the petition, the alien has the required two years of membership in the denomination and the required two years of experience in the religious vocation, professional religious work, or other religious work; and

(B) That, if the alien is a minister, he or she has authorization to conduct religious worship and to perform other duties usually performed by authorized

members of the clergy, including a detailed description of such authorized duties. In appropriate cases, the certificate of ordination or authorization may be requested; or

(C) That, if the alien is a religious professional, he or she has at least a United States baccalaureate or its foreign equivalent required for entry into the religious profession. In all professional cases, an official academic record showing that the alien has the required degree must be submitted; or

(D) That, if the alien is to work in another religious vocation or occupation, he or she is qualified in the religious vocation or occupation. Evidence of such qualifications may include, but need not be limited to, evidence establishing that the alien is a nun, monk, or religious brother, or that the type of work to be done relates to a traditional religious function.

(iii) If the alien is to work in a non-ministerial and non-professional capacity for a bona fide religious organization which is affiliated with the religious denomination, the letter from the authorized official must explain how the affiliation exists. A tax-exempt certificate indicating that the affiliated organization is exempt from taxation in accordance with section 501(c)(3) of the Internal Revenue Code of 1986 as it relates to religious organizations is required in this instance.

(iv) In appropriate cases, the director may request appropriate additional evidence relating to the eligibility under section 203(b)(4) of the Act of the religious organization, the alien, or the affiliated organization.

(4) *Job offer.* The letter from the authorized official of the religious organization in the United States must also state how the alien will be solely carrying on the vocation of a minister (including any terms of payment for services or other remuneration), or how the alien will be paid or remunerated if the alien will work in a professional religious capacity or in other religious work. The documentation should clearly indicate that the alien will not be solely dependent on supplemental employment or solicitation of funds for support. In doubtful cases, additional evidence such as bank letters, recent audits, church membership figures, and/or the number of individuals currently receiving compensation may be requested.

(n) *Closing action*—(1) *Approval.* An approved employment-based petition will be forwarded to the United States Consulate selected by the petitioner and indicated on the petition. If a United States Consulate is not designated, the petition will be forwarded to the consulate having jurisdiction over the place of the alien's last residence abroad. If the petition indicates that the alien will apply for adjustment to permanent residence in the United States, the approved petition will be retained by the Service for consideration with the application for permanent resident (Form I–485).

(2) *Denial.* The denial of a petition for classification under section 203(b)(1), 203(b)(2), 203(b)(3), or 203(b)(4) of the Act (as it relates to special immigrants under section 101(a)(27)(C) of the Act) shall be appealable to the Associate Commissioner for Examinations. The petitioner shall be informed in plain language of the reasons for denial and of his or her right to appeal.

(3) *Validity of approved petitions.* Unless revoked under section 203(e) or 205 of the Act, an employment-based petition is valid indefinitely.

§ 204.6 Petitions for employment creation aliens.

(a) *General.* A petition to classify an alien under section 203(b)(5) of the Act must be filed on Form I–526, Immigrant Petition by Alien Entrepreneur. The petition must be accompanied by the appropriate fee. Before a petition is considered properly filed, the petition must be signed by the petitioner or by his or her authorized representative, and the initial supporting documentation required by this section must be attached. Legible photocopies of supporting documents will ordinarily be acceptable for initial filing and approval. However, at the discretion of the director, original documents may be required.

(b) *Jurisdiction.* The petition must be filed with the Service Center having jurisdiction over the area in which the new commercial enterprise is or will be principally doing business.

(c) *Eligibility to file.* A petition for classification as an alien entrepreneur may only be filed by any alien on his or her own behalf.

(d) *Priority date.* The priority date of a petition for classification as an alien entrepreneur is the date the petition is properly filed with the Service or, if filed prior to the effective date of these regulations, the date the Form I–526 was received at the appropriate Service Center.

(e) *Definitions.* As used in this section:

Capital means cash, equipment, inventory, other tangible property, cash equivalents, and indebtedness secured by assets owned by the alien entrepreneur, provided that the alien entrepreneur is personally and primarily liable and that the assets of the new commercial enterprise upon which the petition is based are not used to secure any of the indebtedness. All capital shall be valued at fair market value in United States dollars. Assets acquired, directly or indirectly, by unlawful means (such as criminal activities) shall not be considered capital for the purposes of section 203(b)(5) of the Act.

Commercial enterprise means any for-profit activity formed for the ongoing conduct of lawful business including, but not limited to, a sole proprietorship, partnership (whether limited or general), holding company, joint venture, corporation, business trust, or other entity which may be publicly or privately owned. This definition includes a commercial enterprise consisting of a holding company and its wholly-owned subsidiaries, provided that each such subsidiary is engaged in a for-profit activity formed for the ongoing conduct of a lawful business. This definition shall not include a noncommercial activity such as owning and operating a personal residence.

Employee means an individual who provides services or labor for the new commercial enterprise and who receives wages or other remuneration directly from the new commercial enterprise. This definition shall not include independent contractors.

Full-time employment means employment of a qualifying employee by the new commercial enterprise in a position that requires a minimum of 35 working hours per week. A job-sharing arrangement whereby two or more qualifying employees share a full-time position shall count as full-time employment provided the hourly requirement per week is met. This definition shall not include combinations of part-time positions even if, when combined, such positions meet the hourly requirement per week.

High employment area means a part of a metropolitan statistical area that at the time of investment:

(i) Is not a targeted employment area; and

(ii) Is an area with an unemployment rate significantly below the national average unemployment rates.

Invest means to contribute capital. A contribution of capital in exchange for a note, bond, convertible debt, obligation, or any other debt arrangement between the alien entrepreneur and the new commercial enterprise does not constitute a contribution of capital for the purposes of this part.

New means established after November 29, 1990.

Qualifying employee means a United States citizen, a lawfully admitted permanent resident, or other immigrant

lawfully authorized to be employed in the United States including, but not limited to, a conditional resident, a temporary resident, an asylee, a refugee, or an alien remaining in the United States under suspension of deportation. This definition does not include the alien entrepreneur, the alien entrepreneur's spouse, sons, or daughters, or any nonimmigrant alien.

Rural area means any area not within either a metropolitan statistical area (as designated by the Office of Management and Budget) or the outer boundary of any city or town having a population of 20,000 or more.

Targeted employment area means an area which, at the time of investment, is a rural area or an area which has experienced unemployment of at least 150 percent of the national average rate.

Troubled business means a business that has been in existence for at least two years, has incurred a net loss for accounting purposes (determined on the basis of generally accepted accounting principles) during the twelve- or twenty-four month period prior to the priority date on the alien entrepreneur's Form I-526, and the loss for such period is at least equal to twenty percent of the troubled business's net worth prior to such loss. For purposes of determining whether or not the troubled business has been in existence for two years, successors in interest to the troubled business will be deemed to have been in existence for the same period of time as the business they succeeded.

(f) *Required amounts of capital.* (1) *General.* Unless otherwise specified, the amount of capital necessary to make a qualifying investment in the United States is one million United States dollars ($1,000,000).

(2) *Targeted employment area.* The amount of capital necessary to make a qualifying investment in a targeted employment area within the United States is five hundred thousand United States dollars ($500,000).

(3) *High employment area.* The amount of capital necessary to make a qualifying investment in a high employment area within the United States, as defined in section 203(b)(5)(C)(iii) of the Act, is one million United States dollars ($1,000,000).

(g) *Multiple investors*—(1) *General.* The establishment of a new commercial enterprise may be used as the basis of a petition for classification as an alien entrepreneur by more than one investor, provided each petitioning investor has invested or is actively in the process of investing the required amount for the area in which the new commercial enterprise is principally doing business, and provided each individual investment results in the creation of at least ten full-time positions for qualifying employees. The establishment of a new commercial enterprise may be used as the basis of a petition for classification as an alien entrepreneur even though there are several owners of the enterprise, including persons who are not seeking classification under section 203(b)(5) of the Act and non-natural persons, both foreign and domestic, provided that the source(s) of all capital invested is identified and all invested capital has been derived by lawful means.

(2) *Employment creation allocation.* The total number of full-time positions created for qualifying employees shall be allocated solely to those alien entrepreneurs who have used the establishment of the new commercial enterprise as the basis of a petition on Form I-526. No allocation need be made among persons not seeking classification under section 203(b)(5) of the Act or among non-natural persons, either foreign or domestic. The Service shall recognize any reasonable agreement made among the alien entrepreneurs in regard to the identification and allocation of such qualifying positions.

(h) *Establishment of a new commercial enterprise.* The establishment of a new commercial enterprise may consist of:

(1) The creation of an original business;

(2) The purchase of an existing business and simultaneous or subsequent restructuring or reorganization such that a new commercial enterprise results; or

(3) The expansion of an existing business through the investment of the required amount, so that a substantial change in the net worth or number of employees results from the investment of capital. Substantial change means a 40 percent increase either in the net worth, or in the number of employees, so that the new net worth, or number of employees amounts to at least 140 percent of the pre-expansion net worth or number of employees. Establishment of a new commercial enterprise in this manner does not exempt the petitioner from the requirements of 8 CFR 204.6(j)(2) and (3) relating to the required amount of capital investment and the creation of full-time employment for ten qualifying employees. In the case of a capital investment in a troubled business, employment creation may meet the criteria set forth in 8 CFR 204.6(j)(3)(ii).

(i) *State designation of a high unemployment area.* The state government of any state of the United States may designate a particular geographic or political subdivision located within a metropolitan statistical area or within a city or town having a population of 20,000 or more within such state as an area of high unemployment (at least 150 percent of the national average rate). Evidence of such designation, including a description of the boundaries of the geographic or political subdivision and the method or methods by which the unemployment statistics were obtained, may be provided to a prospective alien entrepreneur for submission with Form I-526. Before any such designation is made, an official of the state must notify the Associate Commissioner for Examinations of the agency, board, or other appropriate governmental body of the state which shall be delegated the authority to certify that the geographic or political subdivision is a high unemployment area.

(j) *Initial evidence to accompany petition.* A petition submitted for classification as an alien entrepreneur must be accompanied by evidence that the alien has invested or is actively in the process of investing lawfully obtained capital in a new commercial enterprise in the United States which will create full-time positions for not fewer than 10 qualifying employees. The petitioner may be required to submit information or documentation that the Service deems appropriate in addition to that listed below.

(1) To show that a new commercial enterprise has been established by the petitioner in the United States, the petition must be accompanied by:

(i) As applicable, articles of incorporation, certificate of merger or consolidation, partnership agreement, certificate of limited partnership, joint venture agreement, business trust agreement, or other similar organizational document for the new commercial enterprise;

(ii) A certificate evidencing authority to do business in a state or municipality or, if the form of the business does not require any such certificate or the State or municipality does not issue such a certificate, a statement to that effect; or

(iii) Evidence that, as of a date certain after November 29, 1990, the required amount of capital for the area in which an enterprise is located has been transferred to an existing business, and that the investment has resulted in a substantial increase in the net worth or number of employees of the business to which the capital was transferred. This evidence must be in the form of stock purchase agreements, investment agreements, certified financial reports,

payroll records, or any similar instruments, agreements, or documents evidencing the investment in the commercial enterprise and the resulting substantial change in the net worth, number of employees.

(2) To show that the petitioner has invested or is actively in the process of investing the required amount of capital, the petition must be accompanied by evidence that the petitioner has placed the required amount of capital at risk for the purpose of generating a return on the capital placed at risk. Evidence of mere intent to invest, or of prospective investment arrangements entailing no present commitment, will not suffice to show that the petitioner is actively in the process of investing. The alien must show actual commitment of the required amount of capital. Such evidence may include, but need not be limited to:

(i) Bank statement(s) showing amount(s) deposited in United States business account(s) for the enterprise;

(ii) Evidence of assets which have been purchased for use in the United States enterprise, including invoices, sales receipts, and purchase contracts containing sufficient information to identify such assets, their purchase costs, date of purchase, and purchasing entity;

(iii) Evidence of property transferred from abroad for use in the United States enterprise, including United States Customs Service commercial entry documents, bills of lading, and transit insurance policies containing ownership information and sufficient information to identify the property and to indicate the fair market value of such property;

(iv) Evidence of monies transferred or committed to be transferred to the new commercial enterprise in exchange for shares of stock (voting or nonvoting, common or preferred). Such stock may not include terms requiring the new commercial enterprise to redeem it at the holder's request; or

(v) Evidence of any loan or mortgage agreement, promissory note, security agreement, or other evidence of borrowing which is secured by assets of the petitioner, other than those of the new commercial enterprise, and for which the petitioner is personally and primarily liable.

(3) To show that the petitioner has invested, or is actively in the process of investing, capital obtained through lawful means, the petition must be accompanied, as applicable, by:

(i) Foreign business registration records;

(ii) Corporate, partnership (or any other entity in any form which has filed in any country or subdivision thereof any return described in this subpart), and personal tax returns including income, franchise, property (whether real, personal, or intangible), or any other tax returns of any kind filed within five years, with any taxing jurisdiction in or outside the United States by or on behalf of the petitioner;

(iii) Evidence identifying any other source(s) of capital; or

(iv) Certified copies of any judgments or evidence of all pending governmental civil or criminal actions, governmental administrative proceedings, and any private civil actions (pending or otherwise) involving monetary judgments against the petitioner from any court in or outside the United States within the past fifteen years.

(4) *Job creation*—(i) *General.* To show that a new commercial enterprise will create not fewer than ten (10) full-time positions for qualifying employees, the petition must be accompanied by:

(A) Documentation consisting of photocopies of relevant tax records, Form I–9, or other similar documents for ten (10) qualifying employees, if such employees have already been hired following the establishment of the new commercial enterprise; or

(B) A copy of a comprehensive business plan showing that, due to the nature and projected size of the new commercial enterprise, the need for not fewer than ten (10) qualifying employees will result, including approximate dates, within the next two years, and when such employees will be hired.

(ii) *Troubled business.* To show that a new commercial enterprise which has been established through a capital investment in a troubled business meets the statutory employment creation requirement, the petition must be accompanied by evidence that the number of existing employees is being or will be maintained at no less than the pre-investment level for a period of at least two years. Photocopies of tax records, Forms I–9, or other relevant documents for the qualifying employees and a comprehensive business plan shall be submitted in support of the petition.

(5) To show that the petitioner is or will be engaged in the management of the new commercial enterprise, either through the exercise of day-to-day managerial control or through policy formulation, as opposed to maintaining a purely passive role in regard to the investment, the petition must be accompanied by:

(i) A statement of the position title that the petitioner has or will have in the new enterprise and a complete description of the position's duties;

(ii) Evidence that the petitioner is a corporate officer or a member of the corporate board of directors; or

(iii) If the new enterprise is a partnership, either limited or general, evidence that the petitioner is engaged in either direct management or policy making activities. For purposes of this section, if the petitioner is a limited partner and the limited partnership agreement provides the petitioner with certain rights, powers, and duties normally granted to limited partners under the Uniform Limited Partnership Act, the petitioner will be considered sufficiently engaged in the management of the new commercial enterprise.

(6) If applicable, to show that the new commercial enterprise has created or will create employment in a targeted employment area, the petition must be accompanied by:

(i) In the case of a rural area, evidence that the new commercial enterprise is principally doing business within a civil jurisdiction not located within any standard metropolitan statistical area as designated by the Office of Management and Budget, or within any city or town having a population of 20,000 or more as based on the most recent decennial census of the United States; or

(ii) In the case of a high unemployment area:

(A) Evidence that the metropolitan statistical area, the specific county within a metropolitan statistical area, or the county in which a city or town with a population of 20,000 or more is located, in which the new commercial enterprise is principally doing business has experienced an average unemployment rate of 150 percent of the national average rate; or

(B) A letter from an authorized body of the government of the state in which the new commercial enterprise is located which certifies that the geographic or political subdivision of the metropolitan statistical area or of the city or town with a population of 20,000 or more in which the enterprise is principally doing business has been designated a high unemployment area. The letter must meet the requirements of 8 CFR 204.6(i).

(k) *Decision.* The petitioner will be notified of the decision, and, if the petition is denied, of the reasons for the denial and of the petitioner's right of appeal to the Associate Commissioner for Examinations in accordance with the provisions of part 103 of this chapter. The decision must specify whether or not the new commercial enterprise is principally doing business within a targeted employment area.

(l) *Disposition of approved petition.* The approved petition will be forwarded to the United States consulate selected by the petitioner and indicated on the petition. If a consulate has not been designated, the petition will be forwarded to the consulate having jurisdiction over the place of the petitioner's last residence abroad. If the petitioner is eligible for adjustment of status to conditional permanent residence, and if the petition indicates that the petitioner intends to apply for such adjustment, the approved petition will be retained by the Service for consideration in conjunction with the application for adjustment of status.

Dated: November 22, 1991.

Gene McNary,

Commissioner, Immigration and Naturalization Service.

[FR Doc. 91-28586 Filed 11-27-91; 8:45 am]

BILLING CODE 4410-10-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 90-NM-97-AD; Amendment 39-8063; AD 91-22-03]

Airworthiness Directives; McDonnell Douglas Model DC-9 Series Airplanes, Including C-9 (Military); Model DC-9-80 (MD-80) Series Airplanes; and Model MD-88 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to McDonnell Douglas Model DC-9 series airplanes, which requires installation of a "tailcone unsafe" indication system and modification of the tailcone release actuating mechanism shroud. This amendment is prompted by instances of tailcone departure from the airplane during landing roll. This condition, if not corrected, could result in a hazard to incoming or departing aircraft, particularly during night or low visibility conditions.

DATES: Effective January 3, 1992.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of January 3, 1992.

ADDRESSES: The applicable service information may be obtained from McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90801; Attn: Business Unit Manager, Technical Publications & Technical Administration Support C1-L5B (45-60). This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington; or at the Los Angeles Aircraft Certification Office, 3229 East Spring Street, Long Beach, California; or at the Office of the Federal Register, 1100 L Street NW., Room 8401, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Andrew R. Gfrerer, Aerospace Engineer, FAA, Northwest Mountain Region, Los Angeles Aircraft Certification Office, 3229 East Spring Street, Long Beach, California 90806-2425; telephone (213) 988-5338.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive, applicable to McDonnell Douglas Model DC-9 series airplanes, including C-9 (Military); Model DC-9-80 series airplanes and Model MD-88 airplanes, which requires installation of a "tailcone unsafe" indication system and modification of the tailcone release actuating mechanism shroud, was published as a notice of proposed rulemaking (NPRM) in the **Federal Register** on July 10, 1990 (55 FR 28223), and as a Supplemental NPRM on April 26, 1991 (56 FR 19329).

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 supported the proposed rule in its entirety.

Two commenters pointed out that a conflict exists between McDonnell Douglas Service Bulletin 53-199, Revision 2, dated March 16, 1989, which is referenced in this proposed rule, and McDonnell Douglas Service Bulletin 53-245, which is referenced in a separate proposed rule [Docket 91-NM-136-AD (56 FR 37169, August 5, 1991)]. Furthermore, McDonnell Douglas Service Bulletin 53-245 references McDonnell Douglas Service Bulletin 53-163, Revision 3, which describes the installation of support fitting P/N 4927640-503 and is the subject of another proposed rulemaking action. Service Bulletin 53-199, Revision 2, describes the installation of support fitting P/N 5958379-501 and is the subject of this final rule. The commenters requested clarification on this point. The FAA concurs that a conflict does exist. Subsequent to the issuance of the NPRM related to this AD action, the FAA reviewed and approved Revision 3 of McDonnell Douglas Service Bulletin 53-199, dated July 15, 1991. The FAA has also reviewed and approved Revision 1 of McDonnell Douglas Service Bulletin 53-245, dated June 12, 1991, which deletes all references to McDonnell Douglas Service Bulletin 53-163. The final rule for this action has been revised to require modification of the tailcone release handles in accordance with Revision 3 of Service Bulletin 53-199. Airplanes that have been modified in accordance with the original issue, Revision 1, or Revision 2 of Service Bulletin 53-199 will require no additional work.

Three commenters objected to the addition of a shroud over the tailcone release actuating mechanism on Model DC-9-80 series airplanes. These commenters stated that there is no guidance to accomplish the modification and that there is no justification for the shroud. In addition, one of these commenters stated that there has never been a report of the tailcone release actuating mechanism being activated during flight on any of the airplanes in its fleet, and that it is highly unlikely that there ever will be. The FAA does not concur that the rule is not justified with regard to Model CD-9-80 series airplanes. As stated in the preamble to the Notice, there have been at least two incidents involving Model DC-9-80 series airplanes in which the tailcone release mechanism was inadvertently activated during flight. The intent of the modification required by this Ad action is to preclude such activations from occurring. With regard to the commenters' concerns over the lack of available guidance for accomplishing the modification, the FAA concurs that no service information has been issued yet which contains specific modification procedures. However, the 24-month compliance period provides ample time, such that a suitable modification can be developed by affected operators and approved by the FAA.

One commenter requested that the rule be revised to extend the compliance time for the required modification of Model DC-9-80 series airplanes due to the increased downtime, work hours, and costs that will be required. The FAA does not concur with this request. In developing an appropriate compliance time, the FAA considered not only the degree of urgency associated with addressing the subject unsafe condition, but the time necessary to develop a modification, provide parts, and accomplishing installation during operators' normal maintenance schedules. The compliance time, as

proposed, represents the maximum interval of time allowable wherein the modification could reasonably be developed and accomplished, parts could be obtained, and an acceptable level of safety could be maintained.

Another commenter asked for a longer compliance time in order to wait for the release of a McDonnell Douglas service bulletin which would provide instructions for a consistent method to cover the aft bulkhead door tailcone release mechanism slot. The FAA does not concur with this request. McDonnell Douglas is currently developing a service bulletin with instructions for this modification; the service bulletin is scheduled for release in September 1991. When submitted, the FAA will review the service bulletin and, if satisfactory, may approve it as an alternative method of compliance with paragraph (e) of the final rule. However, in light of the safety issues addressed by this AD action, the FAA does not consider delaying this rule until issuance of the service bulletin to be warranted.

Two commenters indicated that the plunger in fitting assembly P/N 5958379-501, which is part of the modification requirement in this AD, is exposed to the tailcone environment and is susceptible to the accumulation of skydrol and dirt which could cause the plunger to stick and degrade its operation. These commenters suggested the use of another fitting which has undergone many refinements, has proven its reliability, and is called out in McDonnell Douglas SB 53-245, no revision. The FAA disagrees. Fitting assembly P/N 5958379-501 has been installed on the MD-80 production line since November 2, 1987. During the last 3½ years this fitting has demonstrated its reliability, and there have been no reported problems.

Three commenters objected to the need for the proposed rule. They stated that a functional "tailcone missing" system is already required by AD 87-13-09, and McDonnell Douglas Service Bulletin 53-59 contains procedures for a modification that prevents a tailcone handle from being reset until the catch locking cable is reinstalled. The FAA does not concur that the AD is not necessary. The modification specified in McDonnell Douglas Service Bulletin 53-59 has never been required by the FAA and is not considered an acceptable means of notifying the pilot that the tailcone is unsafe. Since issuance of AD 87-13-09, there have been additional reports of inadvertent tailcone deployment on landing roll. There have been seven incidents since April 1, 1989. Each of the airplanes involved in the most recent incidents had an operable "tailcone mission" indicating system, as required by AD 87-13-09. Five of the seven recent inadvertent tailcone releases involved improper rigging or inadvertent activation of the tailcone release handle. The requirements of this AD action are intended to prevent such incidents from occurring.

The format of the final rule has been restructured to be consistent with the standard Federal Register style.

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 with the change previously described. The FAA has determined that this change will neither increase the economic burden on any operator nor increase the scope of the AD.

There are approximately 1,780 Model DC-9 series airplanes (including C-9 Military), Model DC-9-80 series airplanes, and Model MD-88 airplanes of the affected design in the worldwide fleet. It is estimated that 1,090 airplanes of U.S. registry will be affected by this AD, that it will take approximately 38 manhours per airplane to accomplish the required actions, and that the average labor cost will be $55 per manhour. The cost of parts to accomplish the modifications is estimated to be $1,600 per airplane. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $4,022,100.

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.

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) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

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

91-22-03. McDonnell Douglas: Amendment 39-8063. Docket No. 90-NM-97-AD.

Applicability: Model DC-9 series airplanes (including C-9 Military), Model DC-9-80 (MD-80) series airplanes, and Model MD-88 airplanes; operating in passenger, passenger/cargo , or all-cargo configuration; certificated in any category.

Compliance: Required as indicated, unless previously accomplished.

To prevent unexpected tailcone deployment on landing, accomplish the following:

(a) Within 24 months after August 8, 1987 (the effective date of Amendment 39-5665, AD 87-13-09), install a visual indicating means, which is approved by the Manager, Los Angeles Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate, that will signal the appropriate flight crew members when the tailcone is not attached to the airplane.

Note: Any modification to install a tailcone missing indicating system that was previously determined by the FAA to comply with AD 87-13-09, meets the requirements of this paragraph.

Note: Modification is not required on all-cargo configured airplanes for which an alternative method of compliance was approved for AD 87-13-09, in which the tailcone release system has been deactivated and the tailcone latches are positively retained in the latched position in a manner acceptable to the Manager, Los Angeles ACO, FAA, Transport Airplane Directorate. However, the tailcone release system must be reactivated prior to further flight upon conversion to a passenger or passenger/cargo configuration.

(b) Within 24 months after the effective date of this amendment, for airplanes listed in McDonnell Douglas Service Bulletin 53-199, Revision 3, dated July 15, 1991, accomplish either paragraph (b)(1) or (b)(2) of this AD, as applicable:

(1) Modify airplanes in a passenger or passenger/cargo configuration by installing the "tailcone unsafe" indicating system in accordance with paragraph 2. of the Accomplishment Instructions of McDonnell Douglas Service Bulletin 53-199, Revision 3, dated July 15, 1991. Modification previously

accomplished in accordance with McDonnell Douglas Service Bulletin 53–199, dated November 25, 1987; Revision 1, dated March 22, 1988; or Revision 2, dated March 17, 1989, is considered to comply with the requirements of this paragraph.

(2) Modify airplanes in an all-cargo configuration by deactivating the tailcone release system in a manner approved by the Manager, Los Angeles ACO, FAA, Transport Airplane Directorate. However, the tailcone release system must be reactivated and the procedures specified in paragraph (b)(1) of this AD must be accomplished prior to further flight upon conversion to a passenger or passenger/cargo configuration.

(c) For Model DC–9–80 (MD–80) series airplanes and Model MD–88 airplanes: within 24 months after the effective date of this amendment, modify the tailcone release actuating mechanism shroud by installing a cover over the slot so the mechanism is not exposed to the cabin. This modification must be accomplished in a manner approved by the Manager, Los Angeles ACO, FAA, Transport Airplane Directorate.

(d) Upon accomplishment of the procedures specified in paragraph (b)(1) of the AD, the requirements of paragraph (a) of this AD are no longer applicable and the visual indicating means installed in accordance with that paragraph may be removed.

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

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

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

(g) The installation of the "tailcone unsafe" indicating system shall be done in accordance with McDonnell Douglas Service Bulletin 53–199, Revision 3, dated July 15, 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 McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846; Attn: Business Unit Manager, Technical Publications & Technical Administration Support C1–L5B (45–60). Copies may be inspected at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington; or at the Los Angeles Aircraft Certification Office, 3229 East Spring Street, Long Beach, California; or at the Office of the Federal Register, 1100 L Street NW., room 8401, Washington, DC.

This amendment (39–8063, AD 91–22–03) becomes effective on January 3, 1992.

Issued in Renton, Washington, on October 7, 1991.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 91–28611 Filed 11–27–91; 8:45 am]

BILLING CODE 4910–13–M

Office of the Secretary

14 CFR Part 255

[Docket No. 46494; Amendment No. 255–7]

RIN 2105–AB47

Computer Reservation System (CRS) Regulations

AGENCY: Office of the Secretary, Department of Transportation.

ACTION: Final rule.

SUMMARY: The Department is extending the expiration date of its existing rules on computer reservations systems (CRSs) (14 CFR part 255) to May 31, 1992, to enable the Department to complete its rulemaking on whether those rules should be renewed for a longer period and, if so, with what changes.

EFFECTIVE DATE: November 29, 1991.

FOR FURTHER INFORMATION CONTACT: Thomas Ray or Gwyneth Radloff, Office of the General Counsel, 400 7th St., SW., Washington, DC 20590, (202) 366–4731 or 366–9305, respectively.

SUPPLEMENTARY INFORMATION:

Introduction

The Department's rules governing computer reservations systems (CRSs) operated in the United States, 14 CFR part 255, originally adopted by the Civil Aeronautics Board (the "Board") in 1984, provided that they would expire on December 31, 1990. We began this proceeding in order to determine whether we should readopt the rules and, if so, whether we should modify them. We accordingly issued an Advance Notice of Proposed Rulemaking requesting comments on these issues. Advance Notice of Proposed Rulemaking, Computer Reservations Systems, 54 FR 38870 (September 21, 1989). Because of the large number of comments that were filed, and the complexity of the issues, we could not complete this rulemaking by the rules' original expiration date. We therefore amended § 255.10(b) of the rules to change the termination date from December 31, 1990, to November 30, 1991, 55 FR 53149 (December 27, 1990). Several parties filed comments on our proposal to take that action, but no one opposed it.

We thereafter issued a notice of proposed rulemaking (NPRM) with our tentative conclusions on whether the rules should be readopted and modified, 56 FR 12586 (March 26, 1991). We tentatively concluded that the rules should be readopted with some changes.

We received a large number of comments and reply comments on the NPRM from the Department of Justice, U.S. vendors, major U.S. and foreign airlines, many travel agencies and the travel agency trade associations, and others. Their comments expressed a wide range of views and advocated many changes to our proposals (along with some proposals that we should have no CRS rules). In addition, we decided to grant Northwest's request for additional information on system reliability, Order 91–8–63 (August 30, 1991). The complexity of the issues and our decision to seek additional information on CRS reliability have prevented us from issuing a final rule by the November 30, 1991, expiration date.

We therefore proposed to extend the rules' expiration date to May 31, 1992, 56 FR 57603 (November 13, 1991). We tentatively determined that the current rules should be maintained for another six months in order to prevent the disruption that would occur if the rules expired and if we later adopted the same or similar rules.

Comments

We received comments on our proposal to change the rules' termination date form Covia Partnership, the owner of the second-largest CRS, Apollo; United Airlines, Covia's principal owner; and Worldspan L.P. They do not oppose the proposed extension of the current rules. Covia alleges that the uncertainty in the industry over the terms of our final rules is itself causing some disruption and accordingly encourages us to expedite our completion of the rulemaking. United, on the other hand, states that on balance it believes that we should take enough time to thoroughly investigate any rule changes. Worldspan alleges that the Department should expedite its adoption of final rules, since the current rules assertedly do not prevent competitive abuses by the major vendors.

Need for Extending the Expiration Date

After considering the comments, we have determined to adopt our proposal to amend § 255.10(b) to change the rules' expiration date to May 31, 1992. We obviously will be unable to complete the rulemaking on whether the rules should be readopted, with or without changes,

by November 30, 1991, and allowing the current rules to expire would be disruptive, as explained in our Notice of Proposed Rulemaking. No one disagrees with our decision to extend the rules.

We recognize the importance of completing the rulemaking as soon as possible, and we intend to do so.

Effective Date

We have determined for good cause to make this amendment effective on November 29, 1991, rather than 30 days after publication as required by the Administrative Procedure Act, 5 U.S.C. 553(d), except for good cause shown. In order to maintain the current rules in effect on a continuing basis, we must make this amendment effective by November 30, 1991. Since the amendment preserves the status quo, it will require no changes in the current operations of the CRS vendors, U.S. and foreign airlines, and travel agencies. As a result, making the amendment effective less than 30 days after publication will impose no burden on anyone.

Regulatory Impact Analysis

Executive Order 12291 requires each executive agency to prepare a regulatory impact analysis for every "major rule". The Order defines a major rule as one likely to result in (1) an annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, federal, state, or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. The CRS regulations appear to be a major rule, since they would probably have an annual impact on the economy of $100 million or more.

Our notice proposing to change the rules' expiration date pointed out that the Board had done a regulatory impact analysis in its CRS rulemaking and that our NPRM also contained such an analysis, although it focused on the effects of the proposed changes to the rules. We stated that the Board's analysis, as modified by our NPRM's analysis, appeared to remain valid for our proposal to extend the rules' expiration date, and that we therefore proposed to rely on those analyses. We noted that we would consider comments from any parties on that analysis before making our proposal final.

No one filed comments on the regulatory impact analysis. We will therefore make final our initial regulatory impact statement analysis.

Initial Regulatory Flexibility Analysis

The Regulatory Flexibility Act (Public Law 96-354) is intended to ensure that agencies consider flexible approaches to the regulation of small businesses and other small entities. It requires regulatory flexibility analyses for rules that, if adopted, would have a significant economic impact on a substantial number of small business entities. In its rulemaking the Board conducted a regulatory flexibility analysis on the rules' impact, as noted in our notice proposing to change the rules' expiration date. We stated there that the amendment would not change the existing regulation of small businesses and that the Board's analysis appeared applicable to our proposed amendment. We therefore stated that we would adopt that analysis, subject to any comments filed on the proposal.

No party commented on the regulatory flexibility analysis. We have accordingly determined to make final our initial analysis.

Paperwork Reduction Act

This proposal will not impose any collection-of-information requirements and so is not subject to the Paperwork Reduction Act, Public Law 96-511, 44 U.S.C. chapter 35.

Federalism Implications

This rule 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 12812, we have determined that the rule does not have sufficient federalism implications to warrant preparation of a Federalism Assessment.

List of Subjects in 14 CFR Part 255

Air Carriers, Antitrust, Reporting and recordkeeping requirements.

Accordingly, the Department of Transportation is amending 14 CFR part 255, Carrier-owned Computer Reservation Systems, as follows:

PART 255—CARRIER-OWNED COMPUTER RESERVATIONS SYSTEMS

1. The authority citation for part 255 continues to read as follows:

Authority: Secs. 102, 204, 404, 411, 419, 1102; Pub. L. 85-726 as amended, 72 Stat. 740, 743, 760, 769, 797; 92 Stat. 1732; 49 U.S.C. 1302, 1324, 1374, 1381, 1389, 1502.

2. Section 255.10 is revised to read as follows:

§ 255.10 Review and termination.

Unless extended, this rule shall terminate on May 31, 1992.

Issued in Washington, DC, on November 25, 1991.

Samuel K. Skinner,

Secretary of Transportation.

[FR Doc. 91-28779 Filed 11-26-91; 12:10 pm]

BILLING CODE 4910-62-M

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis

15 CFR Part 801

[Docket No. 910761-1265]

RIN 0691-AA17

International Services Surveys; BE-20 Benchmark Survey of Selected Services Transactions With Unaffiliated Foreign Persons—1991

AGENCY: Bureau of Economic Analysis, Commerce.

ACTION: Final rule.

SUMMARY: These final rules amend 15 CFR part 801 by revising § 801.10 and setting forth the reporting requirements for the BE-20 Benchmark Survey of Selected Services Transactions With Unaffiliated Foreign Persons—1991; former § 801.10, which contained the rules for the last (1986) benchmark survey, is now deleted.

The BE-20 benchmark survey is conducted by the Bureau of Economic Analysis (BEA), U.S. Department of Commerce, under the International Investment and Trade in Services Survey Act. It is taken once every 5 years and is intended to cover the universe of selected U.S. services transactions with unaffiliated foreign persons. In nonbenchmark years, the data from the survey are used to derive universe estimates of these transactions based on sample data collected in the BE-22 annual follow-on survey to the BE-20. The information gathered in needed primarily to support U.S. trade policy initiatives on international services and to compile the U.S. balance of payments and the national income and product accounts.

Two major changes to the BE-20 survey are contained in these final rules:

(1) The exemption criteria for the survey have been changed to significantly improve the coverage of the survey and the accuracy of the geographic detail obtained for critical

services, such as data base and other information services, computer and data processing services, etc., and

(2) Several services not previously included in the survey have been added. Specifically, data on receipts and payments for the sale, purchase, or use of rights to natural resources; claims related to purchases of primary insurance; and miscellaneous disbursements, consisting the news-gathering costs of broadcasters and the print media, production costs of broadcasters and motion picture producers, and costs of maintaining business promotion, sales, or representative offices or of participating in foreign trade shows are covered for the first time.

EFFECTIVE DATE: These rules will be effective December 30, 1991.

FOR FURTHER INFORMATION CONTACT: Betty L. Barker, Chief, International Investment Division (BE–50), Bureau of Economic Analysis, U.S. Department of Commerce, Washington, DC 20230.

SUPPLEMENTARY INFORMATION: In the August 5, 1991 **Federal Register**, Volume 56, No. 150, 56 FR 37170, the Bureau of Economic Analysis published a notice of proposed rulemaking amending 15 CFR part 801 by revising § 801.10 to change the reporting requirements for the BE–20, Benchmark Survey of Selected Services Transactions With Unaffiliated Foreign Persons—1991. No comments on the proposed rulemaking were received. Thus, except for minor changes to clarify the definition of "performing arts, sports, and other live performances, presentations, and events" in § 801.10(c)(16), these final rules are the same as the proposed rules.

The BE–20 survey is conducted by the Bureau of Economic Analysis (BEA), U.S. Department of Commerce, under the International Investment and Trade in Services Survey Act (Pub. L. 94–472, 90 Stat. 2059, 22 U.S.C. 3101–3108, as amended by Public Law 98–573 and Public Law 101–533). The survey is conducted once every 5 years. The new survey covers 1991; the last survey covered 1986. The survey is intended to cover the universe of selected U.S. services transactions with unaffiliated foreign persons. In nonbenchmark years, universe estimates of these transactions are derived from reported sample data by extrapolating forward the universe data collected in the BE–20 benchmark survey. The data are needed to support U.S. trade policy initiatives, including bilateral and multilateral trade negotiations, on international services, compile the U.S. balance of payments and national income and product accounts, assess U.S. competitiveness in international trade in services, and improve the ability of U.S. businesses to identify and evaluate market opportunities for services trade.

Two major changes to the survey since it was last conducted for 1986 are reflected in these final rules:

(1) *The exemption criteria for the survey have been changed to significantly improve the coverage of the survey and the accuracy of the geographic detail obtained for critical services.* For the 1986 BE–20 survey, the threshold for mandatory reporting was $250,000 per transaction, that is, if an individual transaction in any covered service exceeded $250,000 during the year, it had to be reported. (A transaction was defined as the sum of all purchases, or the sum of all sales, of a particular service between a given U.S. person and a given foreign person during the year.) Such transactions had to be reported by type, disaggregated by country. Smaller transactions in each service were requested to be reported voluntarily, in aggregate for all foreign countries combined, if the total of such transactions exceeded $500,000.

For the 1991 survey, BEA will require respondents to report sales for a given service if total sales of that service exceed $500,000, and to report purchases if total purchases of that service exceed $500,000. Such services must be disaggregated by country. For those types of services for which sales or purchases total $500,000 or less, data are requested to be reported voluntarily, in aggregate for all foreign countries combined.

The $250,000 per-transaction exemption level used in the 1986 survey did not provide adequate information on many services for two reasons: It caused a large proportion of the services to be reported only voluntarily by type, without any country detail, and it also resulted in a significant proportion of services transactions to not be reported at all.

Data by individual foreign country and by type of service cross-classified by country are available only from the mandatory sections of the survey. In 1986, smaller transactions were reported voluntarily, in aggregate for all countries combined. The large size of the data reported voluntarily (not by country) in the 1986 BE–20 (and in the BE–22 annual follow-on survey for 1987 forward, which had the same exemption level) indicated that the $250,000 per-transaction exemption level for mandatory reporting was clearly inadequate to obtain the complete and accurate information by country, and by type of service cross-classified by country, required for analytical and policy purposes. The voluntary data accounted for over one-half of the totals for a number of important services. Also, for every service covered by the BE–20 except telecommunications, construction, and insurance, the voluntary data accounted for 23 percent or more of total sales or total purchases (including both the voluntary and mandatory data) in at least one recent year.

In addition, the $250,000 per-transaction exemption level caused a significant amount of services to not be reported at all. Evidence of this was provided in the BE–22 annual follow-up surveys. In those surveys, companies that claimed exemption from mandatory reporting because they had no individual transaction of more than $250,000, and that did not report data voluntarily, were asked to indicate the rough size ranges of their total sales and total purchases of all covered services combined. Some companies indicated that, even though their transactions were small individually, they were sizable in total. The 1986 BE–20 may also have missed transactions of companies that would have claimed exemption from reporting but were not contacted by BEA and small transactions of companies that reported only in the mandatory sections of the survey, and, thus, did not provide data on their small transactions in the voluntary section.

For receipts, coverage problems were particularly serious in data base and other information services; computer and data processing services; and legal services. For payments, large and persistent coverage problems were evident in legal services; educational and training services; and performing arts. For most other covered services, coverage problems were sizable in some years but not in others.

The improvement in mandatory coverage outside telecommunications, insurance, and construction is expected to be significant under the new exemption level. Based on data from the 1989 BE–22 survey, BEA estimates that sales reported in the mandatory section of the survey for the 15 covered services excluding telecommunications would have been 46 percent higher, and purchases would have been 37 percent higher, under the new exemption level than under the one used in 1986.

(2) *Several services not previously covered by the BE–20 survey have been added.* BEA has broadened the coverage of the BE–20 to include several additional services. The addition of these services fills several of the

remaining major gaps in Government statistics on international services transactions. A new schedule covers receipts and payments for the purchase, sale, or use of rights to natural resources, such as oil production royalties. Another new schedule covers a variety of miscellaneous disbursements, consisting of news-gathering costs of broadcasters and print media, production costs of broadcasters and motion picture producers, disbursements to maintain business promotion, sales, or representative offices, and disbursements for participating in foreign trade shows. BEA will also begin collecting data on claims related to purchases of primary insurance; only purchases of primary insurance (i.e., premiums paid) were previously covered.

One other change reflected in these final rules for the 1991 BE–20 survey was first made in the 1987 BE–22 annual follow-on survey to the 1986 BE–20. That change is to delete coverage of purchases and sales of prepackaged computer software from the computer and data processing services category for purposes of this survey. This change was recommended during OMB's clearance of the 1987 BE–22 survey by political respondents on the basis that transactions in prepackaged software are transactions in goods instead of in services.

In its consideration of whether or not to add services to the 1991 BE–20 survey, BEA recognized that one of the major remaining gaps in U.S. Government statistics on international services is the lack of information on financial services. However, BEA decided not to propose the addition of questions related to financial services now, but is studying possible ways to obtain information on such services, including adding questions to the 1992 BE–22 survey. BEA also decided not to propose adding questions at this time on a number of nonfinancial services, including medical services, merchant trader commissions, real estate commissions, finder's fees, and clearance of credit card vouchers.

BEA intends to mail the survey forms to respondents in January 1992, and either a completed form or a valid claim for exemption must be returned to BEA by March 31, 1992.

Paperwork Reduction Act

The collection of information requirement in these final rules has been approved by the Office of Management and Budget (OMB No.0608–0058).

The public reporting burden for this collection of information is estimated to vary from 4 to 500 hours per response, with an average of 13.2 hours per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Comments regarding the burden estimate, including suggestions for reducing this burden, may be sent to Director, Bureau of Economic Analysis (BE–1), U.S. Department of Commerce, Washington, DC 20230; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Paperwork Reduction Project 0608–0058, Washington, DC 20503.

Executive Order 12291

BEA has determined that these final rules are not "major" as defined in E.O. 12291 because they are not likely to result in:

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

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

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

Executive Order 12612

These final rules do not contain policies with Federalism implications sufficient to warrant preparation of a Federalism assessment under E.O. 12612.

Regulatory Flexibility Act

The General Counsel, Department of Commerce, has certified to the Chief Counsel for Advocacy, Small Business Administration, under provisions of the Regulatory Flexibility Act (5 U.S.C. 605(b)), that these final rules will not have a significant economic impact on a substantial number of small entities. The exemption level for the survey excludes most small businesses from mandatory reporting. Reporting is required only if total sales or total purchases transactions in a given type of service with unaffiliated foreigners exceed $500,000 during the year. In addition, international business, whether in goods or services, tends to be conducted mainly by the larger companies in a given industry. Finally, small businesses tend to have specialized operations and activities, so those that do have reportable transactions will likely have to report only one type of service; therefore, the burden on them should be relatively small.

List of Subjects in 15 CFR Part 801

Economic statistics, Balance of payments, Foreign trade, Reporting and recordkeeping requirements, Services.

Dated: October 24, 1991.

Allan H. Young,

Director, Bureau of Economic Analysis.

For the reasons set forth in the preamble, 15 CFR part 801 is amended as follows:

PART 801—[AMENDED]

1. The authority citation for 15 CFR Part 801 continues to read as follows:

Authority: 5 U.S.C. 301, 22 U.S.C. 3101–3108, and E.O. 11961, as amended.

2. Section 801.10 is revised to read as follows:

§ 801.10 Rules and regulations for the BE-20, Benchmark Survey of Selected Services Transactions with Unaffiliated Foreign Persons—1991.

A BE–20, Benchmark Survey of Selected Services Transactions with Unaffiliated Foreign Persons, will be conducted covering companies' 1991 fiscal year. All legal authorities, provisions, definitions, and requirements contained in § 801.1 through § 801.9(a) are applicable to this survey. Additional rules and regulations for the BE–20 survey are given below. More detailed instructions are given on the report form itself.

(a) The BE–20 survey consists of two Parts and eight schedules. Part I (Name, Address, and Determination of Reporting Status) requests information needed to determine whether a report is required and which schedules apply. Part II (Identification and Selected Financial and Operating Data of U.S. Reporter) requests information about the reporting entity. Each of the eight schedules covers one or more different types of services and is to be completed only if the U.S. Reporter has transactions of the type(s) covered by the particular schedule.

(b) *Who is to report and transactions to be reported.* (1) Mandatory reporting—A BE–20 report is required from each U.S. person who had transactions (either sales or purchases) in excess of $500,000 with unaffiliated foreign persons in any of the services listed in paragraph (c) of this section during the U.S. person's 1991 fiscal year.

(i) The determination of whether a U.S. person is subject to this mandatory reporting requirement may be judgmental, that is, based on the judgment of knowledgeable persons in a

company who can identify reportable transactions on a recall basis, with a reasonable degree of certainty, without conducting a detailed manual records search.

(ii) Reporters who must file pursuant to this mandatory reporting requirement must complete parts I and II of Form BE-20 and all applicable schedules. The total amounts of transactions applicable to a particular schedule are to be entered in the appropriate column(s) on line 1, section A of the schedule. In addition, these amounts must be distributed below line 1 to the country(ies) involved in the transaction(s).

(iii) Application of the $500,000 exemption level to each covered service is indicated on the schedule for that particular service. It should be noted that an item other than sales or purchases may be used as the measure of a given service for purposes of determining whether the threshold for mandatory reporting of the service is exceeded.

(2) Voluntary reporting—If, during the U.S. person's 1991 fiscal year, the U.S. person's total transactions (either sales or purchases) in any of the types of services listed in paragraph (c) of this section are $500,000 or less, the U.S. person is requested to provide an estimate of the total for each type of service.

(i) Provision of this information is voluntary. The estimates may be judgmental, that is, based on recall, without conducting a detailed manual records search.

(ii) The amounts of transactions reportable on a particular schedule are to be entered in the appropriate column(s) on line 32, section B, of the schedule; they are not to be disaggregated by country. Reporters filing voluntary information only should also complete part I (sections A, B, and C) and part II of Form BE-20, answering "no" for each type of service listed in part I, section B and indicating in part I, section C that voluntary data are being reported.

(3) Any person receiving the BE-20 survey form from BEA, even if the person is not subject to the mandatory reporting requirement in paragraph (b)(1) of this section, and is not filing information on a voluntary basis pursuant to paragraph (b)(2) of this section, must nevertheless complete and return to BEA part I of the form, answering "no" for each type of service listed in part I, section B, indicating in part I, section C that no voluntary data are being reported, and indicating in part I, section D the basis for not reporting data. This requirement is necessary to ensure compliance with reporting requirements and efficient administration of the Act by eliminating unnecessary followup contact.

(c) *Covered types of services.* Only the services listed below are covered by the BE-20 survey. Other services, such as transportation, reinsurance, lending and borrowing and related fees and charges, brokerage fees, etc., are NOT covered. Covered services are:

(1) *Advertising services.* Preparation of advertising and placement of such advertising in media, including charges for media space and time. An advertising agency selling services should use gross billings to unaffiliated foreigners as the measure of these services.

(2) *Computer and data processing services, excluding the value of prepackaged software.*

Data entry, processing (both batch and remote), and tabulation; computer systems analysis, design, and engineering; custom software and programming services; rights to use, reproduce, or distribute computer software, whether custom or prepackaged; equipment leasing (except financial leasing) integrated hardware/software systems; and other computer services (e.g., timesharing, maintenance, and repair). Excludes the value of prepackaged software.

(3) *Data base and other information services.* Business and economic data base services, including business news, stock quotation, and financial information services; medical, legal, technical, demographic, bibliographic, and similar data base services; general news services, such as those provided by a news syndicate; and other information services, including reservation systems and credit reporting and authorization systems.

(4) *Telecommunications services.* (i) Message telephone services (communications carriers only)—Receipts from foreign persons (communications companies and postal, telephone, and telegraph agencies (PTT's)) for own share of revenues for transmitting messages originating abroad to U.S. destinations, and payouts of foreign persons (communications companies and PTT's) for their share of revenues for transmitting messages originating in the United States to foreign destinations.

(ii) Private leased channel services—Receipts from foreign persons for circuits and channels terminating in the United States and for circuits and channels between the foreign points, and payouts to foreign persons for leased channels and circuits terminating in foreign countries.

(iii) Telex, telegram, and other jointly provided (basic) services—Includes telex and telegram services, packet switched services when not offered in connection with enhanced services, and other regulated services of the type reportable to the FCC on Report 4361.

(iv) Value-added (enhanced) services—Telecommunications services that add value or function above and beyond the telecommunications transport services that deliver the value-added services to end users. They can include electronic mail, voice mail, code and protocol processing, and management of data networks; facsimile services and videoconferencing; and other value-added (enhanced) services.

(v) Support services—Services related to the maintenance and repair of telecommunications equipment; ground station services; capacity leasing for transiting; and launching of communications satellites.

(5) *Agricultural services*—Soil preparation services, crop services, veterinary and other animal services, farm labor and management services, and landscape and horticultural services.

(6) *Research, development, and testing services.* Commercial and noncommercial research, product development services, and testing services. Excludes medical and dental laboratory services.

(7) *Management, consulting, and public relations services.* Management services, except management of health care facilities (see paragraph (c)(8) of this section); consulting services, except consulting engineering services related to actual or proposed construction or mining services projects (see paragraph (c)(20) of this section) and computer consulting (see paragraph (c)(2) of this section); and public relations services, except those that are an integral part of an advertising campaign (see paragraph (c)(1) of this section). Excludes management and operation of a foreign business by a U.S. person, or of a U.S. business by a foreign person, where operating staff as well as management is provided. (Generally, such operations would be deemed to constitute a foreign affiliate of the U.S. person, or a U.S. affiliate of the foreign person, to be reported in BEA's direct investment surveys rather than in this survey.)

(8) *Management of health care facilities.* Management of hospitals, nursing homes, and other health care facilities. If operating staff is provided, generally should be reported in BEA's direct investment surveys, rather than in this survey.

(9) *Accounting, auditing, and bookkeeping services.* Excludes data processing and tabulating services (see paragraph (c)(2) of this section).

(10) *Legal services.* Legal advice or other legal services, including insurance claims adjustment services.

(11) *Educational and training services.* Educational or training services provided or acquired on a contract or fee basis. Excludes tuition and fees charged to individual students by educational institutions, as well as training done by a manufacturer in connection with the sale of a good (see paragraph (c)(15)(ii) of this section).

(12) *Mailing, reproduction, and commercial art.* Direct mail advertising services; mailing service; blueprinting, photocopying, and other reproduction services, including those in connection with direct mail advertising; commercial photography, art, and graphic services; address list compilers; and stenographic services.

(13) *Employment agencies and temporary help supply services.* Employment services and provision of temporary help and personnel to perform services for others on a contract or fee basis. Where workers are carried on the payroll of the agency, includes receipts and payments covering the compensation of workers, as well as agency fees.

(14) *Industrial engineering services.* Engineering services related to the design of movable products, including product design services. Excludes services that relate to immovable products, such as those that relate to actual or proposed construction or mining services projects (see paragraph (c)(2) of this section).

(15) *Industrial-type maintenance and repair, installation, alteration, and training services.* (i) Maintenance and repair services primarily to machinery and equipment, and small maintenance and repair work on buildings, structures, dams, highways, etc. Would include such services as the periodic overhaul of turbines or locomotives, the extinguishing of oil or natural gas well fires, and refinery maintenance. Excludes computer maintenance and repair services (see paragraph (c)(2) of this section).

(ii) Installation, startup and training services provided by a manufacturer *in connection with the sale of goods.* Include elsewhere as appropriate (e.g., in construction or education and training) if not provided in connection with the sale of goods. Excludes such services where the cost is included in the price of the goods and not separately billed or is declared as a part of the price of the goods on the shippers export or import declaration filed with the U.S. Customs Service; however, services provided at a price over and above that entered on the shippers export or import declaration should be included. These services would be reported elsewhere if not provided in connection with the sale of goods. For example, installation of machinery and equipment is normally considered a construction activity, and training personnel in the use of new machinery would ordinarily be reported as an educational or training service. However, this separate category has been provided for reporting such services when provided in connection with goods.

(16) *Performing arts, sports, and other live performances, presentations, and events.* Fees received (net of allowances for foreign expenses) or paid (net of allowances for U.S. expenses) for performing arts, sports, etc. To be reported by U.S. management companies, booking agents, promoters, and presenters who received the fees (including the performer's fees and their own booking fees); U.S. performers who received funds directly from a foreign person rather than through a U.S. management company (or similar entity); and management companies, booking agents, promoters, and presenters who paid foreign persons for performances. (As used here, "performers" means entertainers, sports teams, orchestras, dance companies, lecturers, and similar persons or performing groups.)

(17) *Rights to natural resources.* Receipts (or payments) for the sale (or acquisition), or for the use of rights to natural resources, excluding rights to surface land, located in the United States and abroad.

(18) *Miscellaneous disbursements.* Disbursements or outlays to fund news gathering costs of broadcasters and the print media; production costs of motion picture companies and companies engaged in the production of broadcast program material other than news; and costs of maintaining tourism, business promotion, sales, and representative offices, and of participating in foreign trade shows.

(19) *Primary insurance.* (i) Primary insurance premiums paid—Applies only to insurance *purchased* from foreign insurance carriers. Equals premiums paid minus cancellations. Excludes reinsurance transactions.

(ii) Losses recovered on purchases of primary insurance—Applies only to claims recovered on purchases of primary insurance.

(20) *Construction, engineering, architectural, and mining services.* Covers only *purchases* of the following types of services: services of general contractors in the fields of building and heavy construction; construction work by special trade contractors, such as the erection of structural steel for bridges and buildings and on-site electrical work; architectural, engineering, and land-surveying services; and mining services, including oil and gas field services. Includes only those engineering services purchased in conjunction with construction and mining services projects; industrial engineering services, such as product design services, are included under paragraph (c)(14) of this section. Includes service purchased in connection with proposed projects (e.g., feasibility studies) as well as projects that are actually being carried out. Note that the U.S. Reporter's *sales* of construction, engineering, architectural, and mining services are not reportable in this survey, but on separate Form BE-47.

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DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[T.D. ATF-318 Re; Notice No. 715]

RIN 1512-AA07

Establishment of Texas Hill Country Viticultural Area (89F-770P)

AGENCY: Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury.

ACTION: Treasury decision; Final rule.

SUMMARY: This final rule establishes a viticultural area in south central Texas, to be known as "Texas Hill Country." This final rule is based on a notice of proposed rulemaking published in the **Federal Register** on May 1, 1991, at 56 FR 19965, Notice No. 715. ATF believes the establishment of viticultural areas and the subsequent use of viticultural area names in wine labeling and advertising will allow wineries to designate the specific grape-growing area in which the grapes used in their wines were grown and will enable consumers to better identify wines they purchase.

EFFECTIVE DATE: December 30, 1991.

FOR FURTHER INFORMATION CONTACT: Marjorie Dundas, Wine and Beer Branch, 650 Massachusetts Avenue,

NW., Washington, DC 20226 (202) 927–8202.

SUPPLEMENTARY INFORMATION:

Background

On October 2, 1979, ATF published Treasury Decision ATF–60 (44 FR 56692) which added to title 27 a new part 9 for the listing of approved American viticultural areas. Section 4.25a(e)(1) of 27 CFR defines an American viticultural area as a delimited grape-growing region distinguishable by geographic features, the boundaries of which have been delineated in subpart C of part 9. Section 4.25a(e)(2) outlines the procedure for proposing an American viticultural area. Any interested person may petition ATF to establish a grape-growing region as a viticultural area. The petition shall include:

(a) Evidence that the name of the proposed viticultural area is locally and/or nationally known as referring to the area specified in the petition;

(b) Historical or current evidence that the boundaries of the viticultural area are as specified in the petition;

(c) Evidence relating to the geographical features (climate, soil, elevation, physical features, etc.) which distinguish the viticultural features of the proposed area from surrounding areas;

(d) A description of the specific boundaries of the proposed viticultural area, based on features which can be found on United States Geological Survey (U.S.G.S.) maps of the largest applicable scale; and,

(e) A copy of the appropriate U.S.G.S. map(s) with the proposed boundaries prominently marked.

Petition

ATF initially received a petition from Mr. Edwin Auler, on behalf of a group of winery and vineyard owners, proposing the establishment of a viticultural area in south central Texas, to be known as "Hill Country." The petitioner subsequently amended the petition to request that the name be changed to "Texas Hill Country." There are 37 vineyards and 10 commercial wineries within the 15,000 square mile area initially proposed.

Notice of Proposed Rulemaking

On May 1, 1991, Notice No. 715 was published in the **Federal Register** with a 45-day comment period. In that notice, ATF summarized the materials submitted in support of the proposal to establish Texas Hill Country as an American viticultural area, and requested comments of interested parties. We particularly requested comments concerning the boundaries of the area, since it is unusually large.

Only one comment was received during the comment period. Mr. Fred Thomas of Hill Country Cellars in Cedar Park, Texas requested that the eastern boundary of the Texas Hill Country be extended slightly to include his vineyard and winery which are located north of the city of Austin. As will be discussed later in this document, ATF believes that the evidence submitted by Mr. Thomas supports inclusion of the additional area.

General Description

The Texas Hill Country viticultural area covers the eastern two-thirds of the Edwards Plateau. The Edwards Plateau lies generally north and west of the portion of the Balcones Fault which runs near the cities of San Antonio and Austin, respectively. The Balcones Fault separates the Edwards Plateau from the Rio Grande Plains to the south and west and from the Blackland Prairies on the east and northeast. The Edwards Plateau is bounded on the north and northwest by the North Central or Low Rolling Plains.

Grape growing and wine making within the Texas Hill Country have existed on a small scale for the better part of 150 years. However, vitis vinifera varieties have only been grown in the area since the mid-1970's. There are two approved viticultural areas which are entirely within the Texas Hill Country. These are "Bell Mountain" (27 CFR 9.55) and "Fredericksburg in the Texas Hill Country" (27 CFR 9.125), both in Gillespie County, Texas.

Evidence of Name

In An Insider's Guide to the Texas Hill Country, 1990 Edition, an article stated "the Texas Hill Country extends roughly as far west as Sonora; as far south as Uvalde and San Antonio; as far north as Menard, Brady, and Lampasas; and as far east as Austin and San Marcos." With the exception of Sonora, each of these towns and cities is located on the boundary of the viticultural area. A brochure prepared by the Texas Hill Country Tourism Association, Experience it. The Texas Hill Country, features descriptions of towns within the Texas Hill Country, and a map which roughly coincides with the boundary described by the petitioner. Neither of these descriptions specifically excludes the area which Mr. Thomas has asked to add. In support of his request for expansion of the eastern boundary, Mr. Thomas submitted a copy of a newspaper called Hill Country News, which serves towns within the originally proposed area, as well as Cedar Park, Leander, and other towns which are divided by the boundary as originally proposed, and will be fully included within the new boundary. Mr. Thomas also submitted a program from the 1991 "Texas Hill Country Wine and Food Festival", showing his winery, Hill Country Cellars, was a participant.

Distinguishing Features

The petitioner provided the following evidence relating to features which distinguish the viticultural area from the surrounding areas:

Topography

As previously indicated, the Texas Hill Country covers the eastern two-thirds of the Edwards Plateau, which ends at the Balcones Fault. The name Balcones (for balcony, in Spanish) is suggested by the pronounced drop in elevation from the Edwards Plateau to the Blackland Prairie, to the east. Furthermore, the higher land of the southeast edge of the Edwards Plateau has been severely eroded by the flow of numerous rivers and streams, and portions were raised by volcanic activity and geological upheavals. This has left the Texas Hill Country as a region of low mountains, hills, canyons and valleys. The petitioner contrasts this hilly terrain with the surrounding areas (the Rio Grande Plains, the Blackland Prairies, and the North Central Plains) which are all characterized by flatter terrain. The terrain of the Texas Hill Country varies from about 650 to 2550 feet above sea level.

Soils

The petitioner submitted evidence that most of the hills of the region are limestone, sandstone or granite in nature, while the valleys usually contain varying types of sandy and/or clay loam, most of a calcareous nature, but many with different underlying characters due to the complex geology of the region. With the original petition, the petitioner provided a U.S. Department of Agriculture description of various soils in the area. According to this document, the main soil series associated with the eastern two-thirds of the Edwards Plateau (i.e., The Texas Hill Country) are the Tarrant, Eckrant, Brackett and Tobosa, with Frio, Oakalla and Dev in the bottomlands. By way of comparison, the main soil series associated with the western portion of the Edwards Plateau are Ector, Upton and Reagan. In addition, the petition identifies Claresville, Elmendorf, Floresville, Miguel and Webb as the main soils associated with the Rio

Grande Plains to the south of the Texas Hill Country. The Blackland Prairies to the east and northeast are comprised mainly of the Houston Black, Heiden, and Austin soil series, while the main soil series for the Low Rolling Plains to the north are Abilene, Rowena, Mereta, and Lueders.

Climate

The climate of the Texas Hill Country is distinguished from the surrounding areas by a number of different factors. The Blackland Prairies and Rio Grande Plains which border the Texas Hill Country on the east and south are classified as humid subtropical characterized by hot days, warm nights, and usually humid weather. This is attributed to the influence of warm, moist winds off the Gulf of Mexico during the growing season. Since the Texas Hill Country is located further inland and at a higher altitude than the Blackland Prairies and Rio Grande Plains, the air is drier and has a greater proclivity for giving up heat at night. The resulting cooler, drier nights within the viticultural area are beneficial in the growing of vinifera grapes, according to the petitioner. The Texas Hill Country is subject to winds which flow over the deserts of Chihuahua and Coahuila in Mexico and north over the Edwards Plateau and the Hill Country during much of the growing season. These desertlike winds subside and cool at night, and tend to pool. Since the Texas Hill Country slopes from west to east, the cool, dry air which collects in the evening flows, or drains, across the area very rapidly, resulting in cooler nighttime temperatures. Although these same desert winds flow over the Low Rolling Plains to the north of the Texas Hill Country, the plains are flat to rolling in topography with the result that the air movement and nighttime cooling are less rapid than in the viticultural area. Finally, while the climate of the Texas Hill Country is similar to the rest of the Edwards Plateau, the Texas Hill Country is distinguishable in that it has a higher average rainfall. The petition stated that the western portion of the Edwards Plateau averages 16 to 22 inches of rainfall per year, while the Texas Hill Country averages 24 to 28 inches per year.

Boundaries

As stated previously, ATF received a request from Mr. Fred Thomas that the eastern boundary of the Texas Hill Country be extended to include his vineyard and winery. As originally proposed in Notice No. 715, the eastern and northeastern boundary followed along Interstate Highway 35 south of the city of Austin and then turned northwest before reaching Austin at State Highway 71. The proposed boundary then followed State Highway 71 for a short distance until it intersected with Loop 360 to the west of the city of Austin. The boundary then followed Loop 360 to its intersection with Interstate Highway 183 and followed Interstate Highway 183 to the northwest of Austin until it intersected with State Highway 190 in Lometa, Texas. Thus, the proposed boundary was west and northwest of the city of Austin.

Mr. Thomas has requested that this portion of the boundary be revised to follow Interstate Highway 35 directly through the city of Austin and proceeding north of the city of Austin until it intersects with State Highway 29 near Georgetown, Texas. In addition to the name evidence, Mr. Thomas provided evidence that the geographical features of this additional area to the east are similar to the rest of the Texas Hill Country. The elevation of the additional area varies from 717 to 100 feet above sea level and shares a climate (average temperature and rainfall) that is similar to the rest of the Texas Hill Country. Furthermore, the Austin sheet of the Geologic Atlas of Texas shows that the soils in the additional area are also predominantly limestone and chalk and the shift to soils which are predominantly clay and gravel, and then sand, takes place further east beyond the additional area.

On the basis of the evidence submitted by Mr. Thomas, ATF is extending the eastern boundary as requested. The remaining boundaries of the Texas Hill Country remain as proposed.

Highways are used as the boundary for the viticultural area. Evidence was presented that these man-made features follow a change in the geographical characteristics of the area. For instance, routes 90 and 35 were chosen to form the southern and southeastern boundary for the Texas Hill Country because they follow roughly the same path as the Balcones Fault. Although ATF has learned through independent research that these highways are actually 5 to 15 miles beyond the Balcones Fault, there are no other features on the U.S.G.S. maps of the area which would better represent the boundary. The highways used to form the northeast, north, and west boundaries reflect the gradual leveling of terrain where the Texas Hill Country borders the plains areas.

Miscellaneous

ATF does not wish to give the impression by approving "Texas Hill Country" as a viticultural area that it is approving or endorsing the quality of the wine derived from the area. ATF is approving this area as being distinct and not better than other areas. By approving this area, ATF will allow wine producers to claim a distinction on labels and in advertisements as to the origin of the grapes. Any commercial advantage gained can only come from consumer acceptance of wines from "Texas Hill County."

Regulatory Flexibility Act

It is hereby certified that this regulation will not have a significant economic impact on a substantial number of small entities. Accordingly, a regulatory flexibility analysis is not required because the final rule is not expected (1) To have secondary, or incidental effects on a substantial number of small entities, or (2) to impose, or otherwise cause, a significant increase in reporting, recordkeeping, or other compliance burdens on a substantial number of small entities.

Executive Order 12291

It has been determined that this document is not a major regulation as defined in E.O. 12291 because it will not have an annual effect on the economy of $100 million or more; it will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and it 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.

Paperwork Reduction Act

The provisions of the Paperwork Reduction Act of 1980, Public Law 96-511, 44 U.S.C. chapter 35, and its implementing regulations, 5 CFR part 1320, do not apply to this final rule because no requirement to collect information is imposed.

Drafting Information

The principal author of this document is Marjorie Dundas, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms.

List of Subjects in 27 CFR Part 9

Administrative practices and procedures, Consumer protection, Viticultural areas, Wine.

Authority and Issuance

Title 27, Code of Federal Regulations, part 9, American Viticultural Areas is amended as follows:

PART 9—AMERICAN VITICULTURAL AREAS

Paragraph 1. The authority citation for part 9 continues to read as follows:

Authority: 27 U.S.C. 205.

Par. 2. The table of sections in subpart C is amended to add the title of § 9.136 to read as follows:

Subpart C—Approved American Viticultural Areas

Sec.

* * * * *

§ 9.136 Texas Hill Country.

Par. 3. Subpart C is amended by adding § 9.136 to read as follows:

Subpart C—Approved American Viticultural Areas

§ 9.136 Texas Hill Country.

(a) *Name.* The name of the viticultural area described in this section is "Texas Hill Country."

(b) *Approved maps.* The appropriate maps for determining the boundaries of the "Texas Hill Country" viticultural area are 7 U.S.G.S. (scale 1:250,000) maps. They are titled:

(1) Brownwood, Texas, 1954 (revised 1974);

(2) Sonora, Texas, 1954 (revised 1978);

(3) Llano, Texas, 1954 (revised 1975);

(4) Austin, Texas, 1954 (revised 1974);

(5) Del Rio, Texas, 1958 (revised 1969);

(6) San Antonio, Texas, 1954 (revised 1980);

(7) Seguin, Texas, 1953 (revised 1975).

(c) *Boundary.* The Texas Hill Country viticultural area is located in portions of McCulloch, San Saba, Lampasas, Burnet, Travis, Williamson, Llano, Mason, Menard, Kimble, Gillespie, Blanco, Hays, Kendall, Kerr, Edwards, Real, Bandera, Bexar, Comal, Guadalure, Medina, and Uvalde counties, in the State of Texas. The boundary is as follows:

(1) The beginning point is the intersection of Interstate Highway 35 and State highway 29 to the north of the city of Austin, on the Austin Texas, U.S.G.S. map;

(2) From the beginning point, the boundary follows State highway 29 in a west-northwesterly direction to the intersection with U.S. Highway 183;

(3) The boundary then follows U.S. Highway 183 in a northwesterly direction to the top of the Austin map and across the northeast corner of the Llano, Texas, U.S.G.S. map, to the intersecton with State Highway 190 in Lometa, on the Brownwood, Texas, U.S.G.S. map;

(4) The boundary then follows State Highway 190 in a southwesterly direction through San Saba and Brady on the Brownwood map to the intersection of U.S. Highway 83 at Menard, on the Llano, Texas, U.S.G.S. map;

(5) The boundary follows U.S. highway 83 in a southerly direction to the town of Junction, where it meets U.S. Highway 377 (Llano map);

(6) The boundary then follows U.S. Highway 377 southwest to the town of Rocksprings, on the Sonora, Texas, U.S.G.S. map, where it meets State Highway 55;

(7) The boundary then follows State Highway 55 in a southeasterly direction across the southeast portion of the Del Rio, Texas, U.S.G.S. map, and continues to the town of Uvalde, on the San Antonio, Texas, U.S.G.S. map, where it meets U.S. Highway 83;

(8) The boundary then follows U.S. Highway 83 south for approximately 2 miles, until it meets U.S. Highway 90;

(9) The boundary then follows U.S. Highway 90 east across the San Antonio map to its intersection with Loop 410 in the city of San Antonio;

(10) The boundary then follows Loop 410 to the west of San Antonio, until it meets Interstate Highway 35;

(11) The boundary then follows Interstate Highway 35 in a northeasterly direction across the San Antonio map and then across the northwest corner of the Seguin, Texas, U.S.G.S. map until it reaches the beginning point at the intersection with State highway 29 on the Austin, Texas, U.S.G.S. map.

Signed: October 25, 1991.

Stephen E. Higgins,

Director.

Approved: November 7, 1991.

John P. Simpson,

Deputy Assistant Secretary (Regulatory, Tariff and Trade Enforcement).

[FR Doc. 91-28565 Filed 11-27-91; 8:45 am]

BILLING CODE 4810-31-M

DEPARTMENT OF DEFENSE

Department of the Air Force

32 CFR Part 806b

[Air Force Reg. 12-35]

Air Force Privacy Act Program

AGENCY: Department of the Air Force, DOD.

ACTION: Final rule.

SUMMARY: On October 4, 1991, at 56 FR 50303, the Department of the Air Force proposed to amend two specific exemption rules for two existing systems of records subject to the Privacy Act of 1974, as amended, (5 U.S.C. 552a). No comments were received during the thirty day public comment period, therefore, the Department of the Air Force is adopting the changes to the exemption rules.

EFFECTIVE DATE: November 18, 1991.

FOR FURTHER INFORMATION: Contact Mrs. Anne Turner, Air Force Access Programs Officer, SAF/AAIA, The Pentagon, Washington, DC 20330-1000. Telephone (703) 697-3491 or Autovon 227-3491.

SUPPLEMENTARY INFORMATION: The Department of the Air Force is amending 32 CFR part 806b by specifying the records which may be exempt.

List of Subjects in 32 CFR Part 806b

Privacy.

Accordingly, the Department of the Air Force is amending existing exemption rules in 32 CFR part 806b as follows:

PART 806B—AIR FORCE PRIVACY ACT PROGRAM

1. The authority citation for 32 CFR part 806b continues to read as follows:

Authority: 5 U.S.C. 552a, Pub. L. 93-579.

2. Section 806b.13 is amended by revising paragraphs (b)(7)(i) and (b)(10)(i) as follows:

§ 806b.13 General and specific exemptions.

* * * * *

(b) *Specific exemptions.* * * *

(7) *System identification and name*—F035 AF MP A, Effectiveness/Performance Reporting System

(i) *Exemptions*—Brigadier General Selectee Effectiveness Reports and Colonel and Lieutenant Colonel Promotion Recommendations with close out dates on or before January 31, 1991, may be exempt from subsections of 5 U.S.C. 552a(c)(3); (d); (e)(4)(H); and (f).

* * * * *

(10) *System identification and name*—F035 AF MP P, General Officer Personnel Data System

(i) *Exemption*—Air Force General Officer Promotion and Effectiveness Reports with close out dates on or before January 31, 1991, may be exempt from subsections of 5 U.S.C. 552a(c)(3); (d); (e)(4)(H); and (f).

* * * * *

Dated: November 25, 1991.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 91-28666 Filed 11-27-91; 8:45 am]

BILLING CODE 3810-01-M

COPYRIGHT ROYALTY TRIBUNAL

37 CFR Part 304

Cost of Living Adjustment for Performance of Musical Compositions by Public Broadcasting Entities Licensed to Colleges and Universities

AGENCY: Copyright Royalty Tribunal.

ACTION: Final rule.

SUMMARY: The Copyright Royalty Tribunal announces a cost of living adjustment of 2.9% in the royalty rates to be paid by public broadcasting entities licensed to colleges, universities or other nonprofit educational institutions which are not affiliated with National Public Radio, for the use of copyrighted published nondramatic musical compositions. The cost of living adjustment is an annual adjustment required by 37 CFR 304.10(b) of the Tribunal's rules.

EFFECTIVE DATE: January 1, 1992.

FOR FURTHER INFORMATION CONTACT: Robert Cassler, General Counsel, Copyright Royalty Tribunal, 1825 Connecticut Avenue NW., suite 918, Washington, DC 20009. (202) 606-4400.

SUPPLEMENTARY INFORMATION: On December 29, 1987, the Copyright Royalty Tribunal published in the **Federal Register** the rates and terms for the copyright compulsory license applicable to the use by public broadcasting entities of published nondramatic musical works and published pictorial, graphic and sculptural works. 52 FR 49010. It was determined in that proceeding that the royalty rate to be paid by public broadcasting entities licensed to colleges, universities or other nonprofit educational institutions which are not affiliated with National Public Radio for the use of copyrighted published nondramatic musical compositions would be adjusted each year according to changes in the Consumer Price Index. 37 CFR 304.10.

The change in the cost of living as determined by the Consumer Price Index from the last Index published prior to December 1, 1990 to the last Index published prior to December 1, 1991 was 2.9% (1991's figure was 137.4; 1990's figure was 133.5, based on 1982-1984 equalling 100). Rounding off to the nearest dollar, the Tribunal announces an adjustment in the royalty rate to apply to the use of musical compositions in the repertory of ASCAP and BMI of $189, each, and $45 for the use of musical compositions in the repertory of SESAC.

List of Subjects in 37 CFR Part 304

Copyrights, Music, Radio, Television.

PART 304—[AMENDED]

1. The authority citation for part 304 continues to read as follows:

Authority: 17 U.S.C. 118 and 801 (1976).

2. 37 CFR 304.5 is amended by revising paragraphs (c)(1) through (c)(4).

§ 304.5 Performance of musical compositions by public broadcasting entities licensed to colleges and universities.

* * * * *

(c) * * *

(1) For all such compositions in the repertory of ASCAP annually: $189.

(2) For all such compositions in the repertory of BMI annually: $189.

(3) For all such compositions in the repertory of SESAC annually: $45.

(4) For the performance of any other such composition: $1.

* * * * *

Dated: November 22, 1991.

Mario F. Aguero,

Chairman.

[FR Doc. 91-28632 Filed 11-27-91; 8:45 am]

BILLING CODE 1410-09-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL-IA-4-1-5308; FRL-4034-5]

Approval and Promulgation of Implementation Plans; State of Iowa

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: On May 23, 1991, the Iowa Department of Natural Resources (IDNR) submitted chapter V, Air Pollution, of the Polk County, Iowa, Board of Health Rules and Regulations for approval as part of the Iowa State Implementation Plan (SIP). The submittal included revisions to part of the rules previously approved in the SIP (54 FR 33530) and included a request that the remainder of the local agency rules be approved as part of the SIP. In this action EPA is approving as part of the Iowa SIP the Polk County air pollution rules. Approval of these rules will make them federally enforceable by EPA and will permit the local agency to issue permits and collect permit fees for all sources in Polk County, Iowa.

DATES: This action will be effective January 28, 1992 unless notice is received within 30 days of publication that adverse or critical comments will be submitted. If the effective date is delayed, timely notice will be published in the **Federal Register**.

ADDRESSES: Copies of the state submittal for this action are available for public inspection during normal business hours at: the Environmental Protection Agency, Region VII, Air Branch, 726 Minnesota Avenue, Kansas City, Kansas 66101; Public Information Reference Unit, Environmental Protection Agency, 401 M Street, SW., Washington, DC. 20460; Environmental Protection Division, Iowa Department of Natural Resources, Wallace State Office Building, 900 East Grand, Des Moines, Iowa 50319.

FOR FURTHER INFORMATION CONTACT: Wayne A. Kaiser at (913) 551-7603 (FTS 276-7603).

SUPPLEMENTARY INFORMATION: On August 15, 1989 (54 FR 33530) EPA approved certain portions of the Polk County, Iowa, Board of Health Rules and Regulations (chapter V, Air Pollution), pertaining to definitions and permits. Since that time the Polk County Board of Supervisors made certain revisions to chapter V by adoption of Ordinances No. 72 and No. 85.

On May 23, 1991, the IDNR submitted all of chapter V, including the revisions in the ordinances above, for approval in the Iowa SIP. A general discussion of the revisions to the rules previously approved and of the newly approved rules follows. A more detailed discussion of the information presented below is contained in the EPA technical support document for this action and is available upon request from the information contact listed above.

Polk County made a clarifying revision to section 5-1, paragraph 5-1(a), and the following revisions to section 5-2, Definitions. Minor revisions were made to the definitions of air contaminant, APCD, emission limitation, emission standard, and multiple-chamber incinerator. The definition of "equipment, new" has been deleted. There is a new definition for major modification which is consistent with 40 CFR 51.166(b)(2)(i), a new definition of total suspended particulate which is consistent with 51.100(ss), and a new definition of particulate matter (PM_{10}) which is consistent with § 51.100(qq). The definition of volatile organic compound (VOC) has been updated to

be consistent with § 51.156(a)(1)(xix). The definition of variance was not submitted for approval. The above revisions to section 5–2 are approvable.

Section 5–4 has been revised to expand the powers of the health officer to evaluate existing or proposed sources of hazardous or toxic emissions and require control equipment as needed to protect public health. EPA is taking no action on this part of section 5–4 since EPA authority under section 110 of the Clean Air Act pertains to criteria pollutants and not to hazardous pollutants.

Article X, Permits, previously approved by EPA, has been revised as follows. Section 4–30, pertaining to processing of permit applications, has been revised to apply to major modifications at existing sources, as well as to major new stationary sources. Major sources are those stationary sources which emit 100 tons per year or more of any regulated air contaminant. Sections 5–34.1(b) and (c) have been revised to delete the filing fee and review fee schedules. The rules now state that fees shall be established by resolution of the Polk County Board of Supervisors. This change was made to allow flexibility in revising fees annually as will be required by the Clean Air Act Amendments of 1990 for the operating permit program. Section 5–34.1(e) has been revised to delete the fee schedule for modeling services provided by the state. Section 5–34.1(g) is a new paragraph which authorizes investigation of sources that have commenced work without a permit, and the assessment of a fee to the source for such investigation. Section 5–31.1 has been revised to delete the permit fee schedule. All fees will now be established by resolution of the Polk County Board of Supervisors. Minor revisions have been made to sections 5–40 and 5–45(3). Section 5–50.1, which incorporates by reference state rule 22.5, special requirements for nonattainment areas, has been updated to reflect revisions to the state rule through November 16, 1988. All of the above revisions to Article X are approvable.

EPA is approving for the first time the following rules in Chapter V—Article III, Incineration and Open Burning; Article IV, Restrictions on Emission of Visible Air Contaminants From Equipment; Article V, Emission of Air Contaminants from Fuel-Burning Equipment; Article VI, Emission of Air Contaminants from Industrial Sources (except for section 5–16, which are the NSPS and NESHAPs standards) and Article VII, Performance Test for Stack Emission Test. The sentence pertaining to variances in section 5–17(d) was not included as part of the SIP submittal. EPA is taking no action on Article VIII, Emission of Odors, Slaughterhouses, Reduction of Animal Matter, since EPA has no equivalent regulations. EPA is approving Article IX, Fugitive Dust, Sulfur Compounds, except section 5–27(3) and 5–27(4). EPA is taking no action on these sections since they are established pursuant to section 111 of the CAA, rather than section 110.

Continuing, EPA is approving Article XI, Board of Health; Article XII, Emergency Air Pollution Episodes; Article XIII, Nuisance Abatement and Enforcement; and Article XIV, Effect of Partial Invalidity.

Polk County provided public notice and opportunity for hearing on the rule revisions pursuant to the requirements of 40 CFR 51.102.

EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. This action will be effective January 28, 1992, unless, within 30 days of its publication, notice is received that adverse or critical comments will be submitted. If such notice is received, this action will be withdrawn before the effective date by publishing two subsequent notices. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period. If no such comments are received, the public is advised that this action will be effective January 28, 1992.

EPA ACTION

EPA is taking final action to approve, with certain exceptions, chapter V, Air Pollution, of the Polk County Board of Health Rules and Regulations. The action will make the county rules a part of the Iowa SIP and will make the rules federally enforceable. Polk County will now be able to issue permits for all new and modified sources in the county.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any SIP. Each request for revision to the SIP shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

This action has been classified as a Table 3 action by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214–2225). On January 6, 1989, the Office of Management and Budget waived tables 2 and 3 SIP revisions (54 FR 2222) from the requirements of section 3 of Executive Order 12291.

Under 5 U.S.C. section 605(b), EPA certifies that this SIP revision will not have a significant economic impact on a substantial number of small entities (see 46 FR 8709).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the U.S. Court of Appeals for the appropriate circuit by January 28, 1992. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review, nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Air pollution control, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Particulate matter, and Sulfur oxides.

Dated: November 7, 1991.

Morris Kay,

Regional Administrator.

40 CFR part 52, subpart Q, is amended as follows:

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

Authority: 42 U.S.C. 7401–7642.

Subpart Q—Iowa

2. Section 52.820 is amended by adding paragraph (c)(55) to read as follows:

§ 52.820 Identification of plan.

* * * * *

(c) * * *

(55) Revised Polk County, Iowa Board of Health Rules and Regulations, chapter V, Air Pollution, submitted by the Iowa Department of Natural Resources on May 23, 1991.

(i) *Incorporation by reference.* (A) Polk County Board of Health Rules and Regulations, chapter V, Air Pollution, Ordinances 28, 72 and 85, effective May 1, 1991, except for the following: Article I, definition of variance; Article VI, Section 5–16; Article VI, Section 5–17(d), variance provision; Article VIII; Article IX, Sections 5–27(3) and 5–27(4); and Article X, Division 5—Variance.

(ii) *Additional material.* (A) Letter from Allan Stokes to William A. Spratlin dated October 23, 1991.

[FR Doc. 91–28564 Filed 11–27–91, 8:45 am]

BILLING CODE 6560–50–M

40 CFR Part 271

[FRL-4036-4]

Alabama; Final Authorization of Revisions to State Hazardous Waste Management Program

AGENCY: Environmental Protection Agency.

ACTION: Immediate final rule.

SUMMARY: Alabama has applied for final authorization of revisions to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). Alabama's revisions consist of the provisions contained in Non-HSWA Cluster I, Non-HSWA Cluster II, and Non-HSWA Cluster III. The requirements for these clusters are listed in Section B of this notice. The Environmental Protection Agency (EPA) has reviewed Alabama's applications and has made a decision, subject to public review and comment, that Alabama's hazardous waste program revisions satisfy all of the requirements necessary to qualify for final authorization. Thus, EPA intends to approve Alabama's hazardous waste program revisions. Alabama's applications for program revisions are available for public review and comment.

DATES: Final authorization for Alabama's program revisions shall be effective January 28, 1992, unless EPA publishes a prior **Federal Register** action withdrawing this immediate final rule. All comments on Alabama's program revision applications must be received by the close of business December 30, 1991.

ADDRESSES: Copies of Alabama's program revision applications are available during 8 a.m. to 4:30 p.m. at the following addresses for inspection and copying: Alabama Department of Environmental Management, 1751 Congressman W.L. Dickinson Drive, Montgomery, Alabama 36130: (205) 271–7737; U.S. EPA Headquarters Library, PM 211A, 401 M Street, SW., Washington, DC 20460; (202) 382–5926; U.S. EPA Region IV, Library, 345 Courtland Street, NE., Atlanta, Georgia 30365; (404) 347–4216. Written comments should be sent to Narindar Kumar at the address listed below.

FOR FURTHER INFORMATION CONTACT: Narindar Kumar, Chief, State Programs Section, Waste Programs Branch, Waste Management Division, U.S. Environmental Protection Agency, 345 Courtland Street, NE., Atlanta, Georgia 30365; (404) 347–2234.

SUPPLEMENTARY INFORMATION:

A. Background

States with final authorization under section 3006(b) of the Resource Conservation and Recovery Act ("RCRA" or "the Act"), 42 U.S.C. 6926(b), have a continuing obligation to maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the Federal hazardous waste program. In addition, as an interim measure, the Hazardous and Solid Waste Amendments of 1984 (Public Law 98–616, November 8, 1984, hereinafter "HSWA") allows States to revise their programs to become substantially equivalent instead of equivalent to RCRA requirements promulgated under HSWA authority. States exercising the latter option receive "interim authorization" for the HSWA requirements under section 3006(g) of RCRA, 42 U.S.C. 6926(g), and later apply for final authorization for the HSWA requirements.

Revisions to State hazardous waste programs are necessary when Federal or State statutory or regulatory authority is modified or when certain other changes occur. Most commonly, State program revisions are necessitated by changes to EPA's regulations in 40 CFR parts 260–268 and 124 and 270.

B. Alabama

Alabama initially received final authorization for its base RCRA program effective on December 22, 1987. On March 21, 1991, Alabama submitted program revision applications for additional program approvals. Today, Alabama is seeking approval of its program revisions in accordance with 40 CFR 271.21(b)(3).

EPA has reviewed Alabama's applications and has made an immediate final decision that Alabama's hazardous waste program revisions satisfy all of the requirements necessary to qualify for final authorization. Consequently, EPA intends to grant final authorization for the additional program modifications to Alabama. The public may submit written comments on EPA's immediate final decision up until December 30, 1991. Copies of Alabama's applications for these program revisions are available for inspection and copying at the locations indicated in the "Addresses" section of this notice.

Approval of Alabama's program revisions shall become effective January 28, 1992, unless an adverse comment pertaining to the State's revisions discussed in this notice is received by the end of the comment period.

If an adverse comment is received EPA will publish either (1) a withdrawal of the immediate final decision or (2) a notice containing a response to comments which either affirms that the immediate final decision takes effect or reverses the decision.

EPA shall administer any RCRA hazardous waste permits, or portions of permits that contain conditions based upon the Federal program provisions for which the State is applying for authorization and which were issued by EPA prior to the effective date of this authorization. EPA will suspend issuance of any further permits under the provisions for which the State is being authorized on the effective date of this authorization.

Alabama is today seeking authority to administer the following Federal requirements promulgated on July 1, 1984–June 30, 1985, for Non-HSWA Cluster I, July 1, 1985–June 30, 1986, for Non-HSWA Cluster II, and July 1, 1986–June 30, 1987 for Non-HSWA Cluster III.

Federal requirement	FR reference	Federal promulgation date	State authority
Biennial report	48 FR 3977	01/28/83	335-146-.05(7) and (8), 335-146-.06(5)(a) and 2(b)2, 335-14-8, 335-14-8-.03(1)(L)(9).
Permit rules settlement agreement	48 FR 39611	09/01/83	335-14-8-.02(2)(a)(1) and (3), 335-14-8-.02(2)(d), 335-14-8-.03(2)(d).
Interim status standards applicability	48 FR 52718	11/22/83	335-14-6.01(1)(b).
Chlorinated aliphatic hydrocarbon listing (FO24)	49 FR 5308	02/10/84	335-14-2-.04(2), 335-14-2.13 and .14.
National uniform manifest	49 FR 10490	03/20/84	335-14-1-.02(1), 335-14-3.02(1)(a) and .02(2), 335-14-3-.05(1)(b), 3, 4, and .05(1)(d), and (1)(e), 335-14-3-.09.
Permit rules: settlement agreement	49 FR 17716	04/24/84	335-14-8-.07(1)(b).
Warfarin and zinc phosphide listing	49 FR 19922	05/10/84	335-14-2-.04(4)(e) and (f).
Lime stabilized pickle liquor sludge	49 FR 23284	06/05/84	335-14-2.01(3)(c)(2).
Household waste	49 FR 44978	11/13/84	335-14-2-.01(4)(b)1.
Interim status standards applicability	49 FR 46094	11/21/84	335-14-6-.01(1)(a) and .07(1)(b).

Federal requirement	FR reference	Federal promulgation date	State authority
Correction to test methods manual	49 FR 47390	12/04/84	335-14-1-.02(2)(g), 335-14-1-.03(1).
Satellite accumulation	49 FR 49568	12/20/84	335-14-3.03(5)(c).
Definition of solid waste	40 FR 614	01/04/85	335-14-1-.02(1), .03(10)(b)(c), .03(11)(a)(b)(c) and .03(13)(a)(b), 335-14-2-.01(1)(b)(c)(2)(a)-(f) and .04(2)(4), 335-14-5-.01(1)(c)2, 335-14-5-.15(1)(a), 335-14-6-.01(1)(c)2, 335-14-6-.16(1), 335-14-7-.03(1)(a)(b), (2)(3)(4), 335-14-7-.04(1)(a)(3)(4)(6)(c)(7), 335-14-7-.06(1)(a)(b)(c)(d).
Definition of solid waste; correction	50 FR 14216	04/11/85	335-14-1-.03(10)(a), 335-14-2-.01(3)(c)2 .01(4)(a)6 and 335-14-2-.01(b)(c), 335-14-2-.01(4)(a)6, 335-14-20.01(5)(c), 335-14-7-.04(1)(b), 335-14-7-.04(5), .04(7).
Interim status standards for treatment, storage and disposal facilities.	50 FR 16044	04/23/85	335-14-6-.11(3)(a)(b), 335-14-6-.11(10)(a)(b)(c), 335-14-6.13(3)(a), 335-14-6-.14(11)(a)(b), 335-14-6-.14(16)(a)(b).
Definition of solid waste; correction	50 FR 33541	08/20/85	335-14-2-.01(2)(c)1, 2, 335-14-2-.01(6)(a)3 and (6)(c), 335-14-7-.04(1)(b) and .07(1)(b).
Financial responsibility; settlement agreement	51 FR 16422	05/02/86	335-14-1-.02(1), 335-14-5-.07(1)(a)(b)(2)(a)(b)(c), 335-14-5-.07(2)(a)(b), 335-14-5-.07(3)(a)(b)(c)(d) and (e), 335-14-5-.07(4)(a)(b)(c),(5)(6) and (7), 335-14-5-.07(8)(a)(b)(c)(d), (9)(a)(b)(c)(d), (10)(a)(b)(c) and (11), 335-14-5-.08(2)c, (3)(a)(b)(c) and (4)(a)(b)(c)(d).
Listing of spent pickle liquor (KO62)	50 FR 19320	05/28/86	335-14-2-.04(3).
Liability coverage-corporate guarantee	51 FR 25350	07/11/86	335-14-5-.08(8)(a)2, 6(b)2, 6, (a)1, 2, and (h)2.
Standards for hazardous waste storage and treatment tank systems.	51 FR 25422	07/14/86	335-14-1-.02(1), 335-14-2-.01(4)(a)8, 335-14-3-.03(5)(a)1(d)2 and (d)3, 335-14-5-.02(6)(b)4, 335-14-5-.05(4)(b)6, 335-14-5-.07(1)(b)3, 335-14-5-.08(1)(b)3, 335-14-5-.10(2)(a)(b), 335-14-5-.10(2)(a)(b)(3),(4), (5), (6), (8), (9) and (10), 335-14-6-.02(4)(b)4(b)6, 335-14-6-.05(4)(b)3(b)6, 335-14-6-.07(1)(b)2, 335-14-6-.08(1)(b), 335-14-6.10(1)(2)(3)(4)(5)(6)(7)(8)(9)(10)(11)(12), 335-14-8-.02(5)b(5)(b)13, (7)(a)(b), (c)(d)(e)(f)(g)(h)(i)(j).
Technical correction identification and listing of hazardous waste.	51 FR 13382	04/22/88	335-14-2-.04(4)(e) and (f), 335-14-2-Appendix VIII.
Definition of solid waste; technical corrections	52 FR 21306	06/05/87	335-14-2-.04(4), 335-14-7-.03(1)(a)2 and (a) 3.
Amendments to part B information requirements for land disposal facilities.	52 FR 23447	06/22/87	335-14-8-.02(5)(c)7 and (c)8.(v).

Alabama is not authorized to operate the Federal program on Indian Lands. This authority remains with EPA unless provided otherwise in a future statute or regulation.

C. Decision

I conclude that Alabama's applications for these program revisions meet all of the statutory and regulatory requirements established by RCRA. Accordingly, Alabama is granted final authorization to operate its hazardous waste program as revised.

Alabama now has responsibility for permitting treatment, storage, and disposal facilities within its borders and carrying out other aspects of the RCRA program, subject to the limitations of its program revision application and previously approved authorities. Alabama also has primary enforcement responsibilities, although EPA retains the right to conduct inspections under Section 3007 of RCRA and to take enforcement actions under Section 3008, 3013, and 7003 of RCRA.

Compliance With Executive Order 12291

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

Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this authorization will not have a significant economic impact on a substantial number of small entities. This authorization effectively suspends the applicability of certain Federal regulations in favor of Alabama's program, thereby eliminating duplicative requirements for handlers of hazardous waste in the State. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

List of Subjects in 40 CFR Part 271

Administrative practice and procedure, Confidential business information, Hazardous materials transportation, Hazardous waste, Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Water pollution control, Water supply.

Authority: This notice is issued under the authority of sections 2002(a), 3006 and 7004(b) of the Solid Waste Disposal Act as amended (42 U.S.C. 6912(a), 6926, 6974(b)).

Dated: November 18, 1991.

Patrick M. Tobin,

Acting Regional Administrator.

[FR Doc. 91-28659 Filed 11-27-91; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6911

[CA-940-4214-10, CACA 28256; CACA 7651WR; CACA 7665WR; CACA 7992WR]

Partial Revocation of Executive Order 4456A, Secretarial Order Dated August 24, 1933, and Geological Survey Order Dated June 24, 1952, California

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes an Executive order, a Secretarial order, and a Geological Survey order insofar as they affect 77.35 acres of public lands withdrawn for power purposes. The lands are no longer needed for this purpose, and the revocation is necessary to permit disposal of the lands through land exchange under section 206 of the Federal Land Policy and Management Act of 1976. This action will open the

lands to surface entry and mining, unless closed by overlapping withdrawals or temporary segregations of record. The lands have been and will remain open to mineral leasing.

EFFECTIVE DATE: December 30, 1991.

FOR FURTHER INFORMATION CONTACT: Judy Bowers, BLM California State Office, Federal Office Building, 2800 Cottage Way, Sacramento, California, 95825, 916–978–4820.

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

1. The Executive Order 4456A, which withdrew lands from the operation of the public land laws and the general mining laws for Reservoir Site Reserve No. 17, is hereby revoked insofar as it affects the following lands:

Mount Diablo Meridian

T. 9 N., R. 10 E.,
Sec. 12, all public lands located in W½ lot 15, lot 16.

Containing 21.67 acres in El Dorado County.

2. The Secretarial Order dated August 24, 1933, which withdrew lands from the operation of the public land laws for Powersite Classification No. 267, is hereby revoked insofar as it affects the following lands:

Mount Diablo Meridian

T. 9 N., R. 10 E.,
Sec. 12, all public lands located in W½ lot 15, lot 16.

Containing 21.67 acres in El Dorado County.

3. The Geological Survey Order dated June 24, 1952, which withdrew lands from the operation of the public land laws for Powersite classification No. 425, is hereby revoked insofar as it affects the following lands:

Mount Diablo Meridian

T. 9 N., R. 10 E.,
Sec. 12, all public lands located in SE¼ SW¼;
Sec. 13, lot 7.

Containing 34.01 acres in El Dorado County.

4. At 10 a.m. on December 30, 1991, the lands will be opened to the operation of the public land laws generally, subject to valid existing rights, the provision of existing withdrawals, other segregations of record, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on December 30, 1991, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

5. At 10 a.m. on December 30, 1991, the lands in paragraph 1 will be opened to location and entry under the United States mining laws, subject to valid existing rights, the provision of existing withdrawals, and other segregations of record. Appropriation of any of the lands described in this order under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. 38, shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts.

6. The Federal Energy Regulatory Commission finds in DVCA–1227 that the value of the lands will not be injured or destroyed for the purpose of power development by conveyance of the lands in paragraphs 2 and 3 subject to the provisions of section 24 of the Federal Power Act.

Dated: November 18, 1991.

Dave O'Neal,

Assistant Secretary of the Interior.

[FR Doc. 91–28619 Filed 11–27–91; 8:45 am]

BILLING CODE 4310–40–M

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43 CFR Public Land Order 6912

[MT–930–4214–10; MTM 73404]

Withdrawal of Reserved Public Minerals for Mount Haggin Prehistoric Quarry Site; Montana

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order withdraws approximately 490 acres of reserved public minerals from location and entry under the mining laws for 20 years for the Bureau of Land Management to protect the integrity of the Mount Haggin Prehistoric Quarry Site. The reserved minerals have been and remain open to mineral leasing.

EFFECTIVE DATE: November 29, 1991.

FOR FURTHER INFORMATION CONTACT: James Binando, BLM Montana State Office, P.O. Box 36800, Billings, Montana 59107, 406–255–2935.

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

1. Subject to valid existing rights, the reserved public minerals in the following described land are hereby withdrawn from location and entry under the United States mining laws (30 U.S.C., ch. 2 (1988)), but not from leasing under the mineral leasing laws, to protect valuable archaeological, educational, interpretive and recreational resources:

Principal Meridian

T. 3 N., R. 11 W.,
Sec. 20, those portions lying east of Highway 274;
Sec. 29, lots 2, 4, 5, 7, 8, and that portion of lot 6 lying east of Highway 274.

The area described contains approximately 490 acres in Deer Lodge County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the reserved public minerals under lease, license, or permit, or governing the disposal of their mineral resources other than under the mining laws.

3. This withdrawal will expire 20 years from the effective date of this order unless, as a result of a review conducted before the expiration date pursuant to section 204(f) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714(f) (1988), the Secretary determines that the withdrawal shall be extended.

Dated: November 18, 1991.

Dave O'Neal,

Assistant Secretary of the Interior.

[FR Doc. 91–28620 Filed 11–27–91; 8:45 am]

BILLING CODE 4310–DN–M

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43 CFR Public Land Order 6913

[CA–940–4214–10; CACA 28355]

Partial Revocation of Secretarial Order Dated February 19, 1952; California

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This revokes a public land order insofar as it affects 1.875 acres of National Forest System land withdrawn by the Bureau of Reclamation for the Central Valley Project. The land is no longer needed for this purpose, and the revocation is needed to permit disposal of the land through interchange under the Act of January 12, 1983 (96 Stat. 2535). This action will open the land to such forms of disposition as may by law be made of National Forest System land.

EFFECTIVE DATE: December 30, 1991.

FOR FURTHER INFORMATION CONTACT: Judy Bowers, BLM California State

Office, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825, 916–978–4820.

By virtue of the authority vested in the Secretary of the Interior by section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714 (1988), it is ordered as follows:

1. The Secretarial Order dated February 19, 1952, which withdrew lands for the Central Valley Project, is hereby revoked insofar as it affects the following described land:

Mount Diablo Meridian

T. 10 N., R. 12 E.,
Sec. 11, N½NE¼NE¼NE¼SW¼, NE¼NW¼NE¼NE¼SW¼.

Containing 1.875 acres in El Dorado County.

2. At 10 a.m. on December 30, 1991, the land shall be opened to such forms of disposition as may by law be made of National Forest System land, subject to valid existing rights, the provision of existing withdrawals, other segregations of record, and the requirements of applicable law.

Dated: November 18, 1991.

Dave O'Neal,

Assistant Secretary of the Interior.

[FR Doc. 91–28621 Filed 11–27–91; 8:45 am]

BILLING CODE 4310–40–M

43 CFR Public Land Order 6914

[CA–940–4214–10; CACA 27508]

Public Land Order No. 6883, Correction; Partial Revocation of the Secretarial Order Dated July 9, 1927, Subject to Section 24 of the Federal Power Act; California

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order will correct the error in the land description in Public Land Order No. 6883.

EFFECTIVE DATE: November 29, 1991.

FOR FURTHER INFORMATION CONTACT: Judy Bowers, BLM California State Office, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825, 916–978–4820.

By virtue of the authority vested in the Secretary of the Interior by section 204 for the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714 (1988), it is ordered as follows:

The land description in Public Land Order No. 6883, 56 FR 50058–50059, October 3, 1991, is hereby corrected as follows:

On page 50059, in the first column, the line immediately following Mount Diablo Meridian, which reads "T. 19 N., R. 10 W.," is hereby corrected to read "T. 19 N., R. 10 E.,".

Dated: November 20, 1991.

Dave O'Neal,

Assistant Secretary of the Interior.

[FR Doc. 91–28628 Filed 11–27–91; 8:45 am]

BILLING CODE 4310–40–M

43 CFR Public Land Order 6915

[CA–940–4214–10; CACA 27509, CACA 8003 WR]

Partial Revocation of Secretarial Order Dated May 5, 1927, and Removal of the Need for a Restriction Imposed by Section 24 of the Federal Power Act; California

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order partially revokes Secretarial Order dated May 5, 1927, which created Powersite Classification No. 179, insofar as it affects 1,441.48 acres of lands within the Lassen National Forest. This action will permit completion of a pending Forest Service exchange, and remove the need for a restriction imposed by section 24 of the Federal Power Act from a portion of these lands. The lands are temporarily closed to mining by a Forest Service exchange proposal. The lands have been and will remain open to mineral leasing.

EFFECTIVE DATE: December 30, 1991.

FOR FURTHER INFORMATION CONTACT: Judy Bowers, BLM California State Office, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825, 916–978–4820.

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

1. The Secretarial Order dated May 5, 1927, which withdrew lands from operation of the public land laws, is hereby revoked insofar as it affects the following described lands:

Mount Diablo Meridian

T. 23 N., R. 4 E.,
Sec. 2, lots 3 and 4, S½N¼, and SW¼;
Sec. 10;
sec. 16, N½, N½SW¼, SW¼SW¼, and NW¼SE¼.

The areas described aggregate 1,441.48 acres in Butte County.

2. At 10 a.m. on December 30, 1991, the lands in paragraph 1 shall be opened to such forms of disposition as may by law be made of National Forest System lands, subject to valid existing rights, the provision of existing withdrawals, other segregations of record, and the requirements of applicable law.

3. At 10 a.m. on December 30, 1991, the restriction imposed by section 24 of the Federal Power Act (16 U.S.C. 818), as amended, is no longer required for the following described land:

Mount Diablo Meridian

T. 23 N., R. 4 E.,
Sec. 10, NW¼.

The area described contains 160 acres in Butte County.

Dated: November 19, 1991.

Dave O'Neal,

Assistant Secretary of the Interior.

[FR Doc. 91–28629 Filed 11–27–91; 8:45 am]

BILLING CODE 4310–40–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Part 16

[CGD 90–014]

RIN 2115–AC45

Chemical Drug Testing Programs for Commercial Vessel Personnel

AGENCY: Coast Guard, DOT.

ACTION: Technical amendment.

SUMMARY: This document contains corrections to regulations published on July 8, 1991 (56 FR 31030). That final rule related to random drug testing requirements for all crewmembers who serve in positions which affect the safe operation of a commercial vessel.

EFFECTIVE DATE: October 1, 1991.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander Thomas Murphy, U.S. Coast Guard Headquarters, Office of Marine Safety, Security and Environmental Protection (G–MMI–2), telephone (202) 267–1421.

SUPPLEMENTARY INFORMATION:

Background

The final rule, as published in the Federal Register, omitted the asterisks at the end of the revisions to Section 16.205 of 46 CFR, causing paragraphs (d) through (g) of that section to be mistakenly deleted. This document revises 46 CFR 16.205 to restore paragraphs (d) through (g) as they formerly appeared in the CFR.

Need for Correction

As published, the final rule omitted information which marine employers need to correctly implement the required random drug testing program.

List of Subjects in 46 CFR Part 16

Seamen, Marine safety, Navigation (water), Alcohol and alcoholic beverages, Drugs.

PART 16—CHEMICAL TESTING

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

Authority: 46 U.S.C. 2103, 3306, 7101, 7301 and 7701, 49 CFR 1.46.

2. Section 16.205 is revised to read as follows:

§ 16.205 Implementation of chemical testing programs.

(a) Each employer who employs more than 50 employees required to be tested under this part was required to implement the pre-employment testing program required by this part not later than July 21, 1989, and the serious marine incident and reasonable cause testing programs required by this part not later than December 21, 1989. The random testing program required by this part shall be implemented not later than October 1, 1991.

(b) Each employer who employs from 11 to 50 employees required to be tested under this part was required to implement the pre-employment, serious marine incident and reasonable cause testing programs required by this part not later than December 21, 1989. The random testing program required by this part shall be implemented not later than October 1, 1991.

(c) Each employer who employs 10 or fewer employees required to be tested under this part was required to implement the pre-employment, serious marine incident and reasonable cause testing programs required by this part not later than December 21, 1990. The random testing program required by this part shall be implemented not later than October 1, 1991.

(d) During the first 12 months following the institution of random drug testing pursuant to this section, an employer shall meet the following conditions:

(1) The random drug testing is spread reasonably through the 12-month period;

(2) The last test collection during the year is conducted at an annualized rate of 50 percent; and

(3) The total number of tests conducted during the 12 months is equal to at least 25 percent of the covered population.

(e) The periodic testing requirements of § 16.220 apply to physical examinations performed after December 21, 1990.

(f) When a vessel owned in the United States is operating in waters that are not subject to the jurisdiction of the United States, the testing requirements of §§ 16.210 and 16.230 do not apply to a citizen of a foreign country engaged or employed as pilot in accordance with the laws or customs of that foreign country.

(g) Upon written request of an employer, Commandant (G–MMI) will review the employer's chemical testing program to determine compliance with the provisions of this part.

Dated: November 22, 1991.

A.E. Henn,

Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Safety, Security and Environmental Protection.

[FR Doc. 91–28678 Filed 11–27–91; 8:45 am]

BILLING CODE 4910–14–M

FEDERAL MARITIME COMMISSION

46 CFR Part 550

[Petition No. P4–91; Docket No. 91–55]

Puget Sound Tug & Barge Co.; Application for Section 35 Exemption (Hawaii and Alaska Trades)

AGENCY: Federal Maritime Commission.

ACTION: Final rule.

SUMMARY: The Federal Maritime Commission amends its regulations governing the publishing, filing and posting of tariffs in domestic offshore commerce pursuant to the Shipping Act, 1916, as amended by the Intercoastal Shipping Act, 1933. This amendment of Part 550 adds a new exemption for carriers providing port-to-port service in the Hawaii and Alaska domestic offshore trades. Such carriers may now file on one day's notice any new individual commodity rate, any reductions in existing individual rates, and any new or amendatory tariff regulation, rule or note that does not increase the shipper's cost of transportation. Provisions of the Shipping Act and the Commission's regulations that pertain to any "general decrease in rates" are not affected by this amendment and carriers must continue to comply with those provisions.

DATES: This action is effective November 29, 1991.

FOR FURTHER INFORMATION CONTACT:

Robert D. Bourgoin
General Counsel
Federal Maritime Commission
1100 L Street, NW
Washington, DC 20573
(202) 523–5740
Bryant L. VanBrakle
Director, Bureau of Tariffs, Certification and Licensing
Federal Maritime Commission
1100 L Street, NW
Washington, DC 20573
(202) 523–5796

SUPPLEMENTARY INFORMATION: Puget Sound Tug & Barge Co. ("Puget") has filed an application seeking two exemptions under section 35 of the Shipping Act, 1916 ("1916 Act"), 46 U.S.C. app. 833a, from the thirty-day tariff notice requirement of section 2 of the Intercoastal Shipping Act, 1933 ("1933 Act"), *id.* 844. One exemption would apply to the domestic offshore trade between the mainland United States (including Alaska) and ("Hawaii Trade"). It would permit effectiveness on one day's notice of:

(1) All new tariff rules, regulations or notes which would reduce the shipper's cost of transportation or result in no change in the shipper's cost; and

(2) All changes in existing tariff rules, regulations or notes which would reduce the shipper's cost of transportation or result in no change in the shipper's cost.

The other exemption would apply to the trade between Alaska and the "lower 48" United States ("Alaska Trade"). It would permit effectiveness on one day's notice of:

(1) New individual commodity rates or reductions in existing commodity rates;

(2) All new tariff rules, regulations or notes which would reduce the shipper's cost of transportation or result in no change in the shipper's cost; and

(3) All changes in existing tariff rules, regulations or notes which would reduce the shipper's cost of transportation or result in no change in the shipper's cost.

A notice of the filing of Puget's Application appeared in the Federal Register. 56 FR 40,330. Comments in support of the Application were filed by Totem Ocean Trailer Express, Inc. ("TOTE"), and Matson Navigation Company, Inc. ("Matson"). Comments in opposition were filed by the Caribbean Shippers Association, Inc. ("CSA").

The Application

Puget states that, doing business as Hawaiian Marine Lines, it provides direct, all-water service between mainland United States ports and Hawaii.[1] It also offers joint through service between interior mainland points and Hawaii under motor/water and rail/water tariffs filed at the Interstate Commerce Commission ("ICC"). Puget estimates that about thirty percent of its Hawaiian traffic moves under its FMC tariff.

Puget asserts that all its competitors in the Hawaii Trade carry substantial amounts of cargo under ICC tariffs, with

[1] Tariff No. 8, FMC–F No. 7.

the exception of Pearcy Marine, Inc., a small tug-and-barge operator, and that it competes under its FMC tariff for many of the commodities carried by the other carriers under their ICC tariffs. It points out that ICC regulations permit reductions on one day's notice in any "charge, rule or other provision" as well as in any "rate." "Thus," Puget states, "all carrier-imposed transportation costs may be reduced on one day's notice when filed in an ICC tariff, irrespective of whether the charge or cost appears as a commodity rate, a tariff note or in the tariff's rules section." Application at 5. Under the Commission's existing Hawaii exemption, 46 CFR 550.1(b), Puget may reduce commodity rates in its FMC tariff on one day's notice, but reductions in ancillary charges or rate-affecting tariff rules and notes remain subject to thirty days' notice. Puget contends that the present difference in notice periods for tariff rules, notes and ancillary charges places it at a competitive disadvantage.

With respect to the Alaska Trade, Puget similarly states that, doing business as Pacific Alaska Line, it provides direct, all-water service between Pacific Northwest ports and Alaska.[2] It also offers joint through service between interior "lower 48" points and Alaska under two motor/water tariffs filed at the ICC. Puget estimates that about ten percent of its Alaskan traffic moves under its FMC tariff.

Puget states that its major competitors in the Alaska Trade operate exclusively under ICC tariffs except for Western Pioneer, Inc., a small carrier that provides only port-to-port service. It asserts that it competes under its FMC tariff for many of the same commodities carried by the other carriers under their ICC tariffs, including cement, iron and steel items and vehicles. In addition, Puget submits it serves some small and remote Alaskan ports only once or twice a year, that decisions to call at these locations are often made on short notice, and that it therefore is important to be able to file tariff reductions applicable to these ports on one day's notice.

Comments

A. Matson and TOTE

The brief comments filed by Matson and TOTE support Puget's Application without reservation. It may be noted that, although Puget did not list TOTE as a competitor in the Alaskan Trade, TOTE states that it provides both all-water, FMC-regulated service and intermodal, ICC-regulated service to Alaska and argues that granting Puget's Application will eliminate "unnecessary and cumbersome differences" between its tariffs and "unnecessary discrimination against shippers preferring all-water service." Comment at 2.

B. CSA

CSA opposes Puget's Application for essentially the same reasons it has advanced in previous section 35 exemption proceedings. It argues that the result of allowing rate actions to go into effect on one day's notice "is to improperly shift the burden of proof as to the reasonableness of a given filing from the carrier to the complaining shipper." Comments at 3, and that the carriers' request that exemptions be broadened to include rate-reducing changes in tariff notes and rules is an indication that "carriers are improperly using rules, surcharges and the like, to alter their basic rate structure." *Id.* at 4. It also contends that what appears to be a reduced rate may actually involve an increase in total costs to shippers when the formerly applicable rate is a low Cargo NOS rate.

Discussion

Section 35 empowers the Commission to exempt "any specified activity * * * from any requirement of the Shipping Act, 1916, or Intercoastal Shipping Act, 1933, where it finds that such exemption will not substantially impair effective regulation * * *, be unjustly discriminatory, or be detrimental to commerce." 46 U.S.C. app. 833a. The purpose of Puget's Application is to eliminate a claimed competitive disadvantage Puget faces because of the thirty-day notice requirement on FMC tariff reductions. Over the last three years, the Commission has granted a series of exemptions to remove similar disadvantages. Application of Trailer Marine Transport Corporation Under Section 35 of the Shipping Act, 1916, ___ F.M.C. ___, 25 S.R.R. 1660, 1663, (1991); Tropical Shipping & Construction Co., Ltd.—Application for Section 35 Exemption, ___ F.M.C. ___, 25 S.R.R. 1471, 1475 (1991); Application of Sea-Land Service, Inc. for Exemption Under Section 35 of the Shipping Act, 1916, ___ F.M.C. ___, 25 S.R.R. 660, 662 (1990); Tariff Filing Notice Periods—Exemption, ___ F.M.C. ___, 24 S.R.R. 1604, 1605 (1989); Matson Navigation Co., Inc.—Application for Section 35 Exemption, ___ F.M.C. ___, 24 S.R.R. 1518, 1522 (1989). We have observed that if such exemptions are approved,

> * * * FMC-regulated carriers will be able to compete on an equal footing with ICC-regulated carriers with respect to rate reductions. This should be of substantial benefit to the shipping public. FMC-regulated carriers and shippers will be able to negotiate lower rates as the need arises and the shipping public will be able to take advantage of these rates immediately, not thirty days later when it may be too late.

Application of Sea-Land Service, Inc., 25 S.R.R. at 662.

Puget's Application meets the showing required in the previous cases. It has demonstrated that its FMC-regulated services are competitive with carriers offering ICC rates and that the thirty-day notice requirement has operated or will operate to its detriment in the Hawaii and Alaska Trades. CSA's lone comments in opposition are identical to its submission in Application of Trailer Marine Transport Corporation, which the Commission rejected, stating:

> Although CSA appears correct when it states that most carriers have both ICC and FMC-regulated tariffs, it does not necessarily follow that carriers can suffer no harm as a result of the 30-day notice requirement of the 1933 Act. The carrier's ability to shift cargo from one tariff to another may be limited by the needs and desires of the shippers served by the carrier. For example, the shipper may prefer to move its cargo under a port-to-port rate rather than a joint-through intermodal rate. In sum, there is no clear indication that carriers are misusing the exemptions that have been previously granted by the Commission and will misuse the exemption requested here.

25 S.R.R. at 1663.

As a general matter, rate or cost reductions benefit shippers and rarely engender protests or regulatory concerns. It has been thirteen years since the Commission investigated a rate decrease.[3] CSA's allegation that carriers have been improperly using surcharges and tariff rules to disguise changes in their rate structures is nonspecific and unsupported. Its charge that new commodity rates are actual increases if they replace a Cargo NOS rate is similarly not tied to any alleged practice on the part of Puget. Generally, it may be fairly observed that Cargo NOS rates are usually much higher than specific commodity rates; the filing of a new commodity rate (often as a result of a bargain struck by the carrier with a new customer) thus typically represents a decrease in costs, not an increase. The Commission is satisfied that the requested exemptions will not substantially impair effective regulation, be unjustly discriminatory, or be detrimental to commerce.

[2] Tariff No. 1, FMC-F No. 4.

[3] Trailer Marine Transport Corporation—Proposed Reduced and Initial Through Rates and Provisions Between U.S. Atlantic and Gulf Ports in the U.S. Virgin Islands, 21 F.M.C. 997 (1979).

The Commission concludes that Puget's Application meets the standards of section 35 of the 1916 Act. Accordingly, subject to the limitation described below, the Commission will grant the Application.

Although the exemptions will permit a carrier to make a change to a tariff rule, regulation or note affecting a large number of rate items, a carrier may not use the exemptions to institute a general decrease in rates on one day's notice.[4] Puget has not requested an exemption from any of the provisions of the 1933 Act and the Commission's regulations that pertain to a general rate decrease. The provisions in the 1933 Act that apply to a general decrease in rates include a requirement that any such decrease be filed on sixty days' notice. Rule 67 of the Commission's Rules of Practice and Procedure requires the carrier to accompany any general decrease in rates with testimony and exhibits of such composition, scope and format that they will serve as the carrier's entire direct case in the event the matter is set down for hearing. These exemptions do not relieve carriers from complying with those provisions.

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

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

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

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

The Federal Maritime Commission certifies, pursuant to section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 605(b), that this rule will not have a significant economic impact on a substantial number of small entities, including small businesses, small organizational units and small government jurisdictions.

[4] Section 1 of the 1933 Act, 46 U.S.C. app. 843, defines a "general decrease in rates" as: "* * * any change in rates, fares, or charges which will (A) result in a decrease in not less than 50 per centum of the total rate, fare, or charge items in the tariffs per trade of any common carrier by water in intercoastal commerce; and (B) directly result in a decrease in gross revenue of such carrier for the particular trade of not less than 3 per centum."

List of Subjects in 46 CFR Part 550

Maritime carriers; Reporting and recordkeeping requirements.

Therefore, pursuant to 5 U.S.C. 553, sections 18, 35 and 43 of the Shipping Act, 1916, 46 U.S.C. app. 817, 833a and 841a, and section 2 of the Intercoastal Shipping Act, 1933, 46 U.S.C. app. 844, part 550 of title 46, Code of Federal Regulations, is amended as follows:

PART 550—[AMENDED]

1. The authority citation for part 550 continues to read as follows:

Authority: 5 U.S.C. 553, 46 U.S.C. app. 812, 814, 815, 817, 820, 833a, 841a, 843, 844, 845, 845a, 845b, and 847.

2. Section 550.1 is amended by revising paragraph (b) and by adding paragraph (f) to read as follows:

§ 550.1 Exemptions.

* * * * *

(b) Carriers providing port-to-port transportation between the continental United States (including Alaska and the District of Columbia) and Hawaii may publish new individual commodity rates, or reductions in existing individual rates, or any new or amendatory tariff regulation, rule or note that does not increase the shipper's cost of transportation, on one day's notice, and to that extent are exempted from the notice requirements of the Act and the rules of this part; *Provided, however,* That such carriers must comply with those provisions of the Act and the Commission's regulations that pertain to any "general decrease in rates."

* * * * *

(f) Carriers providing port-to-port transportation between the continental United States (including the District of Columbia but excluding Alaska) and Alaska may publish new individual commodity rates, or reductions in existing individual rates, or any new or amendatory tariff regulation, rule or note that does not increase the shipper's cost of transportation, on one day's notice, and to that extent are exempted from the notice requirements of the Act and the rules of this part; *Provided, however,* That such carriers must comply with those provisions of the Act and the Commission's regulations that pertain to any "general decrease in rates."

By the Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 91-28633 Filed 11-27-91; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 91-249; RM-7777]

Radio Broadcasting Services; Danville, AR

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots FM Channel 288A to Danville, Arkansas, as that community's first local aural transmission service, in response to a petition for rule making filed on behalf of Susan Lynn Adair. See 56 FR 43575, September 3, 1991. Coordinates used for Channel 288A at Danville are 35-03-18 and 93-23-36. With this action, the proceeding is terminated.

DATES: Effective January 9, 1992; the window period for filing applications on Channel 288A at Danville, Arkansas, will open on January 10, 1992, and close on February 10, 1992.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 634-6530. Questions related to the window application filing process should be addressed to the Audio Services Division, FM Branch, Mass Media Bureau, (202) 632-0394.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 91-249, adopted November 7, 1991, and released November 25, 1991. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, Downtown Copy Center (202) 452-1422, 1714 21st Street, NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Arkansas, is amended by adding Channel 288A, Danville.

Federal Communications Commission.

Michael C. Ruger,

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

[FR Doc. 91-28705 Filed 11-27-91; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 88-512; RM-6418, RM-6507, RM-7168]

Radio Broadcasting Services; Bonita Springs, Cape Coral, Fort Myers Beach and Tampa, FL

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document substitutes Channel 280C1 for Channel 279C2 at Cape Coral, Florida, and modifies the license of Station WAKS, Cape Coral, to specify operation on Channel 280C1. See 53 FR 44502, November 3, 1988. This document also denies a proposal by Jacor Communications, Inc. for a Channel 283A allotment at Bonita Springs, Florida, and dismisses a proposal by Chapman S. Root Revocable Trust for a Channel 283C for Channel 284C substitution at Tampa, Florida. Finally, this document dismisses a proposal by Carl Haefling for the allotment of Channel 285A to Fort Myers Beach, Florida. The reference coordinates for Channel 280C1 at Cape Coral, Florida, are 26-47-43 and 81-48-04. With this action, this proceeding is terminated.

EFFECTIVE DATE: January 9, 1992.

FOR FURTHER INFORMATION CONTACT: Robert Hayne, Mass Media Bureau (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 88-512, adopted November 12, 1991, and released November 25, 1991. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, Downtown Copy Center (202) 452-1422, 1714 21st Street, NW., suite 140, Washington, DC 20036

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Florida, is amended by removing Channel 279C2 and adding Channel 280C1 at Cape Coral.

Federal Communications Commission.

Andrew J. Rhodes,

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

[FR Doc. 91-28703 Filed 11-27-91; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 90-547; RM-7477, RM-7683]

Radio Broadcasting Services; Claude and Dimmitt, TX

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Lucille Ann Lacy, permittee of Station KARX-FM, Channel 239A, Claude, Texas, substitutes Channel 239C1 for Channel 239A at Claude, Texas, and modifies Station KARX-FM's authorization to specify operation on the higher powered channel. To accommodate the upgrade at Claude, the Commission also substitutes Channel 263C3 for Channel 240C3 at Dimmitt, Texas, and modifies the construction permit of Station KDIU-FM to specify operation on the alternate Class C3 channel. See 55 FR 48869, November 23, 1990. Channel 239C1 and Channel 263C3 can be allotted to Claude and Dimmitt, respectively, in compliance with the Commission's minimum distance separation requirements. Channel 239C1 has a site restriction of 17.0 kilometers (10.6 miles) southwest to accommodate Lacy's desired site. Channel 263C3 can be allotted to Dimmitt at the site specified in Station KDIU-FM's construction permit. The coordinates for Channel 239C1 are 35-03-40 and 101-32-35. The coordinates for Channel 263C3 are 34-35-11 and 102-18-35. With this action, this proceeding is terminated.

EFFECTIVE DATE: January 9, 1992.

FOR FURTHER INFORMATION CONTACT: Pamela Blumenthal, Mass Media Bureau (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 90-547, adopted November 4, 1991, and released November 25, 1991. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete test of this decision may also be purchased from the Commission's copy contractor, Downtown Copy Center (202) 452-1422, 1714 21st Street, NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Texas, is amended by removing Channel 239A and adding Channel 239C1 at Claude and by removing Channel 240C3 and adding Channel 263C3 at Dimmitt.

Federal Communications Commission.

Michael C. Ruger,

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

[FR Doc. 91-28704 Filed 11-27-91; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018-AB52

Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for Lepanthes Eltorensis and Cranichis Ricartii, Two Endemic Puerto Rican Orchids

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Service determines *Lepanthes eltorensis* and *Cranichis ricartii* to be endangered species pursuant to the Endangered Species Act (Act) of 1973, as amended. Both *Lepanthes eltorensis* and *Cranichis ricartii* are orchids endemic to mountain forests in Puerto Rico. *Lepanthes eltorensis* is a small epiphytic orchid which grows on trunks at upper elevations in the Luquillo Mountains of eastern Puerto Rico. The species is currently known from five discrete sites in the palo colorado and dwarf forests of these mountains. *Cranichis ricartii*, a terrestrial orchid, has been found at only three locations in the Maricao Forest of western Puerto Rico. Both species are threatened by forest management practices, hurricane damage, and

collection. This final rule will implement the Federal protection and recovery provisions afforded by the Act for *Lepanthes eltorensis* and *Cranichis ricartii*.

EFFECTIVE DATE: December 30, 1991.

ADDRESSES: The complete file for this rule is available for inspection, by appointment, during normal business hours at the Caribbean Field Office, U.S. Fish and Wildlife Service, P.O. Box 491, Boquerón, Puerto Rico 00622; and at the Service's Southeast Regional Office, Suite 1282, 75 Spring Street SW., Atlanta, Georgia 30303.

FOR FURTHER INFORMATION CONTACT: Ms. Susan Silander at the Caribbean Field Office address (809/851–7297) or Mr. Dave Flemming at the Atlanta Regional Office address (404/331–3583 or FTS 841–3583).

SUPPLEMENTARY INFORMATION:

Background

Lepanthes eltorensis, an epiphytic orchid, was described by William Stimson in 1969 (Stimson 1969) in his study of the genus *Lepanthes* in Puerto Rico. All species belonging to this genus had previously been considered to be conspecific with *L. selenitepala* until it was recognized that the variability observed in the field indicated the presence of several species. *L. eltorensis* was named for the El Toro Trail in the Luquillo Mountains, the only location from which this species was known (Vivaldi et al. 1981). The orchid has been reported from seven discrete sites, two in the palm forest to the east of El Toro, and five in the colorado and dwarf forests to the west and south of this same peak, where individuals have been found on approximately 40 to 60 trees (E. Garcia, personal communication). Collectors apparently eliminated the palm forest populations between 1969 and 1975.

Lepanthes eltorensis is a small, epiphytic orchid found growing on moss-covered trunks of upper elevation forests in the Luquillo Mountains. The orchid is approximately 4 centimeters tall, with numerous, slender, 3 to 7 sheathed stems terminated by a single leaf. Leaves are 9 to 24 millimeters long and 4 to 9 millimeters wide, entire, chartaceous, and obovate to oblanceolate. The inflorescence is a long peduncled flat raceme, about ⅓ as long as the leaves, and usually appressed to the back of these leaves. The sepals are narrowly deltoid to deltoid-lanceolate, ciliate, and acute at the apices. The dorsal sepal is 3.2 to 3.8 millimeters long and 1.2 to 2 millimeters wide, 3-nerved, and slightly adnate to the 2-nerved lateral sepals, which are about 3 millimeters long and 1.0 to 1.6 millimeters wide. The petals are transversely 2-lobed, 1-nerved, and reddish. The posterior lobes are somewhat longer than the anterior, the lip is 3-lobed, and the lateral lobes linear-ovate and about 1 millimeter long and .25 millimeters wide. *Lepanthes eltorensis* is distinguished from other members of the genus by its obovate to oblanceolate leaves, the ciliate sepals, and the length of the inflorescence (Vivaldi et al. 1981).

In the Luquillo Mountains *Lepanthes eltorensis* has been reported from the sierra palm, colorado, and dwarf forest associations, all at elevations greater than 850 meters. It has been reported from several species of trees, all supporting abundant mosses and liverworts. Relative humidity in these forests ranges from 90 to 100 percent and cloud cover is continuous during evening hours and the majority of the day. Annual precipitation ranges from 313 to 450 centimeters in the mountains. Igneous rocks cover the majority of the area.

Although this is an inconspicuous orchid, collectors apparently devastated the original population known from the sierra palm forest (Vivaldi et al. 1981). All known populations are found within the Caribbean National Forest (managed by the U.S. Forest Service) where collecting is not permitted, but these inaccessible areas are difficult to monitor. Known populations occur along the El Toro trail and a small trail to the south, and may be impacted by forest management practices, including trail maintenance and shelter construction. Hurricane Hugo (1989) recently devastated this National Forest, and although the storm apparently did not affect any of the known host trees, it did create numerous gaps along the El Toro trail, felling huge trees. The extreme rarity of this orchid makes the species extremely vulnerable to the loss of any one individual.

Cranichis ricartii, a small terrestrial orchid, was first discovered by Ruben Padrón and Dr. Juan Ricart in 1979 in the Maricao Commonwealth Forest of the western mountains of Puerto Rico. In this Forest it is found growing in humus of moist serpentine scrub forests of montane ridges at elevations above 680 meters. Found growing with *Cranichis tenuis*, this new species was described in 1989 (Ackerman 1989). In the Maricao Forest it has been reported from three locations, but it has not been observed at all of these sites every year. It was not observed at the two sites along the Alto del Descanso trail during 1990. A total of approximately 30 individual plants have been observed (R. Padrón, personal communication). Selective cutting and the establishment of plantations in the Maricao Commonwealth Forest continue to be proposed as a management alternative.

Plants of *Cranichis ricartii* may reach 27 centimeters in height. The roots are few, fleshy, cylindric and villous. The several leaves are basal, erect, and about 2 to 3 centimeters long. The green, spreading blades are ovate to broadly elliptic, and 21 to 35 millimeters long and 14 to 20 millimeters wide. Infloresences are terminal, scapose, spicate, and pubescent. The raceme is many flowered and may reach up to 10 centimeters in length. Flowers are small, erect, non-resupinate, and green. The dorsal sepal is elliptic, obtuse, and about 1.8 millimeters long and 1.0 millimeter wide. The lateral sepals are broadly ovate, obtuse, adpressed to the lip, and about 1.9 millimeters long and 1.1 millimeters wide. The petals are filiformoblanceolate, 1.9 millimeters long, 0.2 millimeters wide, reflexed and adpressed along the margins of the dorsal sepal but becoming somewhat free with age. The lip is green with a white margin, simple, short-clawed, pinched near the base, fleshy, essentially glabrous, and 2.0 to 2.5 millimeters long. The column is short, stout, and conspicuously winged. The fruit is an ellipsoid capsule, 5 to 7 millimeters long (Ackerman 1989).

Lepanthes eltorensis was recommended for Federal listing by the Smithsonian Institution (Ayensu and DeFilipps 1978). The species was included among the plants being considered as endangered or threatened species by the Service, as published in the **Federal Register** (45 FR 82480) dated December 15, 1980; the November 28, 1983, update (48 FR 53680) of the 1980 notice; and the revised notices of September 27, 1985 (50 FR 39526) and February 21, 1990 (55 FR 6184). The species was designated category 1 (species for which the Service has substantial information supporting the appropriateness of proposing to list them as endangered or threatened) in each of the three notices. *Cranchis ricartii* was recommended for listing by Dr. James Ackerman, University of Puerto Rico, during a September 1988 meeting concerning the revision of candidate plant species list in Puerto Rico and the U.S. Virgin Islands.

In a notice published in the **Federal Register** on February 15, 1983 (48 FR 6752), the Service reported the earlier acceptance of the new taxa in the Smithsonian's 1978 book as being under petition within the context of section 4(b)(3)(A) of the Act, as amended in

1982. The Service subsequently made annual petition findings in each October from 1983 to 1989 that listing *Lepanthes eltorensis* was warranted but precluded by other pending listing actions of a higher priority, and that additional data on vulnerability and threats were still being gathered. A proposed rule to list *Lepanthes eltorensis* and *Cranichis ricartii*, published on October 10, 1990, constituted the final 1-year finding in accordance with section 4(b)(3)(B)(ii) of the Act.

Summary of Comments and Recommendations

In the October 10, 1990, proposed rule and associated notifications, all interested parties were requested to submit factual reports of information that might contribute to the development of a final rule. Appropriate agencies of the Commonwealth of Puerto Rico, Federal agencies, scientific organizations, and other interested parties were requested to comment. A newspaper notice inviting general public comment was published in the San Juan Star on October 28, 1990, and in El Dia on October 26, 1990. Five letters of comment were received. A public hearing was neither requested nor held.

The U.S. Forest Service supported the designation of *Lepanthes eltorensis* as endangered due to its endemism to the Carribean National Forest, its limited distribution, overall rarity, and apparent decline in abundance following Hurricane Hugo. The Forest Service stated that the species is currently found on five discrete sites rather than the two described in the October 10, 1990, proposed rule. The agency stated that biologists were studying the distribution of the species and would provide the Fish and Wildlife Service that information upon its availability. Surveys conducted to date have located the species on from 40 to 60 trees in these areas (E. Garcia, personal communication). Threats to the species were described as vandalism and collection, trail maintenance and particularly post-hurricane rehabilitation, and microsite changes as a result of tree blowdown and breakage. Recovery efforts include evaluation of trail diversions and new trails, relocation of individuals and camouflaging or shading of exposed individuals.

The Natural History Society of Puerto Rico supported the designation of both orchids as endangered. The Society stated that *Cranichis ricartii* is a terrestrial orchid subject to the effects of erosion. Professor Juan L. R. Ricart and Mr. Rubén Padrón Vélez supported the listing of *C. ricartii* and stated that the species had not been observed during the last year on the two Alto del Descanso trail sites.

The Natural Heritage Program of the Puerto Rico Department of Natural Resources supported the designation of both species of endemic orchids as endangered. The U.S. Army Corps of Engineers stated that the agency did not have any projects in the areas in which either of the orchids are found.

Summary of Factors Affecting the Species

After a thorough review and consideration of all information available, the Service has determined that *Lepanthes eltorensis* and *Cranichis recartii* should be classified as endangered species. Procedures found at section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and regulations (50 CFR part 424) promulgated to implement the listing provisions of the Act were followed. A species may be determined to be an endangered or threatened species due to one or more of the five factors described in section 4(a)(1). These factors and their application to *Lepanthes eltorensis* Stimson and *Cranchis ricartii* Ackerman are as follows:

A. The present or Threatened Destruction, Modification, or Curtailment of its Habitat or Range

Although *Lepanthes eltorensis* and *Cranichis ricartii* are both found in protected areas, the Caribbean National Forest and the Maricao Commonwealth Forest, forest management practices such as the establishment and maintenance of plantations, selective cutting, trail maintenance, and shelter construction may affect these orchids. The extreme rarity of both these species makes the loss of even a few individuals a critical loss to the species.

B. Overutilization for Commercial, Recreational, Scientific, or Educational Purposes

Both these orchids are small and easily overlooked; however, taking has been documented for *Lepanthes eltorensis*. Although plant collecting is prohibited in the Caribbean National Forest, as it is in the Maricao Commonwealth Forest, Vivaldi et al. (1981) reported that collectors had apparently eliminated the population which was known in the palm forest. Scars were evident in more than 50 palms.

C. Disease or Predation

Disease and predation have not been documented as factors in the decline of this species.

D. The Inadequacy of Existing Regulatory Mechanisms

The Commonwealth of Puerto Rico has adopted a regulation that recognizes and provides protection for certain Commonwealth listed species. However, *Lepanthes eltorensis* and *Cranichis ricartii* are not yet on the Commonwealth list. Federal listing will provide immediate protection, and, if the species are ultimately placed on the Commonwealth list, will enhance their protection and possibilities for funding needed research.

E. Other Natural or Manmade Factors Affecting its Continued Existence

Probably the most important factor affecting *Lepanthes eltorensis* and *Cranichis ricartii* in Puerto Rico are their limited distribution. Only five populations of *Lepanthes* and three of *Cranichis* are currently known to exist. *Cranichis* flowers in the fall, and preliminary studies indicate that seed set was only 32 percent, suggesting that the pollination mechanism may be inefficient. Hurricane Hugo recently devastated the Caribbean National Forest, creating microclimatic conditions unfavorable for *Lepanthes eltorensis* by causing numerous canopy gaps in the areas of known populations. Because so few individuals are known to occur, the risk of extinction is extremely high.

The Service has carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by these species in determining to make this rule final. Based on this evaluation, the preferred action is to list *Lepanthes eltorensis* and *Cranichis ricartii* as endangered. Only five populations are currently known for *Lepanthes* and three for *Cranichis*. Two populations of *Lepanthes* were apparently eliminated by collectors. Habitat modification, altering microclimatic conditions, may dramatically affect both of these species. Therefore, endangered rather than threatened status seems an accurate assessment of the species' condition. The reasons for not proposing critical habitat for this species are discussed below in the "Critical Habitat" section.

Critical Habitat

Section 4(a)(3) of the Act, as amended, requires that to the maximum extent prudent and determinable, the Secretary designate any habitat of a species that is considered to be critical habitat at the time the species is determined to be endangered or threatened. The Service finds that designation of critical habitat is not prudent for these species. Both

Lepanthes eltorensis and *Cranichis ricartii* are presently known to occur at only a few sites, five for *L. eltorensis* and three for *C. ricartii*. The total number of plants is sufficiently small that vandalism and collection could seriously affect the survival of these species. Publication of critical habitat descriptions and maps in the **Federal Register** and local newspapers would increase public interest and possibily lead to additional threats to these plants.

Take is regulated by the Act with respect to endangered plants only in cases of (1) removal and reduction to possession from lands under Federal jurisdiction, or their malicious damage or destruction on such lands; and (2) removal, cutting, digging up, damaging, or destroying these plants in knowing violation of any Commonwealth law or regulation, including Commonwealth criminal trespass law. Although the Act technically provides protection for *Lepanthes eltorensis* because of its location on Federal land, this is not true for *Cranichis ricartii*. *Cranichis recartii* is found only on Commonwealth land and it is not currently listed as a protected species under Commonwealth law. Consequently, this species will still have no legal protection from collection or vandalism as a result of Federal listing; and even with such protection, both species are sufficiently remote and unmonitored that effective law enforcement is nearly impossible.

While listing under the Act increases the public's awareness of a species' plight, it can also increase the desirability of a species to collectors. As discussed under Factor B in the "Summary of Factors Affecting the Species" section, one of the species, *Lepanthes eltorensis*, has been seriously impacted by collectors. Discovery and elimination of even one population of these rare orchids could have serious repercussions for the survival of the species. In the case of *Cranichis ricartii*, the species could also be adversely affected by increased visits to, and associated trampling of, occupied sites as a result of critical habitat designation.

As discussed above, it would not now be prudent to determine critical habitat for *Lepanthes eltorensis* and *Cranichis ricartii*. The only landowners involved are the U.S. Forest Service and the Commonwealth, and both are well aware of where the species are located and the importance of protecting their habitats. Protection of these species' habitats will also be addressed through the recovery process and through the section 7 consultation process.

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened under the Endangered Species Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing encourages and results in conservation actions by Federal, Commonwealth, and private agencies, groups, and individuals. The Endangered Species Act provides for possible land acquisition and cooperation with the Commonwealth, and requires that recovery actions be carried out for all listed species. Such actions are initiated by the Service following listing. The protection required of Federal agencies and the prohibitions against certain activities involving listed plants are discussed, in part, below.

Section 7(a) of the Act, as amended, requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened and with respect to its critical habitat, if any is being designated. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR part 402. Section 7(a)(2) requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of a listed species or to destroy or adversely modify its critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency must enter into formal consultation with the Service. No critical habitat is being proposed for *Lepanthes eltorensis* and *Cranichis ricartii*, as discussed above. Federal involvement relates to activities to be conducted by the U.S. Forest Service in the Caribbean National Forest.

The Act and its implementing regulations found at 50 CFR 17.61, 17.62, and 17.63 set forth a series of general prohibitions and exceptions that apply to all endangered plants. All trade prohibitions of section 9(a)(2) of the Act, implemented by 50 CFR 17.61, apply. These prohibitions, in part, make it illegal for any person subject to the jurisdiction of the United States to import or export any endangered plant, transport it in interstate or foreign commerce in the course a commercial activity, sell or offer it for sale in interstate or foreign commerce, or remove it from areas under Federal jurisdiction and reduce it to possession. In addition, for endangered plants, the 1988 amendments (Pub. L. 100–478) to the Act prohibit the malicious damage or destruction on Federal lands and the removal, cutting, digging up, or damaging or destroying of endangered plants in knowing violation of any Commonwealth law or regulation, including Commonwealth criminal trespass law. Certain exceptions can apply to agents of the Service and Commonwealth conservation agencies. The Act and 50 CFR 17.62 and 17.63 also provide for the issuance of permits to carry out otherwise prohibited activities involving endangered species under certain circumstances. It is anticipated that few trade permits for *Lepanthes eltorensis* and *Cranichis ricartii* will ever be sought or issued, since the species is not known to be in cultivation and is uncommon in the wild. Requests for copies of the regulations on listed plants and inquiries regarding prohibitions and permits should be addressed to the Office of Management Authority, U.S. Fish and Wildlife Service, 4401 N. Fairfax Drive, room 432, Arlington, Virginia 222023 (703/358–2104).

National Environmental Policy Act

The Fish and Wildlife Service has determined that an Environmental Assessment, as defined under the authority of the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to section 4(a) of the Endangered Species Act of 1973, as amended. A notice outlining the Service's reasons for this determination was published in the **Federal Register** on October 25, 1983 (48 FR 49244).

References Cited

Ackerman, James D. 1989. *Prescotia* and *Cranichis* of Puerto Rico and the Virgin Islands. Lindleyana (1): 42–47.

Ayensu, E.S., and R.A. Defilipps. 1978. Endangered and threatened plants of the United States. Smithsonian Institution and World Wildlife Fund. Washington, D.C. xv+403 pp.

Stimson, W. 1969. A revision of the Puerto Rican species of *Lepanthes* (Orchidaceae). Brittonia 21: 332–345.

Vivaldi, J.L., R.O. Woodbury, and H. Diaz-Soltero. 1981. Status report on *Lepanthes eltorensis* Stimson. Submitted to U.S. Fish and Wildlife Service, Atlanta, Georgia. 31 pp.

Author

The primary author of this final rule is Ms. Susan Silander, Caribbean Field Office, U.S. Fish and Wildlife Service, P.O. Box 491, Boquerón, Puerto Rico 00622 (809/851–7297).

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, and Transportation.

Regulation Promulgation

Accordingly, part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, is amended as set forth below:

PART 17—[AMENDED]

1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361–1407; 16 U.S.C. 1531–1544; 16 U.S.C. 4201–4245; Pub. L. 99–625, 100 Stat. 3500; unless otherwise noted.

2. Amend 17.12(h) by adding the following, in alphabetical order under Orchidaceae, to the List of Endangered and Threatened Plants:

§ 17.12 Endangered and threatened plants.

* * * * *

(h) * * *

Species		Historic range	Status	When listed	Critical habitat	Special rules
Scientific name	Common name					
Orchidaceae—Orchid family:						
*	*	*	*	*	*	*
Lepanthes eltorensis	None	U.S.A. (PR)	E	451	NA	NA
*	*	*	*	*	*	*
Cranichis ricartii	None	U.S.A. (PR)	E	451	NA	NA
*	*	*	*	*	*	*

Dated: October 29, 1991.

Richard N. Smith,

Acting Director, Fish and Wildlife Service.

[FR Doc. 91–28655 Filed 11–27–91; 8:45 am]

BILLING CODE 4310–55–M

50 CFR Part 17

RIN 1018–AB52

Endangered and Threatened Wildlife and Plants; Conradina Verticillata (Cumberland Rosemary) Determined To Be Threatened

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Service determines *Conradina verticillata* (Cumberland rosemary) to be a threatened species under authority of the Endangered Species Act (Act) of 1973, as amended. This rare woody plant is presently known from only 3 populations (44 colonies) in Tennessee and 1 population (4 colonies) in Kentucky. Most colonies are small and are threatened by activities that degrade water quality and by habitat destruction by campers, hikers, white-water enthusiasts, and off-road vehicles. This action extends Federal protection under the Act to Cumberland rosemary.

EFFECTIVE DATE: December 30, 1991.

ADDRESSES: The complete file for this rule is available for public inspection, by appointment, during normal business hours at the Asheville Field Office, U.S. Fish and Wildlife Service, 100 Otis Street, room 224, Asheville, North Carolina 28801.

FOR FURTHER INFORMATION CONTACT: Mr. Robert R. Currie at the above address (704/259–0321 or FTS 672–0321).

SUPPLEMENTARY INFORMATION:

Background

Conradina verticillata Jennison (Cumberland rosemary) is a small shrub in the mint family (Lamiaceae) known only from the banks of short reaches of three river systems in north-central Tennessee and adjacent Kentucky. Cumberland rosemary is about 1.5 feet high with reclining branches that spread over the sandy or gravelly surface of sandbars and streambanks. The leaves are about 1 inch long, very narrow, and arranged in tight bunches that appear as whorls around the stems. The one-half-inch-long flowers are purple, lavender, or occasionally white in color and are borne in leaf-like clusters of bracts at the ends of the stems. Flowers appear from mid-May to early June. After flowering, four small, dark brown nutlets develop as the fruit matures (Patrick and Wofford 1981).

Cumberland rosemary was first collected by Albert Ruth in 1894 from the banks of the Clear Fork River near Rugby, Tennessee. Until its recognition as a distinct species by H. M. Jennison (Jennison 1933), it was considered to be a disjunct population of the coastal plain species *Conradina canescens* (Torr. & Gray) Gray. J. K. Small also recognized the species as distinct and named it *Conradina montana* (Small 1933). However, Small's description of the species was published several months after Jennison's; therefore, it is a nomenclatural synonym of *C. verticillata.*

Gray (1965) considered *Conradina verticillata* to be an old species that is now represented by relict populations that are widely disjunct from the four other members of the genus. It is triploid (three sets of chromosomes), while the other species are diploid (two sets of chromosomes). Consequently, it has reduced seed germination and a reduced ability to reproduce and disperse sexually. It, like the other members of the genus, is adapted to a narrow range of environmental conditions. The current distribution, ecological adaptations, and evolutionary history of the species in the genus *Conradina* increase the importance of protecting this species from extinction. Future studies of this species and the other members of the genus may provide important information on the mechanisms of evolution. In addition to these important scientific values, the species is an attractive ornamental (Patrick and Wofford 1981).

Somers (*in litt.*) reported that there are 44 occurrences of Cumberland rosemary in Tennessee. He further recommended that these be considered part of three distinct populations—one along the Big South Fork Cumberland River and its tributaries in Morgan, Scott and Fentress Counties; one along the Caney Fork River in Cumberland and White Counties; and one along the Obed River system in Morgan and Cumberland Counties. Somers indicated that although the colonies in each of these populations are scattered along extended reaches of their respective river systems, the pollinators for each population can travel readily between colonies. Since all colonies within each river system can interbreed, they are, biologically, just one population. Patrick and Wofford (1981) reported that there are four colonies of Cumberland rosemary in Kentucky. All of the Kentucky colonies are along the Big South Fork Cumberland River in McCreary County. Therefore, if the population definition used in Tennessee is followed, the Kentucky colonies should be considered part of the Big South Fork Cumberland River population of Tennessee.

Cumberland rosemary's habitat, as described by Patrick and Wofford (1981), is always in close association with the floodplain of water courses. Specific areas supporting the species include boulder bars, sand bars, gravel bars, terraces of sand on gradually sloping riverbanks and islands, and pockets of sand between large boulders on islands and streambanks. All sites exhibit the following characteristics:

1. Open to slightly shaded conditions. Plants growing in full sun always produce more flowers.

2. Moderately deep, well drained soils, consisting of pure sand or a mixture of sand and gravel with no visible organic matter.

3. Periodic flooding that is forceful enough to maintain the open condition of the sites.

4. Topographic features such as long, narrow channels or depressions on gravel bars, bank terraces, or large boulders that enhance sand deposition and to some degree protect the plants from the full force of the flooding and help in their establishment.

Woody plants growing in the shrubby vegetation adjacent to the sites supporting Cumberland rosemary include *Alnus, Cephalanthus, Chionanthus, Cornus, Hamamelis, Itea, Kalmia, Lyonia, Rhododendron*, and *Viburnum*. The herbaceous associates growing with the species include the grass *Calamovilva arcuata* and the herb *Marshallia grandiflora* which are category 2 plants on the Service's list of species under review for possible addition to the Federal list of endangered and threatened species. Other herbaceous associates include: The common grasses *Andropogon gerardii, Elymus virginicus*, and *Sorghastrum nutans*; and the herbs *Aster linariifolius, Coreopsis pubescens, Hypericum* spp., *Liatris microcephala, Phlox glaberrima, Pycnanthemum tenuifolium, Silphium trifoliatum, Thalictrium revolutium* and *Veronicastrum virginicum*.

Federal government actions for this species began with Section 12 of the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*), which directed the Secretary of the Smithsonian Institution to prepare a report on those plants considered to be endangered, threatened, or extinct. This report, designated as House Document No. 94–51, was presented to Congress on January 9, 1975. On July 1, 1975, the Service published a notice (40 FR 27823) that formally accepted the Smithsonian report as a petition within the context of section 4(c)(2) (now section 4(b)(3)) of the Act. By accepting this report as a petition, the Service also acknowledged its intention to review the status of those plant taxa named within the report. *Conradina verticillata* was included in the Smithsonian report and in the July 1, 1975, Notice of Review. On June 16, 1976, the Service published a proposed rule (41 FR 24523) to determine approximately 1,700 vascular plant taxa to be endangered species pursuant to section 4 of the Act; *Conradina verticillata* was included in this proposal.

The 1978 amendments to the Act required that all proposals over 2 years old be withdrawn. On December 10, 1979 (44 FR 70796), the Service published a notice withdrawing plants proposed on June 16, 1976. *Conradina verticillata* was included as a category 1 species in the revised notice of review for native plants published on December 15, 1980 (45 FR 82480). Category 1 species are those for which the Service has information that indicates that proposing to list them as endangered or threatened is appropriate.

The Service funded a survey in 1979 to determine the status of *Conradina verticillata* in Tennessee and Kentucky; a final report on this survey was accepted by the Service in 1981. Based upon the information provided in the report, this species was included as a category 1 species when the notice of review for native plants was revised in 1983 (48 FR 53640), in 1985 (50 FR 39526, and in 1990 (55 FR 6184). A notification of an additional status review for Cumberland rosemary was prepared and distributed by the Service on June 22, 1990. This notice was sent to all Federal, State and county agencies having jurisdiction over the areas in which the species occurs, to State and private conservation agencies and organizations, and to knowledgeable botanists and other scientists. Four responses to this notice supported the protection of *Conradina verticillata* under the Act and/or provided more information on the current status and distribution of the species. The Federal Energy Regulatory Commission provided information on hydropower licenses and pending applications for exemptions from or for licenses. The portion of the Obed River supporting the species has two potential hydropower sites; however, development of these sites is precluded by the inclusion of the river in the National Wild and Scenic River System. There are three potential hydropower sites on the Big South Fork Cumberland River. Development of these sites is precluded by the river's inclusion in the Big South Fork National River and Recreation Area. The Caney Fork River has one potential hydropower site; however, there are no current applications for a license or for an exemption from a license on the reach of the river supporting *Conradina verticillata*. No objections to the possible addition of the species to the Federal List of Endangered and Threatened Wildlife and Plants were received.

All plants included in the comprehensive plant notices that were also included in the 1975 Smithsonian report are treated as under petition. Section 4(b)(3)(B) of the Act, as amended in 1982, requires the Secretary to make certain findings on pending petitions within 12 months of their receipt. Section 2(b)(1) of the 1982 amendments further requires that all petitions pending on October 13, 1982, be treated as having been newly submitted on that date. This was the case for *Conradina verticillata* because of the acceptance of the 1975 Smithsonian report as a petition. In each October from 1983 through 1989, the Service found that the petitioned listing of *Conradina verticillata* was warranted but precluded by other listing actions of a higher priority and that additional data on vulnerability and threats were still being gathered. Publication of the January 18, 1991, proposal to list Cumberland rosemary as threatened (56 FR 1967) constituted the final 1-year finding.

Summary of Comments and Recommendations

In the January 18, 1991, proposed rule and associated notifications, all interested parties were requested to submit factual reports or information that might contribute to the development of a final rule.

Appropriate State agencies, county governments, Federal agencies, scientific organizations, and other interested parties were contacted and requested to comment. Newspaper notices inviting public comment were published in the following newspapers: Fentress Courier, Jamestown, Tennessee, February 6, 1991; Independent Herald, Oneida, Tennessee, February 7, 1991; Morgan County News, Wartburg, Tennessee, February 7, 1991; Crossville Chronicle, Crossville, Tennessee, February 6, 1991; Sparta Expositor, Sparta, Tennessee, February 5, 1991; and McCreary County Record, Whitley City, Kentucky, February 5, 1991.

Three written responses to the proposed rule were received during the comment period. One Federal agency, one State agency and one private organization provided comments. The Tennessee Valley Authority (TVA)

stated that, based upon the data in their files, they concurred with the proposed listing of Cumberland rosemary as a threatened species. They also stated that the species was not known to occur on TVA lands or within the impact areas of any proposed TVA projects. The Tennessee Department of Conservation stated that the status and distribution data in the proposed rule were accurate and that they supported the proposed protection of Cumberland rosemary as a threatened species under the Act. The Center for Plant Conservation provided information on their conservation efforts for the species and offered their assistance in future protection efforts.

Summary of Factors Affecting the Species

After a thorough review and consideration of all information available, the Service has determined that Cumberland rosemary should be classified as a threatened species. Procedures found at section 4(a)(1) of the Act and regulations (50 CFR part 424) promulgated to implement the listing provisions of the Act were followed. A species may be determined to be an endangered or threatened species due to one or more of the five factors described in section 4(a)(1). These factors and their application to *Conradina verticillata* Jennison (Cumberland rosemary) (Synonym: *Conradina montana* Small) are as follows:

A. The Present or Threatened Destruction, Modification, or Curtailment of its Habitat or Range

The extant populations of Cumberland rosemary all occur in close proximity to rivers on the Cumberland plateau in north-central Tennessee and adjacent Kentucky. Patrick and Wofford (1981) noted that this species' distribution has probably been reduced by such factors as dam construction and the general deterioration of water quality resulting from silt and other pollutants contributed by coal mining, poor land use practices, and waste discharges. Many of these factors continue to impact the species and its habitat. Because the colonies inhabit only short river reaches, they are vulnerable to extirpation from accidental toxic chemical spills. Direct habitat destruction by recreational visitors to the species' habitat is a significant threat to its survival. Hikers, campers, white-water enthusiasts, and off-road-vehicle users all impact the species and its habitat. Visitation to the Big South Fork National River and Recreation Area has increased dramatically in the past few years. W.B. Dickinson, superintendent of the recreation area, reports (*in litt.*) that visitors to the recreation area increased from 120,000 in 1986 to 730,000 in 1989. The superintendent anticipates that use of the area will continue to increase and that additional adverse impacts to aquatic and riparian species may accompany this increase.

B. Overutilization for Commercial, Recreational, Scientific, or Educational Purposes

There is commercial trade in *Conradina Verticillata* at this time. McCartney (*in litt.*) reports that this species, as well as all the other species within the genus *Conradina*, are easily propagated and are in cultivation. This commercial trade, provided that it is dependent upon plants propagated from plants in cultivation, should not adversely affect the species in the wild. Many of the wild colonies are small and cannot support collection of plants for scientific or other purposes. Inappropriate collecting from plants in the wild is a threat to the species.

C. Disease or Predation

Disease and predation are not known to be factors affecting the continued existence of the species at this time.

D. The Inadequacy of Existing Regulatory Mechanisms

Conradina verticillata is listed as an endangered plant in Tennessee under that State's Rare Plant Protection and Conservation Act of 1985. This protects the species from taking without the permission of the landowner or land manager. This species is included on Kentucky's unofficial list of endangered, threatened, and rare species prepared by the Kentucky Academy of Science but receives no additional protection as a result of this recognition. When the species is added to the Federal list of endangered and threatened species, additional protection from taking will be provided by the Act when the taking is of plants located on Federal lands. Protection from inappropriate commercial trade would also be provided.

E. Other Natural or Manmade Factors Affecting its Continued Existence

No other additional factors adversely affecting the survival of Cumberland rosemary are known at this time.

The Service has carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by this species in determining to make this rule final. Based on this evaluation, the preferred action is to list *Conradina verticillata* as a threatened species. The plant is not in imminent danger of extinction, but its status is deteriorating due to declines in water quality and impacts to its habitat from campers, hikers, white-water enthusiasts, and off-road vehicles. Classification of *Conradina verticillata* as a threatened species, as defined under section 3(19) of the Act, would be appropriate under current circumstances and would help to protect the plant from further losses. Critical habitat is not being designated for the reasons discussed below.

Critical Habitat

Section 4(a)(3) of the Act, as amended, requires that, to the maximum extent prudent and determinable, the Secretary designate critical habitat at the time the species is determined to be endangered or threatened. However, the Service finds that designation of critical habitat is not prudent for *Conradina verticillata* at this time. Many of the colonies of this species are small, and loss of even a few individuals to inappropriate activities could extirpate the species from some of its sites. While listing under the Act increases the public's awareness of the species' plight, it can also increase the desirability of a species to collectors. As stated previously, *Conradina verticillata* is currently in commercial trade and is considered by some to be an attractive ornamental. Most of the populations are located on Federal and State lands and are freely accessible to the public. Some of these lands currently receive heavy recreational use.

Taking of listed plants is prohibited by the Act from locations under Federal jurisdiction. Removal, cutting, digging up, damaging, or destroying threatened plants in knowing violation of any State law or regulation, including State criminal trespass law, could also be prohibited in the future through regulations promulgated by the Service under the provisions of section 4(d) of the Act; however, regardless of current and potential regulations, many of the sites are in isolated locations and taking prohibitions are difficult to enforce. Publication of critical habitat descriptions and maps in the **Federal Register** and local newspapers would increase the vulnerability of the species to losses from taking, as well as trampling by the curious.

As indicated above, it would not now be prudent to determine critical habitat for *Conradina verticillata*. The owners and managers of the federally and State-owned colonies of this species have been made aware of the plant's locations and of the importance of

protecting the plant and its habitat. Owners of the privately owned sites will be contacted by the appropriate State plant conservation agencies or the Service Protection of this species will be addressed through the recovery process and through the section 7 jeopardy standard.

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened under the Endangered Species Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing encourages and results in conservation actions by Federal, State, and private agencies, groups, and individuals. The Endangered Species Act provides for possible land acquisition and cooperation with the States and requires that recovery actions be carried out for all listed species. Such actions are initiated by the Service following listing. The protection required of Federal agencies and the prohibitions against certain activities involving listed plants are discussed, in part, below.

Section 7(a) of the Act, as amended, requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened and with respect to its critical habitat, if any is being designated. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR part 402. Section 7(a)(2) requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of such a listed species or to destroy or adversely modify its critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency must enter into formal consultation with the Service.

The only anticipated Federal actions that may affect this species are those associated with the management of recreational use of the National Park Service's Big South Fork National River and Recreation Area. As recreational use of the area increases, modification of current policies through formal or informal section 7 consultation may be required.

The Act and its implementing regulations found at 50 CFR 17.71, and 17.72 set forth a series of general prohibitions and exceptions that apply to all threatened plants. All trade prohibitions of section 9(a)(2) of the Act, implemented by 50 CFR 17.71, apply. These prohibitions, in part, make it illegal for any person subject to the jurisdiction of the United States to import or export, transport in interstate or foreign commerce in the course of a commercial activity, sell or offer for sale this species in interstate or foreign commerce, or to remove and reduce to possession the species from areas under Federal jurisdiction. Seeds from cultivated specimens of threatened plant species are exempt from these prohibitions provided that a statement of "cultivated origin" appears on their containers. In addition, for endangered plants, the 1988 amendments (Pub. L. 100–478) to the Act prohibit the malicious damage or destruction on Federal lands and the removal, cutting, digging up, or damaging or destroying of endangered plants in knowing violation of any State law or regulation, including State criminal trespass law. Section 4(d) of the Act allows for the provision of such protection to threatened species through regulations. This protection may apply to threatened plants once revised regulations are promulgated. Certain exceptions apply to agents of the Service and State conservation agencies.

The Act and 50 CFR 17.72 also provide for the issuance of permits to carry out otherwise prohibited activities involving threatened species under certain circumstances. It is unknown as to what extent trade permits would be sought or issued for this species. Requests for copies of the regulations on listed plants and inquiries regarding prohibitions and permits may be addressed to the Office of Management Authority, U.S. Fish and Wildlife Service, 4401 N. Fairfax Drive, room 432, Arlington, Virginia 22203 (703/358–2104).

National Environmental Policy Act

The Fish and Wildlife Service has determined that an Environmental Assessment, as defined under the authority of the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to section 4(a) of the Endangered Species Act of 1973, as amended. A notice outlining the Service's reasons for this determination was published in the Federal Register on October 25, 1983 (48 FR 49244).

References Cited

Gray, T.C. 1965. A Monograph of the Genus *Conradina* A. Gray (Labiatae). Unpublished Ph.D. Dissertation, Vanderbilt University, Nashville, Tennessee. 189 pp.

Jennison, H.M. 1933. A New Species of *Conradina* from Tennessee. Journal of the Elisha Mitchell Scientific Society 48:268–269.

Patrick, T.S., and B.E. Wofford. 1981. Status Report *Conradina verticillata* Jennison. Unpublished report to the Southeast Region, U.S. Fish and Wildlife Service. 49 pp.

Small, J.K. 1933. Manual of the Southeastern Flora. Published by the author. New York. Pp. 1166–1167.

Author

The primary author of this final rule is Mr. Robert R. Currie, Asheville Field Office, U.S. Fish and Wildlife Service, 100 Otis Street, room 224, Asheville, North Carolina 28801 (704/259–0321 or FTS 672–0321).

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, and Transportation.

Regulation Promulgation

Accordingly, part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, is amended as set forth below:

PART 17—[AMENDED]

(1) The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361–1407; 16 U.S.C. 1531–1544; 16 U.S.C. 4201–4245; Pub. L. 99–625, 100 Stat. 3500; unless otherwise noted.

(2) Amend § 17.12(h) by adding the following, in alphabetical order under Lamiaceae to the List of Endangered and Threatened Plants:

§ 17.12 Endangered and threatened plants.

* * * * *

(h) * * *

Species		Historic range	Status	When listed	Critical habitat	Special rules
Scientific name	Common name					
Lamiaceae—Mint family:						
*	*	*	*	*	*	
Conradina verticillata	Cumberland rosemary	U.S.A. (KY, TN)	T	452	NA	NA
*	*	*	*	*	*	

Dated: October 29, 1991.

Richard N. Smith,

Director, Fish and Wildlife Service.

[FR Doc. 91-28656 Filed 11-27-91; 8:45 am]

BILLING CODE 4310-55-M

Proposed Rules

Federal Register
Vol. 56, No. 230
Friday, November 29, 1991

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

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 92

[Docket No. 91-171]

Horse Quarantine Facility Standards; Collection of Fees at Animal Quarantine Facilities

AGENCY: Animal and Plant Health Inspection, USDA.

ACTION: Notice of reopening and extension of comment period.

SUMMARY: We are reopening and extending the comment period for our proposal to amend the regulations concerning quarantine facilities for horses being imported into the United States, and concerning the collection of fees at animal quarantine facilities. This extension will provide interested persons with additional time to prepare comments on the proposed rule.

DATES: Consideration will be given only to comments on Docket Number 85-061 received on or before December 30, 1991.

ADDRESSES: To help ensure that your comments are considered, send an original and three copies to Chief, Regulatory Analysis and Development, PPD, APHIS, USDA, room 804, Federal Building, 6505 Belcrest, Hyattsville, MD 20782. Please state that your comments refer to Docket No. 85-061. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue, SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Dr. Karen James, Senior Staff Veterinarian, Import-Export Animals Staff, Veterinary Services, APHIS, USDA, room 765, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782 (301) 436-8590.

SUPPLEMENTARY INFORMATION: On September 6, 1989, we published in the **Federal Register** (54 FR 36986-36996, Docket No. 85-061) a proposed rule that would amend the regulations concerning quarantine facilities for animals imported into the United States. The proposed rule would:

(1) Establish requirements for approval of permanent, privately operated quarantine facilities for horses;

(2) Add new requirements to those already in the regulations for approval of temporary, privately operated quarantine facilities for horses; and

(3) Specify that the government collect payment from each privately operated quarantine facility for animals for services the government provides at that facility.

Comments on the proposed rule were required to be received on or before November 6, 1989. In response to requests from commenters, on November 6, 1989, the comment period was extended on January 5, 1990 (54 FR 46623, Docket No. 89-195), then was reopened on February 12, 1990, and extended to May 14, 1990 (55 FR 1849, Docket No. 90-002).

Due to the length of time from the close of the comment period to the present, and the possibility that circumstances regarding the proposed issues have changed, we consider it appropriate to reopen and extend the comment period. This will allow interested parties who have commented before to submit revised comments, if desired, and will allow all other interested parties to submit comments.

We will consider all written comments received from September 6, 1989, the date of publication of the proposed rule, through May 14, 1990, and will consider also all written comments received from November 29, 1991, through December 30, 1991.

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

Done in Washington, DC, this 22d day of November 1991.

Robert Melland,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 91-28675 Filed 12-27-91; 8:45 am]

BILLING CODE 3410-34-M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 108

Loans to State and Local Development Companies Definitions and Contracts With Section 7(a) Lenders

AGENCY: Small Business Administration.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: On November 15, 1990, the President signed Public Law 101-574, the Small Business Administration Reauthorization and Amendment Acts of 1990. In order to implement that statute, SBA has previously promulgated a final rule that increased the maximum loan amount from $750,000 to $1,000,000 for loans made by state and local development companies that meet specific public policy goals. This proposed rule provides definitions for terms contained in the public policy goals final rule. Such terms are "minority small business" and "business district revitalization". In addition the existing definition of "rural areas" is revised.

On November 5, 1990 the President signed Public Law 101-515, the Appropriation Act for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the Fiscal Year ending September 30, 1991. One of the provisions of this statute allows certain development companies which are certified by SBA pursuant to section 503 of the Small Business Investment Act of 1958 (known as Certified Development Companies, 503 companies, or CDCs) to contract with participating lenders to process and service loans made pursuant to section 7(a) of the Small Business Act. This proposed rule also codifies procedures for that purpose.

DATES: Comments must be received on or before December 30, 1991.

ADDRESSES: Written comments may be sent to the Office of Economic Development, Small Business Administration, 409 3d Street, SW., 8th Floor, Washington DC 20416.

FOR FURTHER INFORMATION CONTACT: LeAnn M. Oliver, Deputy Director for Program Development, Office of Economic Development, Telephone (202) 205-6485.

SUPPLEMENTAY INFORMATION: As proposed herein 13 CFR 108.2 will define "Minority Business" and "Business

District Revitalization". Definitions of these terms are required to explain the new public policy goals for the development company program which were established in Public Law 101–574. Business district revitalization is limited under this proposal to those areas with a recognized plan for redeveloping or revitalizing an area. This will ensure the best use of targeted resources by funnelling them to areas which have previously been determined to be in need of revitalization and for which there is an existing plan that the new resources will supplement.

The definition of "Minority Business" proposed herein incorporates existing SBA regulations, codified at 13 CFR part 124, governing SBA's Minority Small Business and Capital Ownership Development (MSB/COD or 8(a)) program. 13 CFR 124.105(b) lists designated groups, members of which SBA presumes to be socially disadvantaged because they may have been subjected to racial or ethnic prejudice or cultural bias because of their affiliation with the group. The list contained in that regulation has been compiled over a period of time by SBA rulemaking after notice and comment and by legislation. SBA has determined that using the same list in conjunction with the development company program will most effectively promote the will of Congress as expressed in the new legislation. The definition also sets a 51 percent minority ownership and control threshold. A lower threshold would permit targeted benefits to flow to non-minority businesses. A higher threshold could exclude minority-owned businesses which have non-minority partners.

The definition of "Rural Area" in the present 13 CFR 108.2 is proposed to be amended to delete the present requirement that a subdivision in a rural county have a population of under 20,000. Public Law 101–574 does not contain the 20,000 person limit that appeared in prior legislation. The effect of this change is to allow a non-metropolitan county in its entirety to qualify as a rural area. Paragraph 2 of the definition would be amended only by rewording previous language for the sake of clarity, though the substance remains the same.

The present definition of "Job Opportunity" is proposed to be moved from 13 CFR 108.503 to § 108.2. Under this proposal 13 CFR 108.503–1(e) is amended to incorporate changes to section 503(e)(3) of the Small Business Investment Act mandated by Public Law 101–515. The amended section permits 503 Companies to contract with lenders participating in SBA's guaranteed lending program, authorized pursuant to section 7(a) of the Small Business Act, to prepare loan applications for and service such loans. Paragraph (3) sets the requirements for providing such services, by addressing the nature of the agreement between the parties, requiring that the participating 7(a) lender have a valid Participation Agreement (SBA Form 750), requiring that the 7(a) lender be authorized to conduct lending activities within the State, addressing reasonable fees and charges to be assessed to the borrower, and assuring that the compensation received by the 503 Company is reasonable.

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

SBA has determined that this proposal, if promulgated in final, would not constitute a major rule for the purposes of Executive Order 12291. The annual effect of this rule on the national economy is not expected to attain $100 million. Loans to minority businesses and for business district revitalization are presently made under existing authority. It is not expected that the definitions of such terms set forth in this proposed rule would have a significant effect on the number of applications or dollar value of such loans. Specifically, in FY 90, 109 loans averaging $172,000 each were made to minority firms. No more than $10 million in additional demand could result. The business revitalization definition is also unlikely to result in more than $10 million in additional demand and the current definition of rural area is not, in practice, significantly different from the revised definition proposed here. The impact of 503 Companies packaging and servicing 7(a) loans under contract will be less than $10 million based upon information provided by the industry reflecting the interest expressed in undertaking such actions.

These rules will not result in a major increase in costs or prices to consumers, individual industries, Federal, state and local government agencies or geographic regions, and will not have adverse effects on competition, employment, investment productivity, or innovation.

SBA certifies that these rules do not warrant the preparation of a Federalism Assessment in accordance with Executive Order 12612.

For the purpose of compliance with the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, the provisions of this rule may have a significant economic impact on a substantial number of small entities. The following analysis of the provisions is provided within the context of the review prescribed in the Regulatory Flexibility Act (5 U.S.C. 603).

1. These regulations are promulgated:

(a) To implement Public Law 10–574, cited above and 101–515; and,

(b) To conform existing regulations to the requirements of the new law.

2. The legal bases for these regulations are section 5(b)(6) of the Small Business Act, 15 U.S.C. 634(b)(6); sections 308(b) and 503(a)(2) of the Small Business Investment Act, 15 U.S.C. 687(b) and 697(a)(2); and section 136 of Public Law 100–590.

3. These regulations, taken together, apply to all 503 companies and to all small concerns applying, or contemplating an application, for assistance under this program. While it is impossible to estimate their number, we can say that 1,598 debenture guarantees were made by SBA in FY 1990.

4. There are no additional reporting, recordkeeping and other compliance requirements inherent in these rules.

5. There are no Federal rules which duplicate, overlap or conflict with these rules.

6. There are no significant alternate means to accomplish the objectives of these regulations.

For purposes of the Paperwork Reduction Act, Public Law 98–115, 44 U.S.C. Ch. 35, SBA certifies that these rules impose no new reporting or recordkeeping requirements.

List of Subjects in 13 CFR Part 108

Loan programs/business, Small businesses.

For the reasons set forth above, part 108 of the Code of Federal Regulations is amended as follows:

1. The authority citation for part 108 continues to read as follows:

Authority: 15 U.S.C. 687(c), 695, 696, 697a, 697b, 697c.

2. Section 108.2 is amended by adding definitions of the following terms in the appropriate alphabetical order: "Business District Revitalization", "Job Opportunity", and "Minority Business"; and by revising the definition of "Rural Area" to read as follows:

§ 108.2 Definitions.

* * * * *

Business District Revitalization means activity in a business area of a community with a recognized revitalization or redevelopment plan that encourages business development

as a means of enhancing the economic productivity of such area.

* * * * *

Job Opportunity means:

(1) Full time (or equivalent) permanent employment created as a direct result of the project within two years of receipt of permanent financing under this part, or

(2) Full time (or equivalent) permanent employment retained that would have been lost to the community but for the project financed under this part.

* * * * *

Minority Business means a small business concern which is at least 51% unconditionally owned and controlled by an individual(s) who is a member of a group identified in § 124.105(b) of this title.

* * * * *

Rural Area means:

(1) Any political subdivision or unincorporated area in a nonmetropolitan county (as defined by the Economic Development Division, Economic Research Service, U.S. Department of Agriculture) or the equivalent thereof; or (2) Any political subdivision or unincorporated area in a metropolitan county or the equivalent thereof, which SBA may determine to be rural if such political subdivision or area has a resident population of less than 20,000.

* * * * *

3. Section 108.503–1 is amended by revising paragraph (e) to read as follows:

§ 108.503–1 Eligibility requirements for 503 companies.

* * * * *

(e) *Permissible functions of a 503 company.* (1) A 503 company shall provide financial assistance in participation with SBA under title V of the Small Business Investment Act and this part and maintain an activity level set forth in § 108.503–3(c). Such company may participate in the 501 or 502 loan programs if the qualifications set forth in § 108.501 or § 108.502 are met.

(2) A 503 Company is encouraged to marshall resources for the benefit of small business in a manner that will result in community economic development. Accordingly, a 503 company may also help small concerns obtain other assistance from SBA or other government and non-government programs by preparing loan applications and facilitating management and procurement assistance.

(3) A 503 company may prepare, close and service deferred participation loans under contract with lenders participating under section 7(a) of the Small Business Act provided:

(i) A written agreement approved by SBA, setting forth roles and relationships and terms and conditions, exists between the 503 company and the participating 7(a) lender;

(ii) The participating 7(a) lender has a valid Participation Agreement (SBA Form 750) with SBA and affirms its responsibility under such agreement to SBA, notwithstanding its contractual relationship with the 503 company, with respect to any loan closed or serviced by a 503 company on its behalf;

(iii) The 7(a) lender is authorized to conduct lending activities within the State;

(iv) Fees and charges assessed the borrower are limited to those permitted by 13 CFR part 120 and no additional costs are charged to the borrower by the participating lender or the 503 company as a result of the contractual relationship with the 503 company; and

(v) The compensation received by the 503 company is reasonable relative to the services performed pursuant to the contract.

(4) A Small Business Investment Company (SBIC) licensed by SBA may not be certified as a 503 company nor may a 503 company be an SBIC.

* * * * *

Catalog of Federal Domestic Assistance 59.036 Certified Development Company Loans (503 Loans); 59.041 Certified Development Company Loans (504 Loans).

Dated: October 15, 1991.

Patricia Saiki,

Administrator.

[FR Doc. 91–28230 Filed 11–27–91; 8:45 am]

BILLING CODE 8025–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 91–NM–206–AD]

Airworthiness Directives; British Aerospace Model BAe 125–800A Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposed to adopt a new airworthiness directive (AD) that is applicable to certain British Aerospace Model BAe 125–800A series airplanes. This proposal would require installation of improved dimmer units and testing of the instrument integral lighting dimmer systems. This proposal is prompted by a recent report of electrical shorting in a dimmer unit installed in the instrument integral lighting system. This condition, if not corrected, cold result in internal arcing in the dimmer unit and smoke emission into the cockpit.

DATES: Comments must be received no later than January 22, 1992.

ADDRESSES: Send comments on the proposal in triplicate to the Federal Aviation Administration, Northwest Mountain Region, Transport Airplane Directorate, ANM–103, Attention: Airworthiness Rules Docket No. 91–NM–206–AD, 1601 Lind Avenue SW., Renton, Washington 98055–4056.

The applicable service information 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, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington. Comments may be inspected at this location between 9 a.m. and 3 p.m. Monday through Friday, except Federal holidays.

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:

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 91–NM–206–AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 91–NM–206–AD, 1601 Lind Avenue SW., Renton, Washington 98055–4056.

Discussion

The United Kingdom Civil Aviation Authority (CAA), in accordance with existing provisions of a bilateral airworthiness agreement, has notified the FAA of an unsafe condition which may exist on certain British Aerospace Model BAe 125–800A series airplanes. There has been a recent report of electrical shorting in a dimmer unit that is installed in the instrument integral lighting system. This condition, if not corrected, could result in internal electrical arcing in the dimmer units and smoke emission into the cockpit.

British Aerospace has issued Service Bulletin 33–44–7670A, Revision 1, dated April 4, 1991, which describes procedures to install improved dimmer units in the instrument integral lighting system; this unit includes newly designed features that prevent the arcing problem. The service bulletin also contains procedures to perform functional tests of the dimmer units and the pilot's and co-pilot's instrument integral lighting dimmer system. The United Kingdom CAA has classified this service bulletin as mandatory. (This service bulletin references Page Service Bulletin D49205–33–01, dated April 14, 1989, for additional instructions.)

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

Since the unsafe condition described is likely to exist or develop on other airplanes of the same type design registered in the United States, an AD is proposed which would require installation of improved dimmer units in the instrument integral lighting system, and functional testing of the dimmer unit and the pilot's and co-pilot's instrument integral lighting dimmer system. The actions would be required to be accomplished in accordance with the British Aerospace service bulletin previously described.

It is estimated that 108 airplanes of U.S. registry would be affected by this AD, that it would take approximately 3 work hours per airplane to accomplish the required actions, and that the average labor cost would be $55 per work hour. The required parts will be supplied by the vendor 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 $17,820.

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety

The Proposed Amendment

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

PART 39—[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:

British Aerospace: Docket No. 91–NM–206–AD.

Applicability: Model BAe 125–800A series airplanes, Post-Modification 253191A and Pre-Modification 253247A, certificated in any category.

Compliance: Required as indicated, unless previously accomplished.

To prevent internal arcing in the dimmer units and smoke emission into the cockpit, accomplish the following:

(a) Within 60 days after the effective date of this AD, modify the instrument integral lighting system by installing dimmer units having Page Modification AR1477 incorporated, and perform functional tests of the pilot's and co-pilot's instrument integral lighting dimmer system, in accordance with British Aerospace Service Bulletin 33–44–7670A, Revision 1, dated April 4, 1991.

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

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

Issued in Renton, Washington, on November 20, 1991.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft certification Service.

[FR Doc. 91–28609 Filed 11–29–91; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 91–NM–209–AD]

Airworthiness Directives; British Aerospace Model DH/BH/HS/BAe 125 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to adopt a new airworthiness directive (AD) that is applicable to certain British Aerospace Model DH/BH/HS/BAe 125 series airplanes. This proposal would require inspections of the nose landing gear (NLG) bay sidewalls to detect damage and cracks, and repair, if necessary. This proposal is prompted by reports of fatigue cracks found in an NLG sidewall. This condition, if not corrected, could result in reduced structural integrity of the fuselage and subsequent decompression of the airplane.

DATES: Comments must be received no later than January 22, 1992.

ADDRESSES: Send comments on the proposal in triplicate to the Federal Aviation Administration, Northwest Mountain Region, Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 91–NM–209–AD, 1601 Lind Avenue SW., Renton, Washington 98055–4056.

The applicable service information 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, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

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:

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 91–NM–209–AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 91–NM–209–AD, 1601 Lind Avenue SW., Renton, Washington 98055–4056.

Discussion

The United Kingdom Civil Aviation Authority (UK–CAA), in accordance with existing provisions of a bilateral airworthiness agreement, has notified the FAA of an unsafe condition which may exist on certain British Aerospace Model DH/BH/HS/BAe 125 series airplanes. There has been recent reports of fatigue cracks found in a nose landing gear (NLG) bay sidewall. This condition, if not corrected, could result in reduced structural integrity of the fuselage and subsequent decompression of the airplane.

British Aerospace has issued Service Bulletin 53–73, Revision 2, dated May 18, 1991, which describes procedures to perform a one-time visual inspection of the NLG bay left and right sidewalls to detect the presence of washers, spotface under the nuts, and damage to the web caused by nuts or washers, and repair, if necessary; and a one-time dye penetrant or eddy current inspection to detect cracks, and repair, if necessary. The UK–CAA has classified this service bulletin as mandatory.

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

Since this condition is likely to exist or develop on other airplanes of the same type design registered in the United States, an AD is proposed which would require a one-time visual inspection of the NLG bay left and right sidewalls to detect the presence of washers, spotface under the nuts, and damage to the web caused by nuts or washers, and repair, if necessary; and a one-time dye penetrant or eddy current inspection to detect cracks, and repair, if necessary. The actions would be required to be accomplished in accordance with the service bulletin previously described.

This is considered to be interim action until final action is identified at which time the FAA may consider further rulemaking.

It is estimated that 420 airplanes of U.S. registry would be affected by this AD, that it would take approximately 2 work hours per airplane to accomplish the required actions, and that the average labor cost would be $55 per work hour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $46,200.

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—[AMENDED]

1. The authority citation for part 39 continue 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:

British Aerospace: Docket No. 91–NM–209–AD.

Applicability: Model DH/BH/HS/BAe 125 series airplanes, except Model BAe 125–1000A series airplanes, certificated in any category.

Compliance: Required as indicated, unless previously accomplished.

To prevent reduced structural integrity of the fuselage and subsequent decompression of the airplane, accomplish the following:

(a) Prior to the accumulation of 4,000 landings, or within 60 days after the effective date of this AD, whichever occurs later, accomplish the following in accordance with British Aerospace Service Bulletin 53–73, Revision 2, dated May 18, 1991:

(1) Perform a visual inspection of the nose landing gear (NLG) bay left and right sidewalls to detect the presence of washers or spotface under nuts.

(i) If no spotface is found, perform a visual inspection to detect damage to the web caused by nuts or washers.

(ii) Blend out any damage found, excluding cracking, prior to further flight.

(2) Perform either a dye penetrant or eddy current inspection to detect cracks on the NLG bay left and right sidewalls. If cracks are found, repair prior to further flight, in a manner approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate.

(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 airplanes to a base in order to comply with the requirements of this AD.

Issued in Renton, Washington, on November 20, 1991.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 91–28610 Filed 11–27–91; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 91–AGL–13]

Proposed Alteration of Transition Area; Warroad, MN

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter the Warroad, MN transition area to accommodate two Standard Instrument Approach Procedures (SIAPs): An NDB Runway 31 and an RNAV Runway 31 to Warroad International-Swede Carlson Field. The intended effect of this action is to ensure segregation of the aircraft using approach procedures in instrument conditions from other aircraft operating under visual weather conditions in controlled airspace.

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

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, Office of the Assistant Chief Counsel, AGL–7, Attn: Rules Docket No. 91–AGL–13, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

The official docket may be examined in the Office of the Assistant Chief Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois.

An informal docket may also be examined during normal business hours at the Air Traffic Division, System Management Branch, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois.

FOR FURTHER INFORMATION CONTACT: Douglas F. Powers, Air Traffic Division, System Management Branch, AGL–530, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (312) 694–7568.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 91–AGL–13". The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket, FAA, Great Lakes Region, Office of the Assistant Chief Counsel, 2300 East Devon Avenue, Des Plaines, Illinois both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 426–8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2A, which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 71.181 of part 71 of the Federal Aviation Regulations (14 CFR part 71) to alter the transition area near Warroad, Minnesota. The transition area is being altered to accommodate two SIAPs: An NDB Runway 31 and an RNAV Runway 31 to Runway 31 at Warroad International-Swede Carlson Field, Warroad, Minnesota.

The development of the procedures requires that the FAA alter the designated airspace to ensure that the procedures will be contained within controlled airspace. The minimum descent altitude for the procedures may be established below the floor of the 700-foot controlled airspace.

Aeronautical maps and charts will reflect the defined area which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6G dated September 4, 1990.

The FAA had determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(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) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that the rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) as follows:

PART 71—[AMENDED]

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. App. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); 14 CFR 11.69.

§ 71.181 [Amended]

2. Section 71.181 is amended as follows:

Warroad, MN [Revised]

That airspace extending upward from 700 feet above the surface within a 7.5-mile radius of the Warroad International-Swede Carlson Field, MN, (latitude 48° 56' 12"N., longitude 95° 20' 33"W.), excluding that portion north of latitude 49° 00' 00"N. (Canadian-U.S. Boundary) and within 3 miles each side of the 127° bearing from Warroad International-Swede Carlson Field, extending from the 7.5 mile radius to 8.5 miles southeast of the airport.

Issued in Des Plaines, Illinois on November 15, 1991.

Teddy W. Burcham,

Manager, Air Traffic Division.

[FR Doc. 91–28612 Filed 11–27–91, 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 91–ASO–19]

Proposed Alteration of VOR Federal Airway, FL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter the description of Federal Airway V–539 located in the vicinity of Key West, FL. The realignment of the airway would improve air traffic separation and increase safety for the traffic flow in that area.

DATES: Comments must be received on or before January 13, 1992.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Air Traffic Division, ASO–500, Docket No. 91–ASO–19, Federal Aviation Administration, P.O. Box 20636, Atlanta, GA 30320.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, room 916, 800 Independence Avenue, SW., Washington, DC.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT:

Lewis W. Still, Airspace and Obstruction Evaluation Branch (ATP–240), Airspace-Rules and Aeronautical Information Division, Air Traffic Rules and Procedures Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267–9250.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 91–ASO–19."

The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA–230, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267–3484. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2A which describes the application procedures.

The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) to improve the flow of traffic in the Key West, FL, terminal area and to increase air safety by having divergence minima between V–225 and V–539 airway segments. Section 71.123 of part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6G dated September 4, 1990.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(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) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 12 CFR Part 71

Aviation safety, VOR Federal airways.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) as follows:

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. App. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); 14 CFR 11.69.

§ 71.123 [Amended]

2. § 71.123 is amended as follows:

V-539 [Revised]

From Key West, FL; INT Key West 016°T(015°M) and Lee County, FL, 167°T(169°M) radials; Lee County.

Issued in Washington, DC, on November 22, 1991.

Harold W. Becker,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 91-28608 Filed 11-27-91; 8:45 am]

BILLING CODE 4910-13-M

Coast Guard

33 CFR Part 155

[CGD 91-034/90-068]

RIN 2115-AD81 and 66

Vessel Response Plans and Carriage and Inspection of Discharge-Removal Equipment

AGENCY: Coast Guard, DOT.

ACTION: Notice of intent to form a negotiated rulemaking committee; supplemental notice and clarification.

SUMMARY: The Coast Guard is clarifying its notice of intent published November 18, 1991 (56 FR 58202) to form a negotiated rulemaking committee to develop portions of the regulations that are to be issued under the Oil Pollution Act of 1990 (OPA 90).

FOR FURTHER INFORMATION CONTACT: For information concerning the substantive aspects of oil spill response plans and the carriage of removal equipment for tank vessels, contact LCDR Glenn Wiltshire, Project Manager, OPA 90 Staff (G-MS-I), at 202-267-6740 between 7 a.m. and 3:30 p.m. EST, Monday through Friday, except Federal holidays.

For information concerning the establishment of the negotiated rulemaking committee, contact the convener, Judith Kaleta, Chief Counsel, Research and Special Programs Administration, U.S. Department of Transportation, at 202-366-4400 between 9 a.m. and 5:30 p.m. EST, Monday through Friday except Federal holidays.

SUPPLEMENTARY INFORMATION: On Monday, November 18, 1991, the Coast Guard published a notice of intent to form a negotiated rulemaking committee with respect to vessel response plans and the carriage and inspection of discharge removal equipment (56 FR 58202). The notice stated that the Coast Guard had secured the services of a convener. As described in the Negotiated Rulemaking Act of 1990, 5 U.S.C. 584(b), a convener assists the agency in: (1) Identifying interests that will be significantly affected by a proposed rule; (2) conducting discussions with representatives of those interests to identify the issues of concern to them; and (3) ascertaining whether the establishment of a negotiated rulemaking committee is feasible and appropriate in the particular rulemaking. Although the convener maintains confidentiality with respect to individual conversations, the convener recommends to the agency whether or not a negotiated rulemaking committee should be established. The convener also suggests parties who are willing and qualified to represent the interests that will be significantly affected by the proposed rule. The agency makes the final decision concerning the establishment of the negotiated rulemaking committee and its membership.

The notice listed the following interests as being potentially affected by the rulemaking: The oil industry; environmental and public interest groups; federal, state, and local governments; cleanup cooperatives; and spill response contractors. The notice continued with a "tentative list of organizations, that the Coast Guard believes would be representative of these interests." Confusion has arisen over the status of those organizations, in particular how they relate to the convening effort that is currently under way. The Coast Guard wishes to clarify that the list is simply a beginning point in the effort to identify: (1) The scope and nature of the issues that would need to be discussed in a negotiated rulemaking; (2) the interests that would be substantially affected by the proposed rule; (3) appropriate representatives of those interests; and (4) the existence of conditions favorable to negotiation. The convener will be contacting many of the organizations that were included in the tentative list, as well as others.

The list did not mean to imply that the Coast Guard, nor anyone on its behalf, had already contacted those organizations, nor that they had agreed to participate in a negotiated rulemaking should one be convened. Moreover, some of the organizations could be included in more than one category or, perhaps, would be better represented under some other grouping. One such example is the Marine Spill Response Corporation (MSRC), which was erroneously listed as a member of an industry working group. MSRC should have been included under "cleanup organizations." Finally, others on the tentative list may be determined not to be suitable representatives for the committee, should one be convened.

Anyone with views as to: The interests to be represented; who would represent those interests; the scope and nature of the issues to be considered; and the proposal to use negotiated rulemaking to develop this rule is encouraged to contact the convener, Ms. Judith Kaleta, as indicated in the INFORMATION section above.

If a negotiated rulemaking committee is convened, the Coast Guard anticipates that it would hold a combined organizational and substantive meeting from January 8-10, 1992.

Dated: November 22, 1991.

A. E. Henn,

Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Safety, Security and Environmental Protection.

[FR Doc. 91-28531 Filed 11-27-91; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 141 and 142

[WH-FRL-4036-5]

Drinking Water; National Primary Drinking Water Regulations—Synthetic Organic Chemicals and Inorganic Chemicals

AGENCY: U.S. Environmental Protection Agency (EPA).

ACTION: Notice of availability with request for comments.

SUMMARY: On July 25, 1990, the Environmental Protection Agency (EPA) published proposed Maximum Contaminant Level Goals (MCLGs) and National Primary Drinking Water Regulations (NPDWRs) for 18 synthetic organic chemicals (SOCs) and six inorganic chemicals (IOGs) in drinking water (55 FR 30370). In today's notice, EPA is making available for public review and comment new information received by the Agency and analyses of the information, which are being considered in establishing final regulations for these contaminants. The Agency is soliciting additional comment on this new information and analyses.

DATES: Written comments should be submitted on or before December 30, 1991.

ADDRESSES: Send written comments to Phase V Docket Clerk, Office of Ground Water and Drinking Water, Drinking Water Standards Division (WH-550D), U.S. Environmental Protection Agency,

401 M Street, SW., Washington, DC 20460. Commenters are also requested to submit one original and three copies of their written comments and any references cited in their comments. Commenters who wish to receive acknowledgement of receipt of their comments should include a self-addressed stamped envelope. All comments must be postmarked or delivered by hand by December 30, 1991. No facsimiles (faxes) will be accepted as EPA cannot guarantee that faxes will be delivered to the docket.

The data and the documents may be reviewed at the EPA Drinking Water Docket by calling for an appointment at (202) 260–3027. The Docket is located at the EPA Headquarters building, 401 M Street, SW., Washington, DC. The Docket hours are Monday through Friday, excluding Federal holidays, from 9 a.m. to 3:30 p.m. Eastern time.

FOR FURTHER INFORMATION, CONTACT: The Safe Drinking Water Hotline, telephone (800) 426–4791 or (703) 527–5190 for those calling in the Washington, DC metropolitan area, or Maria Gomez-Taylor, Office of Ground Water and Drinking Water (WH–550D), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460; phone (202) 260–7274.

A. Analytical Methods for Inorganic Contaminants

The Agency is making available additional information on the analytical methods for the contaminants in the July 25, 1990 proposed rulemaking. Specifically, tables 5 and 6 of that notice (55 FR 30410–11) have been revised and are being republished in today's notice for additional review and comment. The revisions to these tables are as follows:

(1) An update of the citations to use the most recent editions of reference documents,

(2) An update of EPA methods for metals that are now published in an EPA publication titled, "Methods for the Determination of Metals in Environmental Samples" [EPA, 1991a],

(3) Addition of an analytical method that measures cyanides amenable to chlorination (or "free" cyanide concentrations),

(4) A correction to the method detection limits (MDLs) for metals by inductively coupled plasma-mass spectrometry (ICP–MS), and

(5) A correction to the MDLs provided in table 6 of the July 1990 proposal for antimony and thallium using the atomic absorption, furnace technique.

TABLE 5.—AVAILABLE METHODOLOGY FOR INORGANIC CONTAMINANTS

Contaminant	Methodology [6]	EPA [1] [5] [9]	ASTM [2]	SM [3]	UGS [4]	Other
Antimony	Atomic Absorption; Furnace	[1] 204.2		3113		
		[5] 200.9				
	ICP-Mass Spectrometry	[5] 200.8				
	Inductively-Coupled Plasma	[5] 200.7		3120		
	Hydride-Atomic Absorption		D–3697–87	3114B		
Beryllium	Atomic Absorption; Furnace	[1] 210.2	D–3645–84B	3113		
		[5] 200.9				
	Inductively coupled Plasma	[5] 200.7		3120		
	ICP-Mass Spectrometry	[5] 200.8				
Nickel	Atomic Absorption; Furnace	[1] 249.2		3113		
		[5] 200.9				
	Atomic Absorption; Direct	[1] 249.1		3111B		
	Inductively Coupled Plasma	[5] 200.7		3120		
	ICP-Mass Spectrometry	[5] 200.8				
Thallium	Atomic Absorption; Furnace	[1] 279.2		3113		
		200.9				
	ICP-Mass Spectrometry	[5] 200.8				
	Inductively coupled Plasma	[5] 200.7		3120		
Cyanide	Distillation, Spec	[1] 335.2	D–2036–89A	4500–CN–D	I–3300–85	
	Distillation, Automated, Spec	[1] 335.3		4500–CN–E		
	Selective Electrode		D–2036–89A	4500–CN–F		
	Distillation, Amenable, Spec	[1] 335.1	D–2036–89B	4500–CN–G		
Sulfate	Automated, chloranilate	[1] 375.1	D–516–[8] 88	4500–SO_4–F		
	Gravimetric	[1] 375.3	D–516–[8] 88	4500–SO_4–C		
	Turfidimetric	[1] 375.4	D–516–90	4500–SO_4–E		
	Ion Chromatography	[9] 300.0		4110		[7] 925.54

[1] [EPA, 1983]
[2] [ASTM, 1991]
[3] [SM, 1989]
[4] [USGS, 1989]
[5] [EPA, 1991a]
[6] When using the approved analytical procedures for metals, the techniques applicable to total metals must be used.
[7] [AOAC, 1990]
[8] ASTM has dropped these methods in the 1991 edition.
[9] [EPA, 1989b]

TABLE 6. PROPOSED METHODOLOGY FOR INORGANIC CONTAMINANTS. METHOD DETECTION LIMITS (MDLS) AND PRACTICAL QUANTIFICATION LEVELS (PQLS)

Contaminant	Method [1]	MDL (mg/l)	PQL [7] (mg/l)
Antimony	Atomic Absorption; Furnace	0.003	[3] 0.01/0.005
		[6] 0.0008	
	ICP-Mass Spectrometry	0.0004	
	Hydride-Atomic Absorption	0.001	
Beryllium	Atomic Absorption; Furnace	0.0002	0.001
		[6] 0.00002	
	Inductively Coupled Plasma [2]	0.0003	

TABLE 6. PROPOSED METHODOLOGY FOR INORGANIC CONTAMINANTS. METHOD DETECTION LIMITS (MDLS) AND PRACTICAL QUANTIFICATION LEVELS (PQLS)—Continued

Contaminant	Method [1]	MDL (mg/l)	PQL [7] (mg/l)
	ICP-Mass Spectrometry	0.0003	
Nickel	Atomic Absorption; Furnace	0.001	0.05
	Inductively Coupled Plasma [2]	[6] 0.0006	
	ICP-Mass Spectrometry	0.005	
	Atomic Absorption; Furnace	0.0005	
Thallium		0.001	0.01/0.005
	ICP-Mass Spectrometry	[6] 0.0007	
	Distillation, Spectrophotometric [4]	0.0003	
Cyanide	Distillation, Automated, Spectrophotometric [4]	0.02	0.2
	Selective Electrode [4]	0.005	
	Distillation, Amenable Spectrophotometric [5]	0.05	
	Automated, Chloranilate	0.02	
Sulfate	Gravimetric	10	10
	Turbidimetric	10	
	Ion Chromatography	1	
		0.02	

[1] ICP-MS is an available method for the metals. However, since this is a new technique, not yet in wide use, it is not being used to estimate the PQLs for these contaminants.
[2] Using a 2X preconcentration step as noted in Method 200.7. Lower MDLs may be achieved when using a 4X preconcentration.
[3] Two alternative PQLs are proposed for antimony and thallium based on "ten times the MDL" and "five times the MDL".
[4] Screening method for total cyanides.
[5] Measures "free" cyanides.
[6] Lower MDLs are reported using stabilized temperature graphite furnace atomic absorption (see reference 5, Table 5).
[7] EPA anticipates that some PQLs shown in this Table, as well as some PQLs for the organic contaminants, will change since EPA expects to base the final PQLs for most contaminants not on a multiple of the MDL but on the performance evaluation data recently obtained and discussed in today's notice.

The references in table 5 for "Standard Methods for the Examination of Water and Wastewater" have been updated to the 17th edition [SM, 1989]. In addition, the ASTM and the AOAC references have been updated to the 1991 and 1990 editions, respectively [ASTM, 1991 and AOAC, 1990]. These newer editions are generally very similar, and in some cases identical, to the methods proposed in the July 25, 1990 notice. EPA has also updated tables 5 and 6 to incorporate revised analytical methods for antimony, beryllium, nickel and thallium that are now available in a new EPA manual for the determination of metals [EPA, 1991a]. The specific analytical methods referenced from the new manual are EPA Methods 200.7, 200.8 and 200.9 (ICP, ICP-MS, and furnace atomic absorption, respectively).

The July 1990 notice included analytical methods for the determination of "total" cyanides. Several commenters indicated that the proposed MCLG for cyanide is based on "free" cyanides and that the proposed analytical methods imply that "total" cyanides are being regulated. These commenters suggested that a method for cyanides amenable to chlorination would be more appropriate. After evaluating the comments, EPA agrees with the commenters because "free" cyanides are the only cyanide species of health concern due to their bioavailability and toxicity. For this reason, EPA is proposing to add a method for amenable cyanides to the table for additional review and comment. The Agency has not deleted the "total" cyanide methods from the table because these methods are adequate to screen samples for cyanide. If the "total" cyanides results are greater than the MCL, then the analysis for "free" cyanides should be performed to determine whether there is an MCL exceedance. The "total" cyanides methodology is still recommended as an initial test because it is cheaper than the amenable cyanides method (it requires one analytical determination instead of two). Additionally, based on available occurrence information from the Community Water Supply Survey [CWSS, 1970], it is unlikely that "total" cyanide concentrations would exceed the proposed MCL of 0.2 mg/l. Based on the CWSS, of 779 utilities tested for total cyanide, 743 contained no detectable levels of cyanide and the remaining 36 utilities contained cyanide concentrations ranging from 0.8 to 8.0 ug/l.

To clarify this issue, EPA proposes that the regulations (40 CFR 141.51(b) and 141.62(b)) specifically indicate that the MCLG and MCL for cyanide apply only to free cyanides. Public water systems would then have the option to use one of the "total" cyanides methods or the amenable cyanides method. If the reported level for total cyanides exceeds the "free" cyanides MCL, the system would be required to conduct additional analysis using the amenable cyanides method to determine whether there is an exceedance of the MCL.

Table 6 of the July 1990 proposal has been revised to correct some errors in the method detection limits (MDLs) for the ICP-MS technique and for the furnace atomic absorption technique. In the July 1990 proposal, the MDLs listed in table 6 for antimony, beryllium, nickel and thallium using ICP-MS methodology were incorrectly taken from the detection limits reported in table 1 of the Contract Laboratory Program (CLP) Method 6020 [EPA, 1990a]. The estimated detection limits for Method 6020 are similar (but not identical) to the estimated detection limits reported in table 1 of the proposed ICP-MS Method 200.8 [EPA, 1991a]. The MDLs in table 6 in today's notice have been revised to agree with the MDLs given in table 7 of Method 200.8 since this is the ICP-MS method proposed for compliance monitoring for the drinking water standards for these four metals. The MDLs for antimony and thallium using the furnace atomic absorption technique have also been changed to agree with the MDLs reported in the identified analytical methods. These MDLs had been incorrectly listed in the July 3990 proposal.

Public comments are requested on these changes to the July 1990 proposal. In particular, public comments are requested on EPA's proposed restriction of the applicability of the MCLG and MCL for cyanide to amenable (free) cyanide instead of total cyanide.

B. Availability of Performance Data

EPA evaluates the performance of analytical methods available for the determination of contaminants regulated

in public water supplies. As part of this evaluation, the Agency determines method detection limits (MDLs) and practical quantitation levels (PQLs). The MDL is defined as the minimum concentration of a substance that can be measured and reported with 99 percent confidence that the analyte concentration is greater than zero (40 CFR, part 136, appendix 8). The MDLs are the result of measurements made by one or several of the most experienced laboratories under non-routine and controlled ideal research-type conditions. MDLs vary with the analytical technique, instrumentation, analyst, and other factors. The MDLs, although useful to individual laboratories, do not provide a uniform measurement concentration that could be used to set standards.

EPA has defined another concept, the PQL, as the lowest level that can be reliably achieved within specified limits of precision and accuracy during routine laboratory operating conditions (50 FR 46902, November 13, 1985). The PQL concept is used to define a measurement concentration that is time and laboratory independent for regulatory purposes.

The PQL is generally determined through interlaboratory studies, such as the performance evaluation (PE) studies. However, if data are not available from interlaboratory studies, the PQLs may be estimated based on the MDL, by setting the PQL at a higher concentration than the MDL. The PQLs in the July 1990 proposal were usually estimated at 10 times the MDL. The PQL was estimated at five times the MDL in one case in order to reduce the associated health risks to levels within EPA's target range of 10^{-4} to 10^{-6} for the MCL. Specifically, the possible health risks associated with 2,3,7,8–TCDD at a drinking water concentration of ten times the MDL exceeds the 1×10^{-4} individual lifetime risk level. Therefore, EPA proposes to set the PQL at a level of five times the MCL even though there is less analytical precision at this level.

As noted in the July 1990 proposal, EPA evaluates the PQL as part of its determination of the level of a contaminant which is "as close to the maximum contaminant level goal as is feasible." [SDWA, section 1412(b)(4)]. Consideration of the PQL is especially important for contaminants for which EPA proposes MCLGs at zero. Since the zero level can not be measured, EPA evaluates the performance of available analytical techniques to ascertain the level, greater than zero, which can be measured within acceptable limits of precision and accuracy. Therefore, for carcinogenic contaminants, where PQLs are by definition greater than the maximum contaminant level goals (MCLGs), the proposed MCLs are generally set at the PQL (where the identified best available technologies can reduce the contaminants at least down to this level, and taking the costs of the technologies into account). Analytical techniques may also be a limiting factor in setting MCLs for some noncarcinogenic contaminants if the PQLs are above the proposed MCLGs. In the July 1990 notice, the MCLs for antimony and thallium were proposed at a higher level than the MCLGs because the PQLs for these compounds were estimated to be higher than the non-zero MCLGs.

The July 1990 proposal stated that EPA was planning to collect additional data from PE studies for the contaminants in that notice to verify whether the proposed PQLs are appropriate. Today's notice announces the availability to the public for review and comment of the performance data collected to date from EPA's PE studies and from method validation studies by EPA and outside sources. The Agency plans to evaluate these data to base the final decisions on selecting the analytical methods and the PQLs for the contaminants in this rulemaking on these data. Therefore, EPA anticipates that some of the PQLs proposed in the July 1990 notice will change since the PQLs in the notice were based on a multiple of the MDL.

The performance data being made available to the public for review and comment are: (1) Data collected from EPA's Water Supply (PE) studies #21 through #27 (see Table A for a listing of the specific contaminants, the Water Supply studies for which data are available, and the concentration range) [EPA, 1991c], (2) multilaboratory method validation study data from EPA's National Pesticide Survey (NPS) for endrin, hexachlorobenzene, dalapon, dinoseb, picloram and oxamyl (see Table 8 for contaminants, method number and concentration range) [EPA, 1991b], (3) collaborative study reports for NPS methods #1 [EPA, 1990e], #2 [Lopez-Avila, 1990], and #5 [Edgell, 1991b], (4) collaborative study report for glyphosate [Oppenhuizen, 1991], (5) report on the multilaboratory evaluation study of ICP-MS Method 6020 [EPA, 1989a], (6) report and data on the multilaboratory evaluation study of ICP-MS Method 200.8 [Longbottom, 1991], (7) data for MDL calculation for antimony and thallium using Method 200.8 [EPA, 1990c], (8) data on detection limits for inorganics received from Perkin-Elmer Corporation [PerkinElmer, 1990], (9) method detection limit study for Method 1613 used for the determination of 2,3,7,8-TCDD [EPA, 1990b], and (10) an EPA publication titled, "Methods for the Determination of Organic Compounds in Drinking Water" [EPA, 1990d].

Public comments are requested on these additional performance data, which EPA intends to use to establish the PQLs for the contaminants in this rulemaking. The PQL, which represents the level at which laboratories are able to consistently and accurately measure a contaminant, is one of the factors considered by EPA in setting the maximum contaminant level. Other factors considered by EPA include the availability and performance of various technologies for removing the contaminant and the costs of applying those technologies. For probable carcinogens, the Agency also evaluates the health risks associated with the various levels of the contaminants, with the goal of ensuring that the maximum risk at the MCL falls within the 1×10^{-4} to 1×10^{-6} risk range.

Comments are specifically requested on the proposed PQL and resulting MCL for 2,3,7,8–TCDD (dioxin). In the July 1990 proposal, EPA identified an MDL for dioxin of 1×10^{-8} mg/L. EPA set the PQL (and MCL) for dioxin at five times the MDL, or 5×10^{-8}, which is associated with a health risk level of approximately 2.5×10^{-4} (55 FR 30416). Although setting the PQL/MCL at five times rather than ten times the MDL decreases the level of analytical precision, the Agency found this level to be appropriate because it would result in an associated health risk level that is closer to (although still somewhat above) EPA's target maximum individual risk level of 1×10^{-4}.

The MDL study for dioxin using method 1613 [EPA, 1990b], which is being made available to the public by today's notice, identifies an MDL of 5×10^{-9} mg/L. This is exactly twice as low as the MDL identified in the proposal. Using this revised MDL would result in a PQL for dioxin of 2.5×10^{-8} mg/L (rounded to 3×10^{-8} mg/L), if EPA were to continue to set the PQL at five times the MDL. The MCL, which would be set equal to the PQL, would be associated with a risk level of approximately 1×10^{-4}. As noted, however, setting the PQL at five rather than ten times the MDL results in a reduction in analytical precision. If EPA were to set the PQL/MCL for dioxin at ten times the MDL instead of five times, analytical precision would be increased while the resulting risk level would revert to roughly 2.5×10^{-4}.

In light of these trade-offs, EPA has not yet decided whether a reduction of the MCL from 5×10^{-3} mg/L to 3×10^{-3} mg/L is appropriate. The Agency is considering both options and solicits comments on which one of these options it should adopt in the final rule. EPA specifically requests comments on the validity of setting the PQL at a more stringent level in order to meet the target risk range of 10^{-4} to 10^{-6}.

Considering other feasibility factors, EPA believes that the analysis and discussions in the July 1990 proposal finding that an MCL of 5×10^{-3} mg/L for dioxin is technologically and economically feasible indicate that an MCL of 3×10^{-3} mg/L is also feasible. The Agency specifically requests comment, however, on how the change in MCL from 5×10^{-3} mg/L to 3×10^{-3} mg/L would affect costs.

It should also be noted that EPA has undertaken a reassessment of the health risks posed by dioxin. It is too early in the process to predict how this review may alter the current risk assessment for dioxin. Therefore, EPA has decided to promulgate this regulation using the current risk assessment values. Depending on the outcome of the new risk assessment, the Agency may decide it is appropriate to revise the MCL for dioxin at a later date in a subsequent rulemaking.

TABLE A.—WATER SUPPLY PERFORMANCE EVALUATION (PE) STUDY DATA AVAILABLE

Contaminant	Water supply study No.	Concentration range (μg/l) [1]
Inorganics:		
Antimony	24–27	6–120
Beryllium	24–27	0.4–23.1
Cyanide [1]	24–27	0.1–0.5
Nickel	24–27	2–451
Sulfate [1]	24–27	5.3–51
Thallium	24–27	2–80
Organics:		
Di(2-ethyl hexyl)adipate.	23–27	1.76–34.8
Dalapon	23–27	0.495–30.5
Dichloromethane	22–23 & 26.	2.6–15.2
Dinoseb	23–27	0.711–24.7
Diquat	23–27	7.11–65.0
Endothall	23–27	58.8–252
Endrin	22–27	0.195–6.71
Glyphosate	24–27	225–847
Hexachlorobenzene.	27	0.483
Hexachlorocyclopentadiene.	23–27	0.267–4.42
Oxamyl	23–27	8.18–53.5
PAHs [Benzo(a)pyrene] [2].	26–27	2.25–22.1
Di(2-ethyl hexyl)phthalate.	23–24 & 26–27	2.8–34.2
Picloram	23–27	0.993–31.2
Simazine	23–27	0.179–9.74
1,2,4-Trichlorobenzene.	23 & 27	8.83–18.4

TABLE A.—WATER SUPPLY PERFORMANCE EVALUATION (PE) STUDY DATA AVAILABLE—Continued

Contaminant	Water supply study No.	Concentration range (μg/l) [1]
1,1,2-Trichloroethane.	20, 23 & 26.	10.2–26.9

[1] Units are in mg/l for cyanide and sulfate.
[2] The lowest concentration included in this study, 2.25 μg/l, is above the PQL set in the July, 1990 proposal of 0.2 μg/l, or ten times the MDL. Therefore, EPA continues to propose setting the PQL for this contaminant at 0.2 μg/l

Table B. National Pesticide Study Data

Contaminant	NPS method No.[5]	Concentration range (μg/1)
Dalapon [3]	3	2.6–13.0
Dinoseb [3]	3	0.80–3.99
Endrin [2]	2	0.04–1.50
Hexachlorobenzene [2].	2	0.01–0.5
Oxamyl [2]	2	6.40–54.4
Picloram [4]	5	0.27–3.46
Simazine [1]	1	0.49–4.92

[1] [EPA, 1990e]
[2] [Lopez-A Vila, 1990]
[3] [Edgell, 1991a]
[4] Edgell, 1991b]
[5] NPS Methods 1, 2, 3 and 5 are equivalent to EPA Methods 507, 508, 515.1 and 531.1, respectively.

C. Additional Health Information on Di(2-ethyl hexyl)adipate

In the July 25, 1990 proposal (55 FR 30384), EPA discussed available health information on di(2-ethyl hexyl) adipate (DEHA). The proposed Drinking Water Equivalent Level (DWEL) was based on a lifetime feeding study in rats and mice [NTP, 1982]. In this study, groups of 50 male and 50 female F–344 rats (5 weeks old) or B6C3F$_1$ mice (6 weeks old) were fed diets containing 0, 12, or 25 g DEHA/kg food for 2 years. The high dose (25 g DEHA/kg food) produced a marked decrease in body weight gain in both rats and mice, ranging from about 18 to 36% compared to controls. A slight decrease of body weight gain was seen in both rats and mice at the low dose (12 g DEHA/kg food), although this effect was not statistically significant. The daily intake at 12 g DEHA/kg food ranged from 0.7 to 2.9 g/kg/day. The lower dose of 0.7 g/kg/day was selected as the NOAEL in this study. Based on this NOAEL, a DWEL of 25 mg/l was calculated for a 70-kg adult consuming 2 liters of water per day, using an uncertainty factor of 100, in accordance with NAS/ODW guidelines for use with a NOAEL derived from an animal study, and an additional uncertainty factor of 10 to account for lack of good reproductive effects data.

$$\text{DWEL} = \frac{700\ \text{mg/kg/day}\times 70\ \text{kg}}{10\times100\times2\ \text{1/day}} = 25\ \text{mg/l}$$

The proposed MCLG for DEHA was based on the DWEL of 25 mg/l, an additional uncertainty factor of 10 in accordance with Office of Water (OW) policy for Group C carcinogens, and an assumed drinking water contribution of 20 percent to total exposure.

$$\text{MCLG} = \frac{25\ \text{mg/l}}{10}\times0.2 = 0.5\ \text{mg/l}$$

In response to the proposal, one commenter stated that the additional uncertainty factor of 10 used to account for lack of reproductive effects data should not be used in the calculation of the DWEL because there are teratology and reproductive studies available for this chemical. The commenter recommended an MCLG of 5 mg/l instead of 0.5 mg/l for DEHA. The two references provided by the commenter are listed below:

ICI. 1988a. ICI Central Toxicology Laboratory. Di(2-ethyl hexyl) adipate: Teratogenicity study in the rat. Report CTL/P/2119 (unpublished study).

ICI. 1988b. ICI Central Toxicology Laboratory. Di(2-ethyl hexyl) adipate (DEHA) fertility study in rats. Report CTL/P/2229 (unpublished study).

EPA has recently reviewed these two 1988 studies and believes they are adequate and suitable to serve as the basis for the DWEL of this chemical.

In the teratogenicity study, Wistar-derived pregnant rats (24/group) were fed diets containing DEHA at 0, 300, 1,800 or 12,000 ppm corresponding to dosages of 0, 28, 170 or 1,080 mg/kg/day on gestational days 1–22 [ICI, 1988a]. At the high dose, slight reductions in maternal body weight gain and food consumption were observed, and reduced ossification and kinked or dilated ureters were found in the fetuses. Slightly dilated ureters were also seen in a few fetuses at 170 mg/kg/day but the incidence did not reach statistical significance. The LOAEL and the NOAEL identified for this study were 1,080 mg/kg/day and 170 mg/kg/day, respectively.

In a companion one-generation reproductive study [ICI, 1988b], groups of Wistar-derived rats (15 males/dose; 30 females/dose) were administered DEHA in their diets at the same levels (0, 28, 170 or 1,080 mg/kg/day). After 10 weeks on the diet, the animals were mated to produce one generation of offspring that was reared to day 36 post partum. Test diets were fed continuously throughout the study (approximately 18–19 weeks of exposure). No effects were seen on male

or female fertility. However, at the highest dosage level, there was a reduction in the body weight gain of the dams during gestation; an increase in liver weight in both male and female parents; and reductions in offspring weight gain, total litter weight and litter size. The NOAEL for this study was also 170 mg/kg/day.

Based on the NOAEL of 170 mg/kg/day, an RfD of 0.6 mg/kg/day and a DWEL of 20 mg/l is calculated for a 70–kg adult consuming 2 liters of water per day, using an uncertainty factor of 300 [EPA, 1991e].

$$RfD = \frac{170\ mg/kg/day}{3 \times 100} = \frac{0.56\ mg/kg/day}{(rounded\ to\ 0.6\ mg/kg/day)}$$

$$DWEL = \frac{0.6\ mg/kg/day \times 70\ kg}{2\ l/day} = \frac{21\ mg/l}{(rounded\ to\ 20\ mg/l)}$$

where:

100 is the uncertainty factor following EPA guidelines for a NOAEL obtained in a study using laboratory animals

3 is used because of data gap deficiencies including lack of a multi-generation reproductive study. This factor also accounts for the slight effect on ureters observed in fetuses at the 170 mg/kg/day dose level.

EPA has therefore recalculated the proposed MCLG for DEHA based on the DWEL of 20 mg/l, an additional uncertainty factor of 10 in accordance with OW policy for group C carcinogens, and an assumed drinking water contribution of 20% to total exposure.

$$MCLG = \frac{20\ mg/l}{10} \times 0.2 = 0.4\ mg/l$$

Since DEHA is a Group C carcinogen, the Agency has quantified the cancer risk. The proposed MCLG of 0.4 mg/l for DEHA corresponds to a 1.3×10^{-5} individual lifetime cancer risk.

As stated in the July 1990 proposal, the MCL must be set as close to the MCLG as is feasible. EPA has determined that the analysis and discussions in the July 1990 proposal finding that an MCL of 0.5 mg/l for DEHA is technically and economically feasible indicate that an MCL of 0.4 mg/l is also feasible. Therefore, EPA is revising the proposed MCL for DEHA, and now proposes to set the MCL for this compound at 0.4 mg/l.

By means of this notice, EPA is making the two references cited above available for public review. Public comment is requested on the 1988 ICI teratogenicity and reproductive studies, and on EPA's proposal to use these studies instead of the 1982 NTP study as the basis for the DWEL and MCLG for DEHA. The public is also invited to comment on the resulting MCL of 0.4 mg/l for DEHA.

D. Other Health Effects Information

Pursuant to public comments, EPA has reconsidered the health effects evaluation of 1,2,4-trichlorobenzene and is considering changing the basis for this evaluation in the final rule. EPA is now considering relying on a multigeneration reproductive study in rats involving oral dosing [Robinson, 1981] that appears to be a more appropriate basis for evaluating health effects than the inhalation study relied on in the proposal [Watanabe et al., 1978]. The Robinson study is available in the public docket for this rulemaking. Relying on this study would result in a NOAEL of 14.8 mg/kg/day, a DWEL of 0.35 mg/l and an MCLG of 0.07 mg/l. The MCL would also be set at this level, since achievement of this level is feasible (as explained in the proposal with respect to the proposed MCL, which was set at a more stringent level).

Also, the Agency has received a two-generation rat reproduction study concerning simazine [Epstein, 1991, MRID #418036–01]. This study fills the data gap mentioned in the proposal, pursuant to which a modifying factor of 3 was used in calculating the DWEL and MCLG for simazine. In light of this new study, EPA is considering dropping the 3-fold modifying factor, which would result in a DWEL of 0.2 mg/l and an MCLG of 0.004 mg/l, as mentioned in the proposal [55 FR 30404, footnote]. The MCL would also be set at this level, since achievement of this level is feasible (as explained in the proposal with respect to the proposed MCL, which was set at a more stringent level).

EPA requests comments on these possible revisions.

E. Relative Source Contribution—Antimony

Although the proposal used a default value of 20 percent for the relative source contribution (RSC) for antimony, EPA is considering changing the RSC based on studies by Greathouse and Craun (1978) and Cunningham and Stroube (1987). The latter derives a dietary contribution of 4.7 ug/day of antimony, lower than previously estimated. By using this value and an inhalation contribution of 0.7 ug/day, and a mean drinking water contribution of 2 ug/l (or 4 ug/day) from the Greathouse study, the resulting RSC would be approximately 40 percent. Thus, the MCLG and MCL for antimony would be approximately doubled in value. EPA requests comments on this possible revision.

F. BAT for Glyphosate

EPA is considering changing the BAT for glyphosate from granular activated carbon (GAC) to oxidation (chlorination or ozonation). New bench-scale treatability studies, available in the public docket for this rulemaking [Speth, 1990], appear to indicate that GAC is not effective in removing glyphosate from drinking water (other than distilled water), but that oxidation is very effective in removing glyphosate. The Agency requests comments on this possible revision.

G. Effective Date for Monitoring

In the July, 1990 notice, EPA proposed to allow an additional 12 months after the effective date of the final rule for public water systems to complete the first round of sampling and analysis and to report the results of such monitoring to the States. The effective date of national primary drinking water regulations (NPDWRs) is 18 months after promulgation. EPA also proposed to allow an additional 12 months after the effective date of the final regulations for the States to complete vulnerability assessments, which could serve as the basis for reduced monitoring requirements. In addition, the Agency indicated that the final requirements in this rulemaking may be affected by the monitoring requirements that EPA would shortly be promulgating in a separate rulemaking for other synthetic organic chemicals (SOCs) and inorganic chemicals (IOCs). EPA subsequently promulgated regulations for these other contaminants, including monitoring requirements, on January 30, 1991 (56 FR 3526).

In the January 30, 1991 notice, EPA adopted a Standard Monitoring Framework which, among other things, would require that initial monitoring be conducted during the first full three-year compliance period that begins at least 18 months after promulgation. The first compliance period means a three-year calendar year period within a compliance cycle. Each compliance cycle has three three-year compliance periods. Within the first compliance cycle, the first compliance period runs

from January 1, 1993 to December 31, 1995. The Agency stated in the January, 1991 notice that it intends to apply this Standard Monitoring Framework to future requirements for source-related contaminants (56 FR 3560). Accordingly, EPA intends to revise the monitoring requirements in the final rule for the 24 contaminants in this rulemaking to reflect requirements of the Standard Monitoring Framework.

The effective date of the NPDWRs for the 24 contaminants in this rulemaking is expected to be in September, 1993. If EPA were to require initial monitoring in the first three-year period following this effective date, initial monitoring would not begin until January, 1996. The Agency believes it would to be more protective of public health to require monitoring to begin as of January 1993 rather than January, 1996. Therefore, in the final rule for these 24 contaminants, EPA is considering requiring monitoring to begin in the first three-year compliance period (*i.e.*, the initial monitoring period would be from January 1, 1993 to December 31, 1995). This change would synchronize the monitoring schedule for the 24 contaminants in this rule with those promulgated for other SOCs and IOCs in the January 30, 1991 notice.

Under the July, 1990 proposal, monitoring for the contaminants in this rulemaking would have been required to be initiated no later than September, 1993 (*i.e.*, the expected effective date of this rulemaking). EPA does not believe that changing in the initial monitoring schedule to begin January, 1993 instead of September, 1993 will significantly affect costs. In some cases systems will not need to conduct monitoring until the latter part of the first three-year period, rather than needing to start monitoring immediately as of January, 1993 (see discussion of the Standard Monitoring Framework at 56 FR 3560). In addition, EPA believes there will be a decrease in costs due to the effects of synchronizing the monitoring requirements in this rule with those of earlier rules—*e.g.*, there will be a cost savings resulting from a system's ability to evaluate the presence of multiple contaminants with the analysis of a single sample, and to perform vulnerability assessments covering multiple contaminants.

The Agency solicits comments on these proposed changes to the monitoring requirements in this rulemaking.

H. References

The following are the full references for the new data discussed in this notice. These documents are available for review in the public docket for this rulemaking.

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40 CFR Part 136 Appendix B

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Dated: November 25, 1991.

Martha G. Prothro,

Acting Assistant Administrator for Water.

[FR Doc. 91–28658 Filed 11–27–91; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 91–339, RM–7857]

Radio Broadcasting Services; Campbell, NY

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition by Markey Broadcasting Company seeking the allotment of Channel 270A to Campbell, New York, as the community's first local FM transmission service. Channel 270A can be allocated to Campbell in compliance with the Commission's minimum distance separation requirements, with a site restriction of 3.9 kilometers (2.4 miles) west to avoid short-spacings to Stations WECQ–FM, Channel 269A, Geneva, New York, and WAVT–FM, Channel 270B, Pottsville, Pennsylvania, at coordinates 42–14–04 and 77–14–42. Canadian concurrence is required because Campbell is located within 320 kilometers (200 miles) of the U.S. Canadian border.

DATES: Comments must be filed on or before January 16, 1992, and reply comments on or before January 31, 1992.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Markey Broadcasting Company, c/o Matt Edwards, Box 1259, Elmira, New York 14902 (Consultant to Petitioner).

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's notice of proposed rulemaking, MM Docket No. 91–339, adopted November 4, 1991, and released November 25, 1991.

The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, Downtown Copy Center, (202) 452–1422, 1714 21st Street, NW., Washington, DC 20036.

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

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

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

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Michael C. Ruger,

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

[FR Doc. 91–28706 Filed 11–27–91; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[MM Docket No. 90–322; RM–7183, RM–7517]

Television Broadcasting Services; Wilmington, Burgaw, Laurel Hill, and Rockingham, North Carolina; Norfolk-Portsmouth-Newport News-Hampton, VA

AGENCY: Federal Communications Commission.

ACTION: Proposed Rule; Denial.

SUMMARY: The Commission issued a notice of proposed rule making and order to show cause, 55 FR 28242, July 10, 1990, in MM Docket No. 90–322, in response to a petition (RM–7183) filed by Wilmington Minority Broadcasters ("WMB"), proposing that VHF television Channel 10+ be allotted to Wilmington, North Carolina, as its fourth local commercial television service. The Commission also proposed that the licensee of Channel 10, Norfolk-Portsmouth-Newport News-Hampton, Virginia, WAVY Television, Inc. ("WAVY"), show cause why its channel offset should not be changed to accommodate WMB's proposal. New Horizons Communications and Edward Jay Bolton ("New Horizons") filed a counterproposal that Channel 10 be allotted instead to Burgaw, North Carolina, that Wilmington be allotted UHF television Channel 59, and that vacant allotment Channel 59 at Laurel Hill, North Carolina, be deleted. The Commission denied these proposals on environmental grounds. *See* Supplement Information, *infra*.

EFFECTIVE DATE: January 9, 1992.

FOR FURTHER INFORMATION CONTACT: J. Bertron Withers, Jr., Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 90–322, adopted November 13, 1991, and released November 25, 1991. The full text of this Commission decision is available for inspection and copying during normal business hours in FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, Downtown Copy Center (202) 452–1422, 1714 21st Street, NW., Washington, DC 20036.

WMB's proposal was denied because it failed to respond to the Commission's request that its comments include a showing that the very limited area in which a transmitter site could be located would meet with potential environmental and Federal Aviation Administration ("FAA") concerns. Also, WMB made no attempt to rebut comments alleging that such a transmitter site would have serious, unresolvable consequences for the environment and would require an antenna tower with an air hazard potential likely unacceptable to the FAA. The counterproposal to allot Channel 10 to Burgaw was denied because of those same environmental concerns, and the proposed allotments of Channel 59 to Wilmington and of Channel 68 to Hamlet, North Carolina, were dismissed because they were not in conflict with the proposal in the original Notice.

Federal Communications Commission.

Andrew J. Rhodes,

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

[FR Doc. 91–28702 Filed 11–27–91; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 73

[MM Docket No. 91–340, RM–7851]

Radio Broadcasting Services; Harbeck-Fruitdale, OR

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Grants Pass Broadcasting Corporation seeking the substitution of Channel 252C2 for Channel 252A at Harbeck-Fruitdale, Oregon, and the modification of Station KAJO–FM's construction permit to specify operation on the higher class channel. Channel 252C2 can be allotted to Harbeck-Fruitdale in compliance with the Commission's minimum distance separation requirements at the transmitter site specified in Station KAJO–FM's outstanding construction permit, a coordinates North Latitude 42–22–56 and West Longitude 123–16–29. In accordance with Section 1.420(g) of the Commission's Rules, we will not accept competing expressions of interest in use of Channel 252C2 at Harbeck-Fruitdale or require the petitioner to demonstrate the availability of an additional equivalent class channel for use by such parties.

DATES: Comments must be filed on or before January 16, 1991, and reply comments on or before January 31, 1992.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Carl W. Wilson, Grants Pass Broadcasting Corporation, P.O. Box 230, Grants Pass, Oregon 97526 (Petitioner).

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 91–340 adopted November 7, 1991, and released November 25, 1991. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, Downtown Copy Center, (202) 452–1422, 1714 21st Street, NW., Washington, DC 20036.

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

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

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

Federal Communications Commission.

Michael C. Ruger,

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

[FR Doc. 91–28707 Filed 11–27–91; 8:45 am]

BILLING CODE 6712–01–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AB66

Endangered and Threatened Wildlife and Plants; Proposed Threatened Status for the Plant Thelypteris pilosa var. alabamensis (Alabama streak-sorus fern)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Service proposes to list a plant, *Thelypteris pilosa* var. *alabamensis* (Alabama streak-sorus fern), as a threatened species under the authority contained in the Endangered Species Act (Act) of 1973, as amended. *Thelypteris pilosa* var. *alabamensis* is currently believed to be limited to a 3.25 mile stretch along the Sipsey Fork, a tributary of the Black Warrior River in Winston County, Alabama. In this area, 15 separate localities have been documented. This species is extremely vulnerable due to its limited distribution. Populations have been impacted or are potentially threatened by impoundments, bridge construction, vandalism and incidental damage from recreational use of habitats, and timbering of forest upslope. This proposed rule, if made final, will extend the Act's protection to *Thelypteris pilosa* var. *alabamensis*. The Service seeks data and comments from the public on this proposed rule.

DATES: Comments from all interested parties must be received by January 30, 1992. Public hearing requests must be received by January 13, 1992.

ADDRESSES: Comments and materials concerning this proposal should be sent to the U.S. Fish and Wildlife Service, 6578 Dogwood View Parkway, Suite A, Jackson, Mississippi 39213. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Cary Norquist at the above address or telephone (601/965–4900 or FTS 490–4900).

SUPPLEMENTARY INFORMATION:

Background

Thelypteris pilosa var. *alabamensis* is a small, evergreen fern with linear-lanceolate fronds 10 to 20 centimeters (cm) (4 to 8 inches) long. The fronds appear clustered, arising from short,

slender rhizomes covered with reddish-brown scales. The stipe portion of the frond ("petiole") is slender, erect to ascending, 1 to 3 cm (0.4 to 1 inch) long, and covered with long hairs. The blade is typically 3 to 10 cm (1 to 4 inches) long, 1.5 to 3 cm (0.5 to 1 inch) broad, and divided once into many ovate to suborbicular leaf segments (pinnae). The sori (groups of spore-producing reproductive structures) occur on the underside of the blades and are linear in shape. This is the only southeastern species of *Thelypteris* which lacks indusia (thin membrane that covers the sori) (Kral 1983, Mickel 1989).

This species was first described by Crawford (1951) based on material that he and A.M. Harvill collected in 1949 along the Sipsey Fork of the Black Warrior River (Winston County, Alabama). Two specimens from the Mexican States of Chihuahua and Sonora were cited in Crawford's description as belonging to this variety. These specimens, and other *Thelypteris pilosa* specimens from Mexico, have been recently examined by Mickel (1989) and Alan Smith (*Thelypteris* authority, University of California at Berkley, pers. comm. 1990). They concluded that the Alabama plants are distinct (at least at the varietal level) from the Mexican material, including those specimens from Chihuahua and Sonora, cited in the original description by Crawford (1951). *Thelypteris pilosa* var. *alabamensis* differs from the other varieties of *Thelypteris pilosa* (all restricted to Mexico) by its overall smaller size, narrower blades, rounded (versus acuminate) pinna and pinna lobe tips, and the frequent free lobe at the base of the basal pinnae (Lellinger 1985, Mickel 1989). Studies are currently underway to determine if these differences warrant elevating *Thelypteris pilosa* var. *alabamensis* to the species level (Mickel 1989).

In 1960, the type locality was destroyed by bridge construction and subsequent flooding in association with the completion of Lewis Smith Dam, located several miles downstream. The species was presumed to be extinct (Dean 1969) until 1972, when Alabama naturalist L. Smith rediscovered it approximately eight miles upstream (Short and Freeman 1978). Additional colonies were located in this general area in 1975 and 1976 by Short and Freeman (1978). Surveys to locate additional populations and delineate its range along the Sipsey Fork were conducted by the Alabama Natural Heritage Program in 1990 (Gunn 1991). Currently, the species' known range is confined to an approximately 3.25 mile stretch along the Sipsey Fork, a tributary of the Black Warrior River in Winston County, Alabama. In this area, the Heritage Program has documented 15 localities. Approximately 50 percent of the sites support small populations (a dozen or fewer plants); three have moderate populations (20 to 75 plants); three have large populations (several hundred); and two have extensive populations (ca. 1,500 and 6,000) (Gunn 1991). A mid-1970's report of this species along the Sipsey Fork near the Lawrence and Winston County line (Short and Freeman 1978) has not been relocated, despite repeated attempts (Gunn 1991).

Thelypteris pilosa var. *alabamensis* takes root in crevices or on rough rock surfaces of Pottsville sandstone along the Sipsey Fork (Gunn 1991). Plants typically occur on "ceilings" of sandstone overhangs (rockhouses), on ledges beneath overhangs, and on exposed cliff faces. These bluffs and overhangs are usually directly above the stream; however, some are located a short distance away from the river. Locations vary in slope aspect and shade coverage, from completely shaded to partially sunny on exposed bluff faces. The sites are kept moist by natural water seepage over the sandstone from up-slope runoff. Water vapor from the stream increases the humidity for those sites directly above the water or nearby. *Thelypteris pilosa* var. *alabamensis* grows among various bryophytes and is often associated with climbing hydrangea (*Decumaria barbara*), *Thalictrum clavatum*, *Heuchera parviflora*, and the ferns *Osmunda cinnamomea*, *O. regalis*, and most notably, the Appalachian bristle fern (*Trichomanes boschianum*). Surrounding forest is of the hemlock-hardwood type and includes various cove-type hardwoods (Gunn 1991, Kral 1983).

All sites are within the boundaries of the Bankhead National Forest and the majority occur on U.S. Forest Service land. Several localities are on private inholdings.

Federal actions involving *Thelypteris pilosa* var. *alabamensis* began with Section 12 of the Endangered Species Act of 1973, which directed the Secretary of the Smithsonian Institution to prepare a report on those plants considered to be endangered, threatened, or extinct. This report, desiganted as House Document No. 94–51, was presented to Congress on January 9, 1975. On July 1, 1975, the Service published a notice in the **Federal Register** (40 FR 27823) of its acceptance of the report of the Smithsonian Institution as petition within the context of section 4(c)(2), now section 4(b)(3)(A), of the Act and of its intention thereby to review the status of those plants. On June 16, 1976, the Service published a proposed rule in the **Federal Register** (41 FR 24523) to determine approximately 1,700 vascular plant species to be endangered species pursuant to Section 4 of the Act. *Thelypteris pilosa* var. *alabamensis* was included in the Smithsonian petition and the 1976 proposal. General comments received in relation to the 1976 proposal were summarized in an April 26, 1976 **Federal Register** publication (43 FR 17909).

The Endangered Species Act Amendments of 1978 required that all proposals over 2 years old be withdrawn. A 1-year grace period was given to proposals already over 2 years old. In the December 10, 1979, **Federal Register** (44 FR 70796), the Service published a notice of withdrawal of the June 16, 1976, proposal, along with four other proposals that had expired. *Thelypteris pilosa* var. *alabamensis* was included as a category 2 species in a revised list of plants under review for threatened or endangered classification published in the December 15, 1980, **Federal Register** (45 FR 82480). This species was maintained in category 2 in the Service's updated plant notices of September 27, 1985 (50 FR 39526) and February 21, 1990 (55 FR 6184). Category 2 species are those for which listing as endangered or threatened species may be warranted but for which substantial data on biological vulnerability and threats are not currently known or on file to support a proposed rule. The Service funded a survey in 1990 to determine the status of this species in Alabama. Additional water courses were surveyed; however, no populations were located outside an approximately 3 mile segment of the Sipsey Fork (Black Warrior River). A final report was received and approved by the Service in the spring of 1991. This report (Gunn 1991) and other information support the proposed listing. The data demonstrate a limited distribution and potential threats to the species.

Section 4(b)(3) of the Endangered Species Act, as amended in 1982, requires the Secretary to make certain findings on pending petitions within 12 months of their receipt. Section 2(b)(1) of the 1982 amendments further requires that all petitions pending on October 13, 1982 be treated as having been newly submitted on that data. This was the case for *Thelypteris pilosa* var. *alabamensis* because of the acceptance of the 1975 Smithsonian report as a petition. In October of 1983, and succeeding years, the Service found that

the petitioned listing of *Thelypteris pilosa* var. *alabamensis* was warranted, but that listing this species was precluded due to other higher priority listing actions and additional data were being gathered. Publication of the present proposal constitutes the final 1-year finding that is required.

Summary of Factors Affecting the Species

Section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and regulations (50 CFR part 424) promulgated to implement the listing provisions of the Act set forth the procedures for adding species to the Federal lists. A species may be determined to be an endangered or threatened species due to one or more of the five factors described in Section 4(a)(1). These factors and their application to *Thelypteris pilosa* var. *alabamensis* (Mart. & Gal.) Crawford are as follows:

A. The Present or Threatened Destruction, Modification, or Curtailment of its Habitat or Range.

The type locality, which is approximately five miles downstream of extant populations, was destroyed in 1960. The cliffs, where the plants grew, were leveled when a new bridge was constructed. The area was subsequently flooded with the completion of Lewis Smith Dam several miles downstream (Short and Freeman 1978, Burks *in litt.*). The impoundment inundated suitable habitat, and perhaps plants, upstream and downstream of the type locality (Gunn 1991). Currently, plants are located on both sides of a highway bridge over the Sipsey Fork (upstream of the reservoir's influence). Plants may have been destroyed by this bridge construction (Gunn 1991). Future road or dam construction along the upper reach of the Sipsey Fork poses a potential threat to extant populations.

Logging of woodlands above the occupied sites could adversely affect the microhabitat needed by the fern. As noted in the "Background" section, the species is dependent on up-slope runoff and seepage to maintain the substrate moisture. Heavy timbering or clear-cutting could alter the area's hydrology by interrupting this natural seepage. Additionally, the loss of the canopy would increase ambient light and lower the humidity. These effects would dehydrate the habitat and could be detrimental (Gunn 1991, Kral 1983, Currie *in litt.*).

Overhangs or rockhouses are habitat for about 50 percent of the known populations of *Thelypteris pilosa* var. *alabamensis*. These areas are frequented by hikers, fishermen, and campers and are subject to vandalism. Two of the larger populations occur in rockhouses which are often used by humans, as evidenced by numerous footprints, abundant litter, and old campfires. Intentional or incidental damage caused by hikers and campers, in addition to the heat and smoke from campfires, threatens these populations (Gunn 1991).

B. Overutilization for Commercial, Recreational, Scientific, or Educational Purposes

This species is not known to be in commercial trade. Over-collecting for any purpose would adversely impact this species due to its rarity and the small number of individuals at several sites. The fern's limited distribution makes it vulnerable to collectors and vandals.

C. Disease of Predation

No species specific diseases or predators have been identified. However, as in Factor B, disease or predation could have a serious adverse impact on the small and fragmented populations.

D. The Inadequacy of Existing Regulatory Mechanisms

This species is considered endangered by the Alabama Natural Heritage Program (Gunn pers. comm. 1991) but receives no protection from State legislation. All sites are located along the portion of the Sipsey Fork of the Black Warrior River that has been assigned "Wild and Scenic River" status by 1988 Federal legislation. Those sites on Forest Service land are designated "recreational status" which requires certain management actions by Federal landholders. The managing agency must develop management plans for the wild and scenic corridor, including management recommendations for *Thelypteris pilosa* var. *alabamensis*, which is identified as a sensitive species for Bankhead National Forest (BNF). Currently, no management plan or recommended action, for either the river or the fern, has been developed by the U.S. Forest Service (Gunn 1991). As a result, no formal protection is afforded to sites on BNF. Four (possibly six) of the sites are on private property where there is no protection.

E. Other Natural or Manmade Factors Affecting its Continued Existence

The greatest threat to this species is its extreme vulnerability due to its range and small number of plants at many of the sites (see "Background"). A single natural or anthropogenic disturbance could seriously reduce the population size and affect the species' viability. Catastrophic flooding, through the narrow gorge, could possibly scour all the occupied sites to such a degree that the size of the population is significantly reduced. Sites near the water have few individuals (one to three plants), probably because of scouring from seasonal (as opposed to catastrophic) flooding. Severe drought would decrease the substrate moisture and be detrimental to this species. A local drought in 1990 appeared to kill individual plants at several localities (Gunn 1991).

As a natural erosional process, sandstone overhangs and bluffs periodically erode small and large sections. A site could be completely eliminated (including one with a large number of plants) if one such incident occurred (Gunn 1991).

The Service has carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by this species in determining to propose this rule. Based on this evaluation, the preferred action is to list *Thelypteris pilosa* var. *alabamensis* as threatened. Threatened status seems appropriate since this species is not in imminent danger of extinction. However, this species is extremely vulnerable due to its restricted range and is likely to become endangered in the foreseeable future if protective measures are not taken. Critical habitat is not being designated for reasons discussed in the following section.

Critical Habitat

Section 4(a)(3) of the Act, as amended, requires that, to the maximum extent prudent and determinable, the Secretary propose critical habitat at the time the species is proposed to be endangered or threatened. The Service finds that designation of critical habitat is not presently prudent for this species. Publication of critical habitat maps would increase public interest and possibly lead to additional threats to this species from collecting and vandalism. This species occurs at a limited number of sites and several are easily accessible and frequented by hikers and campers. Taking is an activity difficult to enforce against and only regulated by the Act with respect to plants in cases of (1) removal and reduction to possession of endangered plants from lands under Federal jurisdiction, or their malicious damage or destruction on such lands; and (2) removal, cutting, digging up, or damaging or destroying in knowing

violation of any State law or regulation, including State criminal trespass law. Publication of critical habitat descriptions and maps in the **Federal Register** and local newspapers would make *Thelypteris pilosa* var. *alabamensis* more vulnerable and increase enforcement problems. The principal parties involved, including State/Federal agencies, have been notified of the location and importance of protecting this species' habitat. Protection of this species' habitat will be addressed through the recovery process and through the section 7 jeopardy standard. Therefore, it would not now be prudent to determine critical habitat for *Thelypteris pilosa* var. *alabamensis*.

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened under the Endangered Species Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing encourages and results in conservation actions by Federal, State, and private agencies, groups, and individuals. The Endangered Species Act provides for possible land acquisition and cooperation with the States and requires that recovery actions be carried out for all listed species. The protection required of Federal agencies and the prohibitions against certain activities involving listed plants are discussed, in part, below.

Section 7(a) of the Act, as amended, requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened and with respect to its critical habitat, if any is being designated. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR part 402. Section 7(a)(4) requires Federal agencies to confer informally with the Service on any action that is likely to jeopardize the continued existence of a proposed species or result in destruction or adverse modification of proposed critical habitat. If a species is listed subsequently, section 7(a)(2) requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of such a species or to destroy or adversely modify its critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency must enter into formal consultation with the Service.

All sites are located within the boundary for the Bankhead National Forest and the majority of the sites are on U.S. Forest Service lands. The Environmental Protection Agency would consider this species relative to pesticide (herbicide) registration. Currently, no activities to be authorized, funded, or carried out by Federal agencies are known to exist that would affect *Thelypteris pilosa* var. *alabamensis*.

The Act and its implementing regulations found at 50 CFR 17.71 and 17.72 set forth a series of general prohibitions and exceptions that apply to all threatened plants. All trade prohibitions of section 9(a)(2) of the Act, implemented by 40 CFR 17.71, would apply. These prohibitions, in part, make it illegal for any person subject to the jurisdiction of the United States to import or export, transport in interstate or foreign commerce in the course of a commercial activity, sell or offer for sale this species in interstate or foreign commerce, or to remove and reduce to possession the species from areas under Federal jurisdiction. In addition, for endangered plants, the 1988 amendments (Pub. L. 100–478) to the Act prohibit the malicious damage or destruction on Federal lands and the removal, cutting, digging up, or damaging or destroying of endangered plants in knowing violation of any State law or regulation, including State criminal trespass law. Section 4(d) of the Act allows for the provision of such protection to threatened species through regulations. The protection may apply to threatened plants once revised regulations are promulgated. Certain exceptions apply to agents of the Service and State conservation agencies. The Act and 50 CFR 17.62 and 17.63 also provide for the issuance of permits to carry out otherwise prohibited activities involving threatened and endangered species under certain circumstances.

It is anticipated that few trade permits would ever be sought or issued because the species is not common in cultivation or in the wild. Requests for copies of the regulations on listed plants and inquiries regarding prohibitions and permits may be addressed to the Office of Management Authority, U.S. Fish and Wildlife Service, 4401 N. Fairfax Drive, Room 432, Arlington, Virginia 22203 (703/358–2104).

Public Comments Solicited

The Service intends that any final action resulting from this proposal will be as accurate and as effective as possible. Therefore, comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, or any other interested party concerning this proposed rule are hereby solicited. Comments particularly are sought concerning:

(1) Biological, commercial trade, or other relevant data concerning any threat (or lack thereof) to this species;

(2) The location of any additional populations of this species and the reasons why any habitat should or should not be determined to be critical habitat as provided by section 4 of the Act;

(e) Additional information concerning the range, distribution, and population size of this species;

(4) Current or planned activities in the subject area and their possible impacts on this species.

Final promulgation of the regulation on this species will take into consideration the comments and any additional information received by the Service, and such communications may lead to a final regulation that differs from this proposal.

The Endangered Species Act provides for a public hearing on this proposal, if requested. Requests must be received within 45 days of the date of publication of the proposal. Such requests must be made in writing and addressed to Complex Field Supervisor (see ADDRESSES section).

National Environmental Policy Act

The Fish and Wildlife Service has determined that an Environmental Assessment, as defined under the authority of the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to section 4(a) of the Endangered Species Act of 1973, as amended. A notice outlining the Service's reasons for this determination was published in **Federal Register** on October 25, 1983 (48 FR 49244).

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Author

The primary author of this proposed rule is Cary Norquist (see **ADDRESSES** section) 601/965–4900 or FTS 490–4900.

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, and Transportation.

Proposed Regulation Promulgation

PART 17—[AMENDED]

Accordingly, it is hereby proposed to amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as set forth below:

1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361–1407; 16 U.S.C. 1531–1544; 16 U.S.C. 4201–4245; Pub. L. 99–625, 100 Stat. 3500, unless otherwise noted.

2. It is proposed to amend § 17.12(h) by adding, in alphabetical order the family Thelypteridaceae, and the following entry, to the List of Endangered and Threatened Plants:

§ 17.12 Endangered and threatened plants.

* * * * *

(h) * * *

Species						
Scientific name	Common name	Historic range	Status	When listed	Critical habitat	Special rules
Thelypteridaceae—Marsh fern family:						
*	*	*	*	*		
Thelypteris pilosa var *alabamensis* (= *Leptogramma pilosa* var *alabamensis*).	Alabama streak-sorus fern	U.S.A. (AL)	T.		NA	NA
*	*	*	*	*		

Dated: October 24, 1991.

[FR Doc. 91–28657 Filed 11–27–91; 8:45 am]

BILLING CODE 4310–55–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 685

[Docket No. 911175–1275]

RIN 0648–AE24

Pelagic Fisheries of the Western Pacific Region

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

ACTION: Proposed rule.

SUMMARY: The Secretary of Commerce (Secretary) issues this proposed rule to implement Amendment 5 to the Fishery Management Plan for the Pelagic Fisheries of the Western Pacific Region (FMP). The rule would prohibit longline fishing within 75 nautical miles (nm) of the islands of Oahu, Kauai, Niihau, and Kaula, and within 50 nm of the islands of Hawaii, Maui, Kahoolawe, Lanai, and Molokai. A longline closure also is proposed to be implemented around Guam extending up to 50 nm. Framework procedures would permit adjusting the size of the areas as needed and provide exemptions to vessel owners suffering economic hardship. This action is necessary to minimize gear conflicts between longliners and troll/handliners in the pelagic fisheries.

DATES: Comments on the proposed rule must be received on or before January 9, 1992.

ADDRESSES: Copies of Amendment 5, and the environmental assessment, may be obtained from the Western Pacific Fishery Management Council, 1164 Bishop Street, suite 1405, Honolulu, HI 96813. Send comments on the proposed rule and plan amendment to E.C. Fullerton, Director, Southwest Region, NMFS, 300 South Ferry Street, Terminal Island, CA 90731.

Send comments on the collection of information to the Director, Southwest Region, NMFS (see above), and to the Office of Information and Regulatory Affairs, Office of Management and Budget, attn: Paperwork Reduction Project: 0648–0214, Office of Management and Budget, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Svein Fougner, Fisheries Management Division, Southwest Region, NMFS, Terminal Island, California (213) 514–6660; or Alvin Katekaru, Pacific Area Office, Southwest Region, NMFS, Honolulu, Hawaii (808) 955–8831.

SUPPLEMENTARY INFORMATION: From 1987 through 1990, the longline fleet in Hawaii tripled from approximately 45 vessels to 150 vessels, while the commercial troll/handline fleet increased from 2,232 vessels to 2409 vessels. In August 1989, conflicts between longliners, many of which had arrived from the Gulf of Mexico, and troll/handline fishermen became serious. Some of the interactions, which first occurred off Waianae, Oahu, led to physical confrontations and destruction of gear. State officials met with charterboat, small boat troll, and longline fishermen, and reached a voluntary informal agreement whereby longline fishermen would stay at least 20 nm from shore.

Not all longliners adhered to the agreement and conflicts escalated, particularly around the islands of Oahu, Kauai, and Maui as the longline fleet grew. Tensions continued to mount throughout 1990, and the Western Pacific Fishery Management Council (Council) was concerned that continued gear conflicts might lead to violent confrontations. In December 1990, the Council decided to request emergency action to impose a moratorium on new entry into the longline fishery to halt growth and provide a period of stability during which data could be collected to analyze the impact of the longline fishery on the stocks. The emergency rule was approved (56 FR 14866, April 12, 1991) and modified (56 FR 28718, June 24, 1991, and 56 FR 37300, August 6, 1991), and Amendment 4 to the FMP was subsequently submitted and approved to extend the moratorium for 2.5 years (56 FR 51849, October 16, 1991).

Analysis of existing information with respect to the potential adverse impacts of the longline fishery on the catch per unit of effort and markets of troll/handline pelagic fishermen are inconclusive. State of Hawaii catch report data are only available through June 1990. Since that time, the longline fleet has increased from 100 vessels to 150 vessels. During 1990, the longline

harvest of blue marlin increased 7 percent while commercial troll landings decreased by 42 percent. Recently compiled Oahu troll/handline monthly catch-per-trip information available from the NMFS market sampling program shows that the season peak, which occurred in August and September during 1987–89, did not occur in 1990, with catch rates remaining relatively stable at 25–40 pounds (11.3–18.1 kilograms) per trip throughout the year. Analysis of similar trends in the Atlantic fishery have shown a strong inverse correlation between longline harvests and recreational catch rates. Gaining a better understanding of the interaction between sectors of the fishery is one of the objectives of the data collection and analysis plan underway during the 3-year moratorium.

The moratorium does not resolve the existing conflict and public safety problems. After examining available data, hearing recommendations of a Council task force, and taking public comments, the Council concluded that 75-nm closures around the islands of Oahu, Kauai, Niihau, and Kaula, and 50-nm closures around the islands of Hawaii, Maui, Kahoolawe, Lanai, and Molokai were warranted. The closures were implemented by emergency rule (56 FR 28116, June 19, 1991) and subsequently extended for a second 90-day period (56 FR 47701, September 20, 1991). The background for imposing the closures is contained in the cited publications and will not be repeated here.

The Council proposed that the emergency rule be modified by a separate action that establishes a method by which persons with a long history of dependence on longline fishing in the closed areas are permitted to keep fishing in those areas. These vessel owners and operators are suffering financial hardship as a result of the area closures, as they lack the capability and/or the experience to maintain sufficient catches beyond the closed areas. Also, they were not responsible for the conflicts that led to the closures.

In an effort to mitigate these economic hardships while minimizing gear conflicts, the Council requested that exemptions be awarded to limited entry permit holders who can document that: (1) Before 1970, they were the owner or operator of a vessel when that vessel landed management unit species taken on longline gear in an area that is now within the longline fishing prohibited area; (2) in at least 5 calendar years since 1969, they were the owner or operator of a vessel that landed management unit species taken on longline gear in an area that is now within the longline fishing prohibited area; and (3) in any one of the 5 calendar years, was the owner or operator of a vessel that harvested at least 80 percent of its total landings, by weight, of longline-caught management unit species in an area that is now in the longline fishing prohibited area. This emergency action has been submitted by the council, approved by the Secretary, and became effective November 21, 1991.

When the Council decided to recommend the emergency action, it also began development of Amendment 5, which incorporates the Hawaii area closures into the FMP. Amendment 5 adopts the closures contained in the emergency rule, with the following additional measures.

Amendment 5 establishes an exemptions system identical to the emergency action and provides a procedure for reviewing modifications to the system. An advisory panel of the Council, the Pelagics Review Board, recommends to the Council whether the exemption system should continue and, if appropriate, may recommend additional criteria based on factors other than historical participation and dependence, such as size and mobility of a vessel.

The domestic pelagic fishery in Guam has been primarily small boat troll fishery. There has been a steady increase in the number of troll vessels over the past 11 years, with current estimates of at least 350 vessels, three times that in 1980. The most rapid growth has been in the charterboat fleet, which has more than doubled in the last few years. A substantial portion of the Guam-based fishery occurs at offshore banks about 40 nm south of Guam.

There has been very little domestic longline fishing based in Guam. One vessel has fished sporadically since 1989 and another vessel fished during 1991. Recently, three other vessels, originally from the Gulf of Mexico, have arrived in Guam. There are reports that other vessels are currently en route. With increased longline effort, gear conflicts such as have occurred in Hawaii have a high probability of occurring unless preventative action is taken; therefore, a closure extending up to 50 nm around Guam and its offshore banks is also proposed. After discussions between the Council and the Southwest Region NMFS Enforcement Office, it was determined that a coordinate system, rather than a 50-nm radius, should be used to provide a measure of enforceability that a radius would not afford. This closed area, which extends up to 50 nm around Guam, could be modified by the framework procedure based upon certain criteria.

Amendment 5 proposes a framework procedure by which the Council and NMFS may adjust the boundaries of the Hawaii of Guam longline fishing prohibited areas through rulemaking.

Classification

Section 304(a)(1)(D)(ii) of the Magnuson Act requires the Secretary to publish regulations proposed by a Regional Fishery Management Council within 15 days of the receipt of an amendment and proposed regulations. At this time, the Secretary has not determined whether Amendment 5 is consistent with the national standards, other provisions of the Magnuson Act, and other applicable law. The Secretary, in making that determination, will take into account the information, views, and comments received during the comment period.

The Council prepared an environmental assessment (EA) for the emergency interim rule that established area closures around the Main Hawaiian Islands. The EA concluded that there would be no significant effect on the marine or human environment and was the basis for a Finding of No Significant Impact. A supplemental EA has been prepared for Amendment 5 and copies can be obtained from the Council (see **ADDRESSES**).

The Assistant Administrator for Fisheries has initially determined that this rule is not a "major rule" requiring a regulatory impact analysis under Executive Order 12291. The present action will not have a cumulative effect on the economy of $100 million or more, nor will it result in a major increase in costs to consumers, industries, government agencies, or geographical regions. No significant adverse effects on competition, employment, investment, productivity, innovation, or competitiveness of U.S.-based enterprises are anticipated.

The General Counsel of the Department of Commerce has certified to the Small Business Administration that this proposed rule, if adopted, will not have a significant economic impact on a substantial number of small businesses. The displacement of a portion of the longline effort to outside the protected species zone is not expected to have a significant economic effect, because the harvest can be anticipated to be recovered outside the area. The proposed rule also contains a framework procedure that could provide exemptions to those small vessels that

might suffer undue financial hardship from the area closures.

Section 685.25 of this rule contains a collection-of-information requirement subject to the Paperwork Reduction Act that has been approved by the Office of Management and Budget (OMB) under OMB Control Number 0648–0214. The estimated information collection burden is 4 hours per exemption application to compile the necessary information and submit it to NMFS. Send comments on the reporting burden estimate or any other aspect of the collection of information, including suggestions for reducing the burden, to the Regional Director and to OMB (see **ADDRESSES**).

The Council has determined that the proposed action is consistent to the maximum extent practicable with the approved coastal zone management programs of the State of Hawaii and the Territory of Guam. Letters requesting concurrence with this determination have been forwarded to the appropriate State agencies.

With implementation of this rule, the longline fisheries around Hawaii and Guam are not likely to affect adversely any species listed as endangered or threatened under the Endangered Species Act, or the critical habitat of those species and would not violate provisions of the Marine Mammal Protection Act.

This proposed rule does not contain policies with federalism implications sufficient to warrant preparation of a federalism assessment under Executive Order 12612.

List of Subjects in 50 CFR Part 685

Fisheries, Fishing, Reporting and Recordkeeping requirements.

Dated: November 22, 1991.

Samuel W. McKeen,

Acting Assistant Administrator for Fisheries.

For the reasons set out in the preamble, 50 CFR part 685 is proposed to be amended as follows:

PART 685—PELAGIC FISHERIES OF THE WESTERN PACIFIC REGION

1. The authority citation for part 685 continues to read as follows:

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

2. In § 685.2, the existing definition for "Main Hawaiian Islands" is revised, and new definitions for "Guam longline fishing prohibited area" and "Hawaii longline fishing prohibited area" are added, in alphabetical order, to read as follows:

§ 685.2 Definitions.

* * * * *

Guam longline fishing prohibited area means the waters around Guam bounded by straight lines connecting the following coordinates in the order listed:

1. 14° 25′ 00″ N, 144° 00′ ″ E
2. 14° 00′ ″ N, 143° 38′ 00″ E
3. 13° 41′ 00″ N, 143° 33′ 30″ E
4. 13° 00′ ″ N, 143° 25′ 30″ E
5. 12° 20′ 00″ N, 143° 37′ 00″ E
6. 11° 40′ 00″ N, 144° 09′ 00″ E
7. 12° 00′ ″ N, 145° 00′ ″ E
8. 13° 00′ ″ N, 145° 42′ 00″ E
9. 13° 27′ 00″ N, 145° 51′ 00″ E

* * * * *

Hawaii longline fishing prohibited area means the water within 75 nm of the Islands of Oahu, Kauai, Niihau, and Kaula, and the waters within 50 nm of the islands of Hawaii, Maui, Kahoolawe, Lanai, and Molokai, as measured from the baseline from which the seaward boundary of the State of Hawaii is defined.

* * * * *

Main Hawaiian Islands means the EEZ of the Hawaiian Islands Archipelago lying to the east of 161° West longitude.

* * * * *

3. In § 685.5, paragraph (u) is removed and a new paragraph (t) is added, to read as follows:

§ 685.5 Prohibitions.

* * * * *

(t) Fish with longline gear within the Guam longline fishing prohibited area or the Hawaii longline fishing prohibited area, except pursuant to an exemption provided under § 685.25.

4. In subpart B, a new § 685.24 is added, to read as follows:

§ 685.24 Changes to longline fishing prohibited areas; procedures.

(a) *Annual adjustment.* (1) Each year the Council will review the annual pelagics fisheries report prepared by the plan monitoring team, and consider recommendations of the Pelagic Review Board, Advisory Panel, Scientific and Statistical Committee, and public comments, to assess the need for changing the size of Hawaii or Guam longline fishing prohibited areas.

(2) If changes are needed, the council will advise the Regional Director in writing of its recommendation.

(3) Following a review of the Council's recommendation and supporting rationale, the Regional Director may:

(i) Reject the Council's recommendation, in which case written reasons will be provided by the Regional Director to the Council for the rejection; or

(ii) Concur with the Council's recommendation that it is consistent with the goals and objectives of the FMP, the national standards, and other applicable law, and initiate rulemaking to implement the recommended changes.

(b) *In-season adjustment.* (1) The Council or Regional Director may consider at any time a change in size of the Hawaii or Guam longline fishing prohibited areas if new information becomes available that indicates a change is warranted.

(2) If the Council determines that a change is needed, it will hold public hearings at a time and place of the Council's choosing to discuss the new information. The council may convene the Pelagic Review Board and Advisory Panel to provide advice prior to taking action. If changes are needed, the Council will advise the Regional Director in writing of its recommendation, including whether to implement the changes by an amendment to the plan or by rulemaking.

(3) If the Council decides against amending the plan and recommends that the Regional Director take action to implement its recommendations, the Regional Director will determine if a change is needed and, after concurrence by the Council, will initiate rulemaking to implement the changes.

5. In subpart B, a new § 685.25 is added, to read as follows:

§ 685.25 Exemptions for longline fishing prohibited areas; procedures.

(a) An exemption permitting a person to use longline gear to fish in a portion(s) of the Hawaii longline fishing prohibited area will be issued to a person who can document that he or she:

(1) Currently holds a limited entry permit under § 685.15;

(2) Before 1970, was the owner or operator of vessel when that vessel landed management unit species taken on long line gear in an area that is now within the Hawaii longline fishing prohibited area;

(3) Was the owner or operator of a vessel that landed management unit species taken on longline gear in an area that is now within the Hawaii longline fishing prohibited area, in at least 5 calendar years after 1969 which need not be consecutive, and;

(4) In any one of the 5 calendar years, was the owner or operator of a vessel that harvested at least 80 percent of its total landings, by weight, of longline-caught management unit species in an area that is now in the Hawaii longline fishing prohibited area.

(b) Each exemption shall specify the portions(s) of the Hawaii longline fishing prohibited area in which the exemption holder made the harvests

documented for the exemption application under paragraph (a)(4) of this section.

(c) Each exemption is valid only within the portion(s) of the Hawaii longline fishing prohibited area specified on the exemption.

(d) A person seeking an exemption under this section must submit an application and supporting documentation to the Pacific Area Office at least 15 days before the desired effective date of the exemption.

(e) If the Regional Director determines that a gear conflict has occurred and is likely to occur again in the Hawaii longline fishing prohibited area between a vessel used by a person holding an exemption under this section and a non-longline vessel, he may prohibit all longline fishing in the Hawaii longline fishing prohibited area around the island where the conflict occurred, or in portions thereof, upon notice to each holder of an exemption who would be affected by such a prohibition.

(f) The Council will consider information provided by persons with limited entry permits issued under § 685.15, who believe they have experienced extreme financial hardship resulting from the Hawaii longline area closure, and will consider recommendations of the Pelagic Review Board to assess whether exemptions under this section should continue to be allowed, and, if appropriate, review any qualifying criteria on which to base additional exemptions.

(1) If additional exemptions are needed, the Council will advise the Regional Director in writing of its recommendation, including criteria by which financial hardships will be mitigated, while retaining the effectiveness of the longline fishing prohibited area.

(2) Following a review of the Council's recommendation and supporting rationale, the Regional Director may:

(i) Reject the Council's recommendation, in which case written reasons will be provided by the Regional Director to the Council for the rejection; or

(ii) Concur with the Council's recommendation that it is consistent with the goals and objectives of the FMP, the national standards, and other applicable law, and initiate rulemaking to implement the Council's recommendations.

[FR Doc. 91-28698 Filed 11-25-91; 3:14 pm]

BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 56, No. 230
Friday, November 29, 1991

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

DEPARTMENT OF AGRICULTURE

Forms Under Review by Office of Management and Budget

November 22, 1991.

The Department of Agriculture has submitted to OMB for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35) since the last list was published. This list is grouped into new proposals, revisions, extensions, or reinstatements. Each entry contains the following information:

(1) Agency proposing the information collection; (2) Title of the information collection; (3) Form number(s), if applicable; (4) How often the information is requested; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to provide the information; (8) Name and telephone number of the agency contact person.

Questions about the items in the listing should be directed to the agency person named at the end of each entry. Copies of the proposed forms and supporting documents may be obtained from: Department Clearance Officer, USDA, OIRM, Room 404–W Admin. Bldg., Washington, DC 20250 (202) 720–2118.

Revision

• *Animal and Plant Health Inspection Service*

Virus-Serum-Toxin Act and Regulations (in 9 CFR, subchapter E, parts 101–118).

Forms 2001, 2003, 2005, 2007, 2008, 2008A, 2015 and 2020.

Recordkeeping; On occasion.

State or local governments; Businesses or other for-profit; Small businesses or organizations; 44,309 responses; 75,506 hours.

David A. Espeseth (301) 436–8245.

• *Agricultural Marketing Service*

Fresh Bartlett Pears Grown in Oregon and Washington—Marketing.

Order No. 931.

Recordkeeping; Weekly; Annually; Semi-monthly.

Farms; 1,929 responses; 1,082 hours.

Patrick Packnett (202) 720–6862.

New Collection (Emergency)

• *Food Safety and Inspection Service*

Hazard Analysis and Critical Control Point (HAACP) Workshops Four and Five and Pilot Testing Solicitation of Participants.

FSIS 1300–1, and 1300–2.

Recordkeeping; On occasion.

Businesses or other for-profit; Small businesses or organizations; 486 responses; 135 hours.

Roy Purdie Jr. (202) 720–5372.

New Collection (Emergency)

• *Agricultural Research Service*

Creation of a Directory of the Research Scientists Working on Florist and Nursery Crops in the U.S.

ARS—124.

One time only.

State or local governments; Businesses or other for-profit; Federal agencies or employees; Non-profit institutions; Small businesses or organizations; 1,200 responses; 600 hours.

H. Marc Cathey (301) 344–6233.

New Collection (Emergency)

• *Forest Service*

36 CFR part 250—State and Private Forestry Assistance, Stewardship Incentive Program.

SIP 245, –502, –100, –36, –211 and 211–1.

Annually.

Individuals or households; State or local governments; Farms; Businesses or other for-profit; Federal agencies or employees; Non-profit institutions; Small businesses or organizations; 30,053 responses; 73,720 hours.

Mary Carol Koester (202) 205–1381.

Reinstatement

• *Farmers Home Administration*

7 CFR 1951–C, Offsets of Federal Payments to FmHA Borrowers.

On occasion.

Individuals or households; Farms; Businesses or other for-profit; Small businesses or organizations; 1,276 responses; 1,060 hours.

Jack Holston (202) 720–9736.

• *Farmers Home Administration*

7 CFR 1945–A, Disaster Assistance (General).

On occasion.

State or local governments; Businesses or other for-profit; 1,530 responses; 1,035 hours.

Jack Holston (202) 720–9736.

Larry K. Roberson,

Deputy Departmental Clearance Officer.

[FR Doc. 91–28674 Filed 11–27–91; 8:45 am]

BILLING CODE 3410–01–M

Animal and Plant Health Inspection Service

[Docket 91–168]

Receipt of Permit Applications for Release into the Environment of Genetically Engineered Organisms

AGENCY: Animal and Plant Health Inspection, USDA.

ACTION: Notice.

SUMMARY: We are advising the public that four applications for permits to release genetically engineered organisms into the environment are being reviewed by the Animal and Plant Health Inspection Service. The applications have been submitted in accordance with 7 CFR part 340, which regulates the introduction of certain genetically engineered organisms and products.

ADDRESSES: Copies of the applications referenced in this notice, with any confidential business information deleted, are available for public inspection in room 1141, South Building, United States Department of Agriculture, 14th Street and Independence Avenue, SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. You may obtain a copy of these documents by writing to the person listed under **"FOR FURTHER INFORMATION CONTACT."**

FOR FURTHER INFORMATION CONTACT: Mary Petrie, Program Specialist, Biotechnology, Biologics, and Environmental Protection, Biotechnology Permits, Animal and Plant Health Inspection Service, U.S.

Department of Agriculture, room 850, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436–7612.

SUPPLEMENTARY INFORMATION: The regulations in 7 CFR part 340, "Introduction of Organisms and Products Altered or Produced Through Genetic Engineering Which are Plant Pests or Which There is Reason to Believe Are Plant Pests," require a person to obtain a permit before introducing (importing, moving interstate, or releasing into the environment) in the United States, certain genetically engineered organisms and products that are considered "regulated articles." The regulations set forth procedures for obtaining a permit for the release into the environment of a regulated article, and for obtaining a limited permit for the importation or interstate movement of a regulated article.

Pursuant to these regulations, the Animal and Plant Health Inspection Service has received and is reviewing the following applications for permits to release genetically engineered organisms into the environment:

Application No.	Applicant	Date received	Organism	Field test location
91-301-01	Frito-Lay, Inc	10-28-91	Potato plants genetically engineered to express metabolic enzymes, in order to increase levels of dry matter in potato tubers.	Oneida County, Wisconsin.
91-302-01	Frito-Lay, Inc	10-28-91	Potato plants genetically engineered to express metabolic enzymes, in order to inhibit accumulation of simple sugars in potato tubers.	Oneida County, Wisconsin.
91-302-02	Cargill Hybrid Seeds	10-29-91	Corn plants genetically engineered to express phosphino-thricin-N-transferase (PAT) gene to confer tolerance to the herbicide glufosinate.	Kane County, Illinois.
91-303-01	Frito-Lay, Inc	10-30-91	Potato plants genetically engineered to express stress alleviating enzymes, in order to obtain higher levels of stress tolerance in potato tubers.	Oneida County, Wisconsin.

Done in Washington, DC, this 22 day of November 1991.

Robert Melland,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 91-28676 Filed 11-27-91; 8:45 am]

BILLING CODE 3410-34-M

Federal Crop Insurance Corporation

[Docket No. 0208s]

Request for Comments on Methodology for Yield Determinations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Notice of correction.

On Friday, November 8, 1991, the Federal Crop Insurance Corporation (FCIC) published a notice with request for comment on methodology for yield determinations in the **Federal Register** at 56 FR 57311 (FR Doc. 91-26878).

The notice gave an incorrect date by which written responses to the notice were to be sent to FCIC. The notice read "April 1, 1991." The correct date should read "December 8, 1991." This notice is published to correct that error.

Done in Washington, DC on November 13, 1991.

James E. Cason,

Manager, Federal Crop Insurance Corporation.

[FR Doc. 89-28542 Filed 11-27-89; 8:45 am]

BILLING CODE 3410-08-M

Packers and Stockyards Administration

Proposed Posting of Stockyards

The Packers and Stockyards Administration, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act (7 U.S.C. 202), and should be made subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 *et seq.*).

AR-167 Dunn's Horse & Tack Sale, El Dorado, Arkansas.

MO-272 Patton Junction Livestock Auction, Inc., Patton, Missouri.

Pursuant to the authority under section 302 of the Packers and Stockyards Act, notice is hereby given that it is proposed to designate the stockyards named above as posted stockyards subject to the provisions of said Act. Any person who wishes to submit written data, views or arguments concerning the proposed designation may do so by filing them with the Director, Livestock Marketing Division, Packers and Stockyards Administration, room 3408-South Building, Department of Agriculture, Washington, DC 20250 by December 20, 1991.

All written submissions made pursuant to this notice will be made available for public inspection in the office of the Director of the Livestock Marketing Division during normal business hours.

Done at Washington, DC this 22nd day of November.

Harold W. Davis,

Director, Livestock Marketing Division.

[FR Doc. 91-28561 Filed 11-27-91; 8:45 am]

BILLING CODE 3410-KD-M

Soil Conservation Service

Upper Gila Valley Arroyos Watershed No. 1, Sites 3, 6 and 11, Grant County, NM

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 Regulations (40 CFR part 1500); and the Soil Conservation Service Rules (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 Upper Gila Valley Arroyos Watershed No. 1, Sites 3, 6 and 11, Grant County, New Mexico.

FOR FURTHER INFORMATION CONTACT: Ray T. Margo, Jr., State Conservationist, Soil Conservation Service, 517 Gold Ave., SW, rm. 3301, Albuquerque, NM 87102-3157, telephone 505-766-3277.

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, Ray T. Margo, Jr., State Conservationist, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The action concerns rehabilitation of sites 3, 6 and 11. This action will replace the sediment and floodwater storage capacity for each structure to its designed capacity.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency and various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address. The environmental assessment has had a 30 day review by concerned Federal, State, and local agencies and interested parties. Basic data developed during the environmental assessment is on file and may be reviewed by contacting Ray T. Margo, Jr.

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

This activity is listed in the Catalog of Federal Domestic Assistance under No. 10.904—Watershed Protection and Flood Prevention and is subject to the provision of Executive Order 12372 which requires intergovernmental consultation with State and local officials.

Dated: November 7, 1991.

Ray T. Margo, Jr.,

State Conservationist.

[FR Doc. 91-28616 Filed 11-27-91; 8:45 am]

BILLING CODE 3410-16-M

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Montana Advisory Committee

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Montana Advisory Committee to the Commission will be held from 1 p.m. until 3:30 p.m. on Thursday, December 19, 1991, at the Sheraton Hotel, 400 10th Avenue, South, Great Falls, Montana 59405. The purpose of the meeting is to conduct orientation, review Commission policies and procedures, and approve plans and the schedule for the Committee's project on hate group activity in Montana.

Persons desiring additional information should contact Committee Chairperson, Donald Dupuis, or William F. Muldrow, Director of the Rocky Mountain Regional Division, (303) 844-6716 (TDD 303-844-6720). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter, should contact the Regional Division 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, D.C., November 18, 1991.

Carol-Lee Hurley,

Chief, Regional Programs Coordination Unit.

[FR Doc. 91-28623 Filed 11-27-91; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

Agency Information Collection 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: International Trade Administration.

Title: Application for President's "E" and "E Star" Awards for Export Expansion.

Form number: Agency: ITA-725P. OMB #: 0625-0065.

Type of Request: Extension.

Burden: 75 respondents and a total of 2055 hours. Average hours per response is 27.

Needs and uses: This is an award program to recognize significant contributions to the export expansion efforts of the United States. The Secretary of Commerce, with others, is authorized to establish procedures for nominations. The application form is used to accept nominations and to evaluate candidates.

Affected public: Entities associated with exporting or the promotion of exports.

Frequency: On occasion.

Respondent's obligation: Required to obtain a benefit.

OMB desk officer: Gary Waxman, 395-7340.

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

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

Dated: November 22, 1991.

Edward Michals,

Department Clearance Officer, Office of Management and Organization.

International Trade Administration

[A-201-504]

Porcelain-on-Steel Cooking Ware From Mexico; 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 two respondents, the Department of Commerce has conducted an administrative review of the antidumping duty order on porcelain-on-steel cooking ware from Mexico. The review covers two manufactures/exporters of this merchandise to the United States and the period December 1, 1988 through November 30, 1989. The preliminary results indicate dumping margins exist. We invite interested parties to comment on these preliminary results.

EFFECTIVE DATE: November 29, 1991.

FOR FURTHER INFORMATION CONTACT: Lorenza Olivas or Anne D'Alauro, Office of Countervailing Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-2786.

SUPPLEMENTARY INFORMATION:

Background

On December 21, 1989, the Department of Commerce (the Department) published in the **Federal Register** a notice of "Opportunity to Request Administrative Review" (54 FR 52436) of the antidumping duty order on porcelain-on-steel cooking ware from Mexico for the period December 1, 1988 through November 30, 1989. On December 22, 1989, respondents Acero Porcelanizado, S.A. de C.V. (APSA) and CINSA, S.A. de C.V., requested an administrative review. We initiated the review on February 16, 1990 (55 FR 5640). The Department has now conducted 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 this review are shipments of porcelain-on-steel cooking ware, including tea kettles, which do not have self-contained electric heating elements. All of the foregoing are constructed of steel and are enameled or glazed with vitreous glasses. Through 1988, such merchandise was classifiable under Tariff Schedules of the United States (TSUS) item number 653.94. This merchandise is currently classifiable under Harmonized Tariff Schedule (HTS) item number 7323.94.00. Kitchenware currently entering under HTS item number 7323.94.00.10 is not subject to the order. The HTS item numbers are provided for convenience and Customs purposes. The written description remains dispositive.

The review covers two manufacturers/exporters, APSA and CINSA, of Mexican porcelain-on-steel cooking ware.

United States Price

In calculating United States price, the Department used purchase price and exporter's sales price, as defined in section 772 of the Tariff Act. For those sales made directly to unrelated parties prior to importation into the United Stats, we based the United States price on purchase price, in accordance with section 772(b) of the Act. In those cases where sales were made through a related sales agent in the United States to an unrelated purchaser prior to the date of importation, we also used purchase price as the basis for determining United States price. For the latter sales, the Department determined that purchase price was the appropriate basis for United States price because the merchandise was shipped directly from the manufacturer to the unrelated buyers, without being introduced into the inventory of the related selling agent. Moreover, direct shipment from the manufacturers to the unrelated buyers was the customary commercial channel for sales of this merchandise between the parties involved. Finally, the related selling agent located in the United States acted only as a processor of sales-related documentation and a communication link with the unrelated U.S. buyers.

Where all the above elements are met, we regard the routine selling functions of the exporter as merely having been relocated geographically from the country of exportation to the United States, where the sales agent performs them. Whether these functions take place in the United States or abroad does not change the substance of the transactions or the functions themselves.

Where sales to the first unrelated purchaser occurred after importation into the United States, we based United States price on exporter's sales price, in accordance with section 772(c) of the Tariff Act. Purchase price and exporter's sales price were based on the packed, f.o.b. price to unrelated purchasers in the United States. We made adjustments, where applicable, for brokerage, user fees, foreign inland freight and insurance, customs duties, indirect selling expenses, commissions, and credit.

Article VI.5 of the General Agreement on Tariffs and Trade provides that "[n]o * * * product shall be subject to both antidumping and countervailing duties to compensate for the same situation of dumping or export subsidization." This provision is implemented by section 772(d)(1)(D) of the Tariff Act which prohibits the assessment of dumping duties on the portion of the margin attributable to an export subsidy. Therefore, we have increased the U.S. price by the amount of the export subsidies found in the administrative reviews of the concurrent countervailing duty order. No other adjustments were claimed or allowed.

Foreign Market Value

A fictitious sales allegation was made by petitioners pursuant to section 773(a)(5) of the Tariff Act. Petitioner failed to provide sufficient evidence of the occurrence of different movements in the home market prices at which different forms of the merchandise subject to the order were sold. Therefore, we did not further investigate the possibility that respondents made fictitious sales in the home market. In calculating foreign market value, the Department used home market price, as defined in section 773 of the Tariff Act, when sufficient quantities of such or similar merchandise were sold in the home market, at or above the cost of production, to provide a basis for comparison. Home market price was based on the packed, ex-factory or delivered price to related and unrelated purchasers in the home market. Where applicable, we made adjustments for inland freight and insurance, credit expenses, discounts, rebates, commissions, indirect U.S. selling expenses to offset those home market commissions, and home market indirect selling expenses up to the amount of U.S. indirect selling expenses. We used constructed value for CINSA's and APSA's home market models for which there were sufficient sales at or above the cost of production. Constructed value consisted of the sum of materials, fabrication, overhead, general expenses, profit, and U.S. packing. In accordance with section 773(e)(1)(B), we used the actual amount of general expenses because those amounts were more than the statutory minimum of ten percent. We used the statutory minimum of eight percent for profit. We made an adjustment to constructed value for credit indirect selling expenses.

Preliminary Results of the Review

As a result of our review, we preliminarily determine the dumping margins to be:

Manufacturer/exporter	Time period	Margin (percent)
APSA	12/01/88–11/30/89	55.78
CINSA	12/01/88–11/30/89	15.93
ALL OTHER	12/01/88–11/30/89	55.78

Parties to the proceeding may request disclosure and interested parties may request a hearing not later than 10 days after publication of this notice. Interested parties may submit written arguments in case briefs on these preliminary results within 30 days of the date of publication. Rebuttal briefs, limited to arguments raised in case briefs, may be submitted seven days after the time limit for filing the case brief. Any hearing, if requested, will be held seven days after the scheduled date for submission of rebuttal briefs. Copies of case briefs and rebuttal briefs must be served on interested parties in accordance with 19 CFR 353.38(e). Representatives of parties to the proceeding may request disclosure of proprietary information under administrative protective order no later than 10 days after the representative's client or employer becomes a party to the proceeding, but in no event later than the date the case briefs are due.

The Department will publish the final results of the administrative review including the results of its analysis of issues raised in any case or rebuttal brief or at a 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 percentages stated above. The Department will issue appraisement instructions directly to the Customs Service.

Further, the following deposit requirements will be effective upon publication of the final results of this

administrative review for all shipments of the subject merchandise from Mexico entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(1) of the Tariff Act: (1) The cash deposit rate for each reviewed company will be that established in the final results of this administrative review; (2) for merchandise exported by manufacturers or exporters not covered in this review but covered in previous reviews or the final determination in the original less-than-fair-value investigation, the cash deposit rate will continue to be the rate published in the most recent final results or determination for which the manufacturer or exporter received a company-specific rate; (3) if the exporter is not a firm covered in this or prior reviews, but the manufacturer is, the cash deposit rate will be that established for the manufacturer of the merchandise in the final results of this review or the most recent review or, if not covered in this review or an earlier review, the rate from the less-than-fair-value investigation; and (4) the cash deposit rate for any future entries from all other manufacturers or exporters who are not covered in this or prior administrative reviews and who are unrelated to the reviewed firm or any previously reviewed firm will be the "all other" rate established in the final results of this review. This rate represents the highest rate for any firm in the administrative review (whose shipments to the United States were reviewed), other than those firms receiving a rate based entirely on best information available. These deposit requirements, when imposed, shall remain in effect for all shipments of Mexican porcelain-on-steel cooking were entered, or withdrawn from warehouse, for comsumption on or after the date of publication of the final results of this administrative review and shall remain in effect until the publication 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. 1765(A)(1)) and 19 CFR 353.22.

Dated: November 19, 1991.

Eric I. Garfinkel,

Assistant Secretary for Import Administration.

[FR Doc. 91-28710 Filed 11-27-91; 8:45 am]

BILLING CODE 3510-DS-M

[A-570-003]

Final Results of Antidumping Duty Administrative Review: Shop Towels of Cotton From The People's Republic of China

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

EFFECTIVE DATE: November 9, 1991.

FOR FURTHER INFORMATION CONTACT: Michael Ready, Office of Antidumping Investigations, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone (202) 377-2613.

FINAL RESULTS:

Background

On June 6, 1991, the Department of Commerce (the Department) published in the **Federal Register** (56 FR 26050) the preliminary results of its administrative review of the antidumping duty order on shop towels of cotton from the People's Republic of China (PRC) (48 FR 45277, October 4, 1983). The Department has now completed that administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

The review covers four exporters and three third-country resellers and the period October 1, 1988 through September 30, 1989. An eighth firm, China Resources Transportation and Godown Co., Ltd., had no shipments during the period. This firm is not known to have been a manufacturer or exporter of the merchandise during or prior to the period of review and will be assigned the "all-other" cash deposit rate. Of those companies which had shipments to the United States during the period of review, only Tianjin Arts & Crafts Import & Export Corporation (TAC) responded to the Department's questionnaire. Prior to January 1, 1989, TAC did business under the name of China National Arts & Crafts Import & Export Corporation, Tianjin Branch. The other firms either had no sales during the period of review or did not respond to the Department's questionnaire. We have assigned to third-country resellers, each of which responded to the questionnaire indicating no sales to the United States during the review period, the deposit rate applicable to that respondent for the most recent review period.

Scope of the Review

Imports covered by this review are shipments of shop towels of cotton from the PRC. For the first part of the review period, cotton shop towels were classifiable under item 366.2840 of the Tariff Schedules of the United States Annotated (TSUSA). Effective January 1, 1989, cotton shop towels were classified under Harmonized Tariff Schedule (HTS) item 6307.10.2005. Although the HTS and TSUSA item numbers are provided for convenience and customs purposes, our written description of the scope of this proceeding is dispositive.

Separate Rate

In the Final Determination of Sales at Less than Fair Value: Sparklers from the People's Republic of China (56 FR 20588, May 6, 1991), the Department stated certain criteria for assigning separate rates to respondents in nonmarket economy (NME) cases. As stated in the **Federal Register** notice (at 20589):

> We have determined that exporters in nonmarket economy countries are entitled to separate, company-specific margins when they can demonstrate an absence of central government control, both in law and in fact, with respect to exports. Evidence supporting, though not requiring, a finding of *de jure* absence of central control includes: (1) An absence of restrictive stipulations associated with an individual exporter's business and export licenses; (2) any legislative enactments decentralizing control of companies; or (3) any other formal measures by the government decentralizing control of companies. *De facto* absence of central government control with respect to exports is based on two prerequisites: (1) Whether each exporter sets its own export prices independently of the government and other exporters; and (2) whether each exporter can keep the proceeds from its sales.

On August 28, 1991, we requested information from TAC regarding its operations in order to determine whether TAC merited treatment as a separate entity under the Sparklers criteria. TAC responded to our request for information in submissions dated September 18, October 9, and October 24, 1991.

With respect to the *de jure* criteria, TAC submitted its business license which contained no restrictive stipulations. TAC also submitted the "Regulations of the PRC on the Management of Enterprise Legal Person Registration" as an example of the formal measures taken by the government of the PRC to decentralize control of companies.

TAC addressed the *de facto* criteria by submitting copies of customer correspondence which provided examples of the process by which TAC negotiated its sales prices. TAC also submitted a certificate from the Bank of China, Tianjin Branch, which stated that TAC has its own business account at the bank. TAC further submitted its corporate charter, and certificates from

the Ministry of Foreign Economic Relations and Trade and the Tianjin City Foreign Trade Bureau. These documents all attest to TAC's independence.

Further, although there was no verification for this administrative review, in conjunction with the 1986–87 review, the Department conducted a verification of TAC's questionnaire response for that review in which the separation issue was examined. TAC argued that the verification provided evidence of the *de facto* absence of the central government control. We found no evidence at verification that TAC was *de jure* subject to central government control with respect to exports.

Based on the above, we determine that TAC is a separate independent entity and therefore merits a separate deposit rate. The other firms to whom we sent questionnaires are presumed related and subject to a single rate since they did not present evidence of their independence from one another or the government.

United States Price

In calculating United States price, the Department, used purchase price, as defined in section 772 of the Act, because the subject merchandise was sold to unrelated purchasers in the United States prior to importation and because exporter's sales price (ESP) methodology was not indicated by other circumstances. Purchase price was based on the CIF or C&F packed price to unrelated purchasers in the United States. We made deductions, where appropriate, for storage, port, and handling charges, inland freight, marine insurance, and ocean freight. We based the deduction for foreign inland freight on freight rates in India, the surrogate country selected in this review. See Foreign Market Value section of this notice.

Since the goods were transported from China to the United States aboard PRC-owned carriers, we based the deduction for ocean freight on the charges of non-state-owned carriers filed with the United States Federal Maritime Commission.

Foreign Market Value

Section 773(c)(1) of the Act provides that the Department shall determine foreign market value (FMV) using a factors of production methodology if (1) the merchandise is exported from an NME country, and (2) the available information does not permit the calculation of FMV using home market prices, third country prices, or constructed value under section 773(a).

Pursuant to section 771(18) of the Act and based on determinations in prior proceedings, the PRC is an NME. (See e.g., Final Determination of Sales at Less than Fair Value: Natural Menthol From the People's Republic of China (46 FR 24614, May 1, 1981); Final Determination of Sales at Less than Fair Value: Oscillating Fans and Ceiling Fans from the People's Republic of China (56 FR 55271 October 25, 1991).) Respondents have not refuted this determination. As articulated in the Final Determination of Sales at Less Than Fair Value: Chrome-Plated Lug Nuts from the People's Republic of China (56 FR 46153, September 10, 1991), once we find that a country is an NME, it is our presumption that no domestic production factor is valued on market principles, and that all NME factors must be valued in the appropriate surrogate market. However, this presumption can be overcome for individual respondents with a showing that a particular NME value is market driven. No such showing has been made in the course of this review. As a result, section 773(c) of the Act, as amended by the Omnibus Trade and Competitiveness Act of 1988 ("1988 Act"), required the Department to determine foreign market value on the basis of the market valuation of the factors of production utilized in producing the subject merchandise (unless the Department determines the available information on factor prices in market economies to be inadequate).

The 1988 Act further permits the Department to value the factors of production in one or more market economy countries that are at a level of economic development comparable to that of the NME and that are significant producers of comparable merchandise.

Of countries known to produce shop towels, we determined that India, Pakistan and Indonesia are comparable to the PRC in terms of overall economic development, based on per capita gross national product (GNP), the distribution of labor between the agricultural and non-agricultural sectors, and growth rate in per capita GNP, and that these countries are significant producers of cotton shop towels based on the Department's import statistics.

We chose India as the most comparable surrogate on the basis of per capita GNP, the distribution of labor between the agricultural and non-agricultural sectors, and growth rate in per capita GNP. Where possible, we obtained information for valuing factors of production from publicly available sources in India, except for certain factors for which adequate Indian information was not available. The factors which were not assigned Indian values were assigned values based on data from Indonesia or Pakistan. Where appropriate, we adjusted the factor values to the period of review using wholesale price indices published by the International Monetary Fund.

We calculated FMV based on the factors of production reported by the Chinese producer, TAC, which submitted its factors of production on a per-bale of cotton shop towels basis. We multiplied the per-bale factor by the value for each component material to arrive at a cost for materials. We added an amount for labor which we valued in India. To the resulting sum, we added an amount for factory overhead based on information received from the Indonesian shop towel industry and relayed by the U.S. Embassy in Indonesia. We then added the statutory minimum of 10 percent for general expenses, pursuant to section 773(e)(1)(b) of the Act, because the statutory minimum is higher than any figure we obtained from a surrogate producer. We next added 15 percent for profit based on data received from the Indonesian shop towel industry and relayed by the U.S. Embassy in Indonesia. We were unable to develop profit data from any other source. Finally, we added an amount for packing based on data from Indonesia, the only source for packing data we were able to develop. We used the total of the foregoing amounts to represent foreign market value for a single bale of cotton shop towels, which was then compared to TAC's U.S. price for a single bale of cotton shop towels.

Use of Best Information Available

We have assigned to all remaining reviewed PRC firms a deposit rate based on the best information available (BIA) in accordance with section 776(c) of the Act, because, other than TAC, no other named PRC exporter responded to our questionnaire. In deciding what to use as BIA, 19 CFR 353.37(b) provides that the Department may take into account whether a party refused to provide requested information. Thus, the Department determines on a case-by-case basis what is BIA. When a company refuses to provide the information requested in a timely manner, or otherwise significantly impedes the Department's review, the Department will assign to that company either: (1) The highest margin calculated for any company in any previous review or the original investigation; or (2) the highest calculated margin for any respondent that supplied adequate responses for the current review. See, Antifriction Bearings (Other than

Tapered Roller Bearings) and Parts Thereof from the Federal Republic of Germany: Final Results of Antidumping Duty Administrative Review (56 FR 31692, 31704, July 11, 1991). In this case, the highest margin is from a previous review.

Analysis of Comments Received

We gave interested parties an opportunity to comment on the preliminary results. We received comments from the petitioner, Milliken & Co., TAC, and an importer. At the request of the respondent, we held a public hearing on July 22, 1991.

Comment

Counsel for TAC and counsel for an importer both argue that for the final results in this review, the Department should base the deposit rate for TAC on the questionnaire response and other data submitted by TAC, rather than on BIA as the Department did for the preliminary results. Counsel for TAC argues that the use of BIA is unwarranted because TAC provided complete information on its U.S. sales before the issuance of the preliminary results. TAC further argues that these shipments were inadvertently omitted because they were not sales to TAC's regular U.S. customer. Because the "regular" customer is paying the legal bills for this and the preceding administrative reviews, TAC erroneously assumed that it only needed to report the sales to the regular customer.

Counsel for petitioner argues that we should continue to base the deposit rate for TAC on BIA.

DOC Position

For the preliminary results of this review, we based the deposit rate for TAC on BIA, pursuant to section 776(c) of the Act, because TAC failed to report certain of its shipments to the United States during the review period in its response to our questionnaire. We are now satisfied that TAC's submission is complete. Since TAC submitted complete data on the missing sales prior to the issuance of our preliminary results, and considering the fact that there were relatively few missing sales, we can easily incorporate the missing sales into our analysis. Accordingly, we have based the final results for TAC on the data it submitted both in its questionnaire response and in its May 29, 1991, submission.

Final Results of the Review

Based on our analysis, the final results of the review for certain firms are changed from those presented in the preliminary results, and we determine that the following margins exist for the period October 1, 1988, through September 30, 1989:

Exporter	Margin (percent)
Tianjin Arts & Crafts Import & Export Corporation	78.38
China National Arts & Crafts Import & Export Corporation	122.81
China National Native Produce and Animal By-products Import and Export Corporation	122.81
China National Textiles Import & Export Corporation	122.81
Transatlantic Sales Co., Ltd.	[1] 66.00
Fabric Enterprise Limited	[1] 37.20
Cuisininere Company Limited	[1] 37.20
All other exporters of Chinese shop towels	78.38

[1] These are all companies based in third countries (Hong Kong or Canada) with no shipments during the review period. The rates shown are these companies' rates from the last review in which there were shipments.

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.

Further, as provided in section 751(a)(1) of the Act, a cash deposit of estimated antidumping duties based on the above margins shall be required for shipments from these firms. These deposit requirements are effective for all shipments of cotton shop towels from the PRC entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice and will remain in effect until the final results of the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. 16675(a)(1)) and 19 CFR 353.22.

Dated: November 22, 1991.

Francis J. Sailer,

Acting Assistant Secretary for Import Administration.

[FR Doc. 91-28711 Filed 11-27-91; 8:45 am]

BILLING CODE 3510-DS-M

Applications for Duty-Free Entry of Scientific Instruments

Pursuant to section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897; 15 CFR part 301), we invite comments on the question of whether instruments of equivalent scientific value, for the purposes for which the instruments shown below are intended to be used, are being manufactured in the United States.

Comments must comply with §§ 301.5(a) (3) and (4) of the regulations and be filed within 20 days with the Statutory Import Programs Staff, U.S. Department of Commerce, Washington, DC 20230. Applications may be examined between 8:30 a.m. and 5 p.m. in room 4204, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC.

Docket Number: 91-073R. *Applicant:* Brookhaven National Laboratory, Upton, NY 11973. *Instrument:* Photoelectron Spectrometer. *Manufacturer:* VSW, United Kingdom. *Intended Use:* Original notice of this resubmitted application was published in the **Federal Register** of June 4, 1991.

Docket Number: 91-158. *Applicant:* University of California, Los Alamos National Laboratory, P.O. Box 990, Los Alamos, NM 87545. *Instrument:* (2) Mass Spectrometers, Model TS SOLA. *Manufacturer:* Turner Scientific, United Kingdom. *Intended Use:* The instruments will be used for studies of environmental samples—soil samples, water samples and waste water samples—which are being checked for toxic metals at or above EPA concern levels. *Application Received by Commissioner of Customs:* October 22, 1991.

Docket Number: 91-161. *Applicant:* University of Pittsburgh, Chevron Science Center, Pittsburgh, PA 15260. *Instrument:* Mass Spectrometer. *Manufacturer:* ION-TOF GmbH, West Germany. *Intended Use:* The instrument will be used for the study of films and polymer coatings on various surfaces. The compounds of interest will include polyurethanes, nylons, polystyrenes and acrylics. Experiment to be performed include correlation of mass spectral data obtained from the instrument with variation in the structural segments, cross-linking, pendant groups, and oligomer distribution in polyurethanes. Starting materials and final products will be fully characterized using gel permeation chromatography and other characterization methods typically applied to polymer analysis. The instrument will be used in Chemistry 2700 Graduate Research for the direct benefit of graduate students who will use the instrument as a principal tool in their graduate research programs. *Application Received by Commissioner of Customs:* October 29, 1991.

Docket Number: 91-162. *Applicant:* University of California, Los Alamos National Laboratory, P.O. Box 990, Los Alamos, NM 87545. *Instrument:* Mass

Spectrometer, Model VG Sector 54–30. *Manufacturer:* VG Instruments Inc., United Kingdom. *Intended Use:* The instrument will be used for research which concerns the development and application of mass spectrometric techniques to the measurement of the long-lived members of uranium decay series in young (<500 ky) geologic samples. Uranium, thorium and their long-lived daughters will be chemically extracted from geologic samples and their concentrations will be measured using the instrument.

Application Received by Commissioner of Customs: October 29, 1991.

Docket Number: 91–163. *Applicant:* Pennsylvania State University, Department of Chemistry, 152 Davey Laboratory, University Park, PA 16802. *Instrument:* Mass Spectrometer, Model MI–401. *Manufacturer:* Kratos Analytical, United Kingdom. *Intended Use:* The instrument will be used for the characterization of organic, inorganic and biological compounds. Very precise exact mass measurements will be used to identify newly synthesized, unknown molecules as well as polymers and peptides. The instrument will be modified by the addition of multiphoton resonance ionization to ionize neutral molecules desorbed from the surface. The materials which will be studied include organic, inorganic and biological solids. The objective of the investigations will be to develop new applications of imaging TOF–SIMS for use in chemistry research.

Application Received by Commissioner of Customs: October 3, 1991.

Docket Number: 91–160. *Applicant:* National Institute of Standards and Technology, Chemical Science and Technology Laboratory, Process Measurements Division, Building 221/A303, Gaithersburg, MD 20899. *Instrument:* Reflection High Energy Electron Diffraction System. *Manufacturer:* Staib Instrumente, GmbH, West Germany. *Intended Use:* The instrument will be used for studies of film growth, primarily of oxide semiconductors and metals, but other types of elemental and compound films will be investigated. Experiments will include in situ post-deposition diffraction measurements to derive information on the order and qualify produced in deposited films.

Application Received by Commissioner of Customs: November 8, 1991.

Docket Number: 91–164. *Applicant:* Henrietta Egleston Children's Hospital, 1405 Clifton Road, NE., Atlanta, GA 30322–1101. *Instrument:* Electron Microscope, Model EM 900. *Manufacturer:* Carl Zeiss, Inc., West Germany. *Intended Use:* The instrument will be used for studies of tissue samples obtained by biopsy, surgical resection or autopsy from children with various metabolic diseases, infectious diseases and neoplastic disease. Investigations will be conducted for identification and diagnosis of various disease processes by the study of the ultrastructure of many tissues. A second general category is the study of disease processes; the mechanism of disease progression. The instrument will also be used to train residents and fellows in electron microscopy.

Application Received by Commissioner of Customs: November 8, 1991.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 91–28709 Filed 11–27–91; 8:45 am]

BILLING CODE 3510–DS–M

National Oceanic and Atmospheric Administration

[Docket No. 910940–1240]

National Status and Trends Program; Request for Proposals and Availability of Financial Assistance

AGENCY: Office of Ocean Resources Conservation and Assessment (ORCA), National Ocean Service, National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of availability of financial assistance.

SUMMARY: For FY 92 NOAA/ORCA intends to carry out research projects addressing aspects of the National Status and Trend (NS&T) Program. In particular, we are interested in the study of the historical contamination of the coastal United States using sediment cores. ORCA is issuing this notice describing the conditions under which applications will be accepted and how ORCA will determine which applications will be funded.

DATES: Pre-proposals should be received by January 6, 1992, and full proposals by February 29, 1992.

ADDRESSES: Information, pre-proposals, and applications should be directed to: Dr. Nathalie J. Valette-Silver, NOAA, N/ORCA 21, 6001 Executive Boulevard, room 312, Rockville, MD 20852, Tel: 301–443–8655; FAX No. 301–231–5764.

SUPPLEMENTARY INFORMATION:

I. Introduction

The United States Congress has authorized the National Oceanic and Atmospheric Administration (NOAA) to conduct and facilitate a broad range of marine environmental research, development, and monitoring activities. Two statutes specifically authorize marine environmental quality monitoring. Title II of the Marine Protection, Research, and Sanctuaries Act, 33 U.S.C. 1441–1445, states that NOAA shall "initiate a comprehensive and continuing program of research with respect to the possible long-range effects of pollution, overfishing, and man-induced changes of Ocean ecosystems," 33 U.S.C. 1442. The National Ocean Pollution Planning Act of 1978, 33 U.S.C. 1701–1709, states that NOAA shall "establish within the Administration a comprehensive, coordinated, and effective pollution research and monitoring program," 33 U.S.C. 1704. The NS&T Program was initiated to fulfill, in part, these mandates.

The aim of the NS&T Program is to qualify the concentrations of key contaminants in the Nation's coastal and estuarine environments and to measure their biological effects. The data, acquired using a nationally uniform set of sampling and measurement techniques, are used to determine temporal changes and spatial patterns in marine environment quality. Obtaining such information about pollution will aid coastal States, fishermen and the Nation in general in their effort to improve marine environmental quality.

II. Funding

The work will be funded through Cooperative Agreements. The NS&T Program anticipates having up to $400,000 per year for this research. However, there is no guarantee that sufficient funds will be available to make awards to all approved projects. For FY 92, the level of funding has not been determined.

III. Program Goals and Priorities

This request for proposals (RFP) represents the initial step in a multiyear, coordinated, interdisciplinary, and interinstitutional research program aimed at reconstructing historical contamination of the U.S. coastal and estuarine systems using sediment cores.

In the past, several historical studies have used cored sediments because sediments are recognized to be good long-term integrators of many toxic contaminants. However, most of these studies were performed in the last 1970s to the early 1980s. Since the late 1970s, many changes have occurred in the Federal and State laws governing the disposal of pollutants in the

environment. New data from cored sediments are needed to trace the effect of these recently imposed restrictions. The NS&T Program is designed to acquire data that will help in assessing temporal trends in the coastal and estuarine sediment contamination.

To support this multi-year research program, NOAA/ORCA anticipates having up to $400,000 to study each year three to four estuarine/coastal areas. Each year, new estuaries or coastal areas will be selected. Financial assistance obtained through this RFP for a given geographic area, will be for 18 months maximum. Future or continued funding will be at the discretion of NOAA, based on such factors as satisfactory performance and the availability of funds. However, if some Principal Investigators (PIs) are able to study more than one area of interest, they will have to submit different proposals for different areas and will compete with the other applicants for the available funds.

To simplify administrative management, one PI has to be responsible for the total project in each geographical area. Consequently, it is recommended that scientists wishing to submit proposals in response to this RFP collaborate in order to get dating, trace elements, and organic compounds analyses for one geographical area coordinated in a single proposal.

States, universities, non-profit, or for-profit organizations, individuals, and Federal Agencies are eligible to receive funding. No matching funds are required.

IV. Approach

To accomplish the objectives of this RFP, cores should be collected in estuarine and coastal areas, carefully dated, and analyzed for trace metals and organic compounds.

For this year, priority will be given to four estuaries and coastal areas: the Delaware Estuary, the Chesapeake Bay, the Savannah Estuary, and San Francisco Bay. Depending on the availability of funds, areas may be dropped.

We are interested in identifying contamination trends in sediments since the early 1900s and even since the early 1800s for the trace metals; therefore, the cores have to be undisturbed and collected in areas where sedimentation rates are sufficiently high to give a reliable dating for the last 100 years. The parameters to be measured are the trace elements and the organic chemicals routinely measured in the NS&T Program (appendix A: Tables 1 and 2). In addition, nutrients such as N, P and Organic C should be included. The level needed for time-resolution is 5 years or less since 1930.

Under the terms of these cooperative agreements, NS&T will have a substantial and continuous involvement in the project. In addition to the advice provided to the PIs regarding the orientation of the project, there will be collaboration during sampling (ship time can be made available) and analysis of the cores. In particular, if the utilization and/or the development of new techniques are necessary to perform or to improve the quality of the data, there will be a close collaboration between the applicant and NOAA. In addition, NS&T will provide its knowledge and include this work in its Quality Assurance/Quality Control (QA/QC) program and will help in the interpretation of the results using its experience of other areas and previous historical studies. Finally, NS&T will act as coordinator to ensure the comparability of the results obtained in various geographical areas studied over the years.

Dating of the core material should be performed using reliable methods such as radioisotopes, pollen, etc., in order to get a detailed chronology. Because of the difficulty of finding adequate sites giving cores for which a good chronology can be established, PIs having well preserved cores already dated and sampled in the past few years that could be confidently used for the analysis of nonvolatile elements or compounds are encouraged to submit a proposal.

V. Labortary Methods

All data acquired for the NS&T Program must meet basic standards for precision, accuracy, and comparability. The applicants may use any appropriate analytical methodology for the measurement of contaminants. The only requirement is that the data obtained through this RFP have to be of equal or better sensitivity and quality than those obtained from the ongoing NS&T Program projects (see list of NS&T publications available from the office at the address mentioned in VI). In addition, it is required that the applicants participate in the NS&T quality Assurance Program analytical intercomparison exercises, in order to ensure the good quality of their data (accuracy as well as precision). It is also advised to analyze, at the same as the samples, a Standard Reference Material (SRM) for trace elements and organic compounds.

VI. Proposal Submission

1-Pre-proposals

Preparation and submission of a pre-proposal is the initial step in the review and selection process. The pre-proposal will be used by NS&T to evaluate the research plan and its relative priority with regard to the aim of this RFP. Therefore it is important that you prepare the pre-proposal thoughtfully to provide a concise description of your project. Pre-proposals are limited to two pages of single-spaced text plus a cover page. Submit one original and two copies of the pre-proposal to: Dr. Nathalie J. Valette-Silver, NOAA, N/ORCA 21, NS&T Program, 6001 Executive Boulevard, room 312, Rockville, MD 20852, Tel. 301-443 8655; Fax #301–231 5764.

All pre-proposals are due on later than 5 p.m. est, January 6, 1992, in accordance with the proposal schedule below.

The pre-proposals will be reviewed by a Technical Evaluation Committee, and the investigators whose projects are judged applicable to the subject matter will be invited to prepare and submit full proposals.

2-Full Proposals

Full proposals are limited to 15 pages of single-spaced text. Submit one original and two copies of the full proposal with appropriate institutional approvals to the same address as the pre-proposals. The deadline for full-proposal submission is 5 p.m. est, February 29, 1992. Applicants must include a Standard Form 424 (Rev 4–88), a Standard form 424A (4–88), a Standard Form 424B (4–88) and a program narrative. Copies of the forms are available from NOAA; see the Addresses section. The contents of the narrative must respond to the evaluation criteria described in this notice.

3-Approximate Proposal Schedule and Absolute Due Dates.[1]

RFP distribution: December 6, 1991.

Pre-proposals due from investigators*: January 6, 1992.

Pre-proposals review process: January 6 to January 21, 1992.

Investigators notification: January 24, 1992.

Full proposals due to NS&T*: February 29, 1992.

Selection by ORCA: May 30, 1992.

Notification to successful applicants will be provided by the Grants Management Division approximately 60

[1] Pre-proposal and proposal submission are absolute due dates.

days following recommendation for selection by the Office of Oceanography and Marine Assessment.

4-Successful Proposals

The proposals judged best will be funded for a period to begin approximately September 1, 1992 and to end no later than February 28, 1994 (i.e. 18 months maximum).

5-Reports

The recipients of the awards obtained through this RFP have to provide:

—(a) Periodic financial and program reports as specified in the award document;

—(b) A final financial report;

—(c) A final detailed scientific report with results worthy of peer-reviewed literature.

The reports (b) and (c) are due within 90 days following the end of the award.

VII. Proposals Review Process

All proposals received will be peer-reviewed, using external reviewers and NOAA reviewers.

Proposals will be evaluated using specific criteria: Understanding of the requirements of the RFP (20%), technical approach to perform the work (30%), past experience (15%), quality of the publications derived from previous work (15%), key personnel (20%).

Detail of Proposal Evaluation Criteria

1-Understanding of the Requirements of the RFP (20%)

The proposal must demonstrate an understanding of:

—the objectives of the RFP and the intended uses of the resulting data,

—the problems associated with the sampling of undisturbed cores and the procedures used to date them.

—the analytical procedures employed for the trace metals and organic compounds analysis of cored sediments.

2-Technical Approach To Perform the Work (30%)

The proposal must describe in detail the methods to be used, justify their choice and demonstrate the ability to carry out the described analyses. In particular, the applicants must demonstrate their capability to analyze for the chemicals of interest (15%). If none of the applicants are able to perform the analysis of the complete list of chemicals routinely performed in the NS&T Program, preference will be given to the proposal performing the maximum number and the best analysis possible.

In addition, applicants must describe acceptable procedures for quality assurance of all phases of the work to be undertaken, must describe methods for data handling and storage, and must outline the basic format of the anticipated final report (15%).

3-Past Experience and Quality of the Publications Derived From Previous Work (30%)

Preference will be given to scientists with previous experience in historical reconstruction of pollution using sediment cores. In particular, preference will be given to PIs who can demonstrate the possession of, or accessibility to, already well preserved dated sediment cores in the locations of interest. The cores must cover the period of time 1900s to present at sufficient temporal resolution to be suitable for the analysis of interest of the RFP. PIs who have already analyzed samples for some of the elements or compounds given in the list of interest (appendix A, Tables 1–2) are encouraged to submit a proposal. The proposal must explain and give details on this previous work. Preprints or reprints from publications associated with this previous experience should accompany the proposal as supporting documents.

4-Key Personnel (20%)

The proposal must include the resumes, time commitments, and effort of all key personnel, including subcontractors and/or expert consultants, who will implement the research. Experienced scientists are required to conduct the proposed research. Their respective experience pertinent to the objectives of the RFP must be clearly described.

VIII. Policies and Regulations

Applicants should note that recipients of NS&T Program support, depending on their type of organization, are subject to the provisions of diverse OMB Circulars and Federal regulations: e.g., A–87, "Cost Principles for States and Local Governments," A–21, "Cost Principles for Educational Institutions," A–110, "Grants and agreements with Institutions of Higher Education, Hospitals and other Non-Profit Organizations," A–122, "Cost Principles for Non-Profit Organizations," A–128, "Audits of State Higher Education and Other Non-Profit Organizations," 15 CFR 24, "Uniform Administrative Requirements for Grants and Cooperative Agreement to State and Local Governments." Recipients are advised that Executive Order 12372 "Intergovernmental Réview of Federal Programs" do not apply. In addition, any applicant with an outstanding account receivable with the Department of Commerce will not receive a new award until the debt is paid or debt repayment arrangements satisfactory to the Department are made. This Program is included in the Catalog of Federal Domestic Assistance under the Number 11.426. Potential recipients may be required to submit an "Identification-Applications for Funding Assistance Form (Form CD–346)" which is used to ascertain background information on key individuals associated with the potential recipient. The CD–346 form requests information to reveal if any key individuals in the organization have been convicted of, or are presently facing, criminal charges such as fraud, theft, perjury, or other matters pertinent to management honesty or financial integrity. Potential recipients may also be subject to review of Dun and Bradstreet data or other similar credit checks. In addition any false statement on the application may be grounds for denial or termination of funds.

Potential recipients are also subject to the provisions of the 15 CFR Part 26, "Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants)"; the provisions of the Drug-Free Workplace Act of 1988, 15 CFR Part 26(F); and to the provisions of 31 U.S.C. 1352 entitled "Limitations on use of appropriated funds to influence certain Federal contracting and financial transactions," more commonly known as the "lobbying disclosure" rule.

Awards granted under this program shall be subject to all Federal and Departmental regulations, policies, and procedures applicable to Federal Assistance awards.

Appendix A

TABLE 1.—TRACE ELEMENTS ANALYZED IN THE NS&T PROGRAM

Symbols	Elements
Al	Aluminum.
Si	Silicon.
Cr	Chromium.
Mn	Manganese.
Fe	Iron.
Ni	Nickel.
Cu	Copper.
Zn	Zinc.
As	Arsenic.
Se	Selenium.
Ag	Silver.
Cd	Cadmium.
Sn	Tin
Sb	Antimony.
Hg	Mercury.
Pb	Lead.

TABLE 2.—ORGANIC COMPOUNDS ANALYZED IN THE NS&T PROGRAM

	CAS No.
Aromatic hydrocarbons:	
Naphthalene	91-20-3
2-Methylnaphthalene	91-57-6
1-Methylnaphthalene	90-12-0
Biphenyl	92-52-4
2,6-Dimethylnaphthalene	581-42-0
Acenaphthene	83-32-9
Acenaphthylene	208-96-8
2,3,5-Trimethylnaphthalene	829-26-5
Fluorene	86-73-7
Dibenz[a,h]anthracene	53-70-3
Indeno[1,2,3-cd]pyrene	193-39-5
Phenanthrene	85-01-8
Anthracene	120-12-7
1-Methylphenanthrene	832-69-9
Fluoranthene	206-44-0
Pyrene	129-00-0
Chrysene	218-01-9
Benz[a]anthracene	56-55-3
Benzo[b]fluoranthene	56832-73-6
Benzo[k]fluoranthene	207-08-9
Benzo[ghi]perylene	191-24-2
Benzo[e]pyrene	192-97-2
Benzo[a]pyrene	50-32-8
Perylene	198-55-0
Chlorinated pesticides:	
Aldrin	309-00-2
cis-Chlordane	5103-71-9
2,4'-DDD	53-19-0
4,4'-DDD	72-54-8
2,4'-DDE	3424-82-6
4,4'-DDE	72-55-9
2,4'-DDT	789-02-6
4,4'-DDT	50-29-3
Dieldrin	60-57-1
Heptachlor	76-44-8
Heptachlor epoxide	1024-57-4
Hexachlorobenzene	118-74-1
Lindane (gamma-BHC)	58-89-9
Mirex	2385-85-5
trans-Nonachlor	39765-80-5
Endrin	72-20-8
	Congener No.
Polychlorinated biphenyls:	
Dichlorobiphenyl:	
2,4'	8
Trichlorobiphenyls:	
2,2,5	18
2,4,4'	28
Tetrachlorobiphenyls:	
2,2',3,5'	44
2,2',5,5'	52
2,3',4,4'	66
3,3',4,4'	77
Pentachlorobiphenyls:	
2,2',4,5,5'	101
2,3,3',4,4'	105
2,3',4,4',5	118
3,3',4,4',5	126
Hexachlorobiphenyls:	
2,2',3,3',4,4'	128
2,2',3,4,4',5'	138
2,2',4,4',5,5'	153
2,2',3,3',4,4',5	170
Heptachlorobiphenyls:	
2,2',3,4,4',5,5'	180
2,2',3,4',5,5',6	187
Octachlorobiphenyls:	
2,2',3,3',4,4',5,6	195
Nonachlorobiphenyls:	
2,2',3,3',4,4',5,5',6	206
Decachlorobiphenyl:	
2,2'3,3',4,4',5,5',6,6'	209

TABLE 2.—ORGANIC COMPOUNDS ANALYZED IN THE NS&T PROGRAM—Continued

	CAS No.
Organotins:	
Monobutyltin* (MBT)	
Dibutyltin* (DBT)	
Tributyltin* (TBT)	
*Tin measured as cation.	

Frank W. Maloney,

Acting Deputy Assistant Administrator, National Ocean Service.

[FR Doc. 91-28677 Filed 11-27-91; 8:45 am]

BILLING CODE 3510-08-M

Marine Mammals

AGENCY: National Marine Fisheries Service.

ACTION: Application for Scientific Research Permit (P6M).

Notice is hereby given that the National Zoological Park, Smithsonian Institution, Washington, DC 20008–2598, has applied for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

Type of Take

The applicant requests a permit to import, over a 3-year period, blood samples taken from 40 Juan Fernandez fur seal pups (*Arctocephalus phillippii*) and blood and tissue samples from an additional 120 Juan Fernandez fur seal pups, 20 subadult or juvenile subantarctic fur seals (*Arctocephalus tropicalis*) and 20 Juan Fernandez fur seals of abnormal pelage color. Each pup will be captured a maximum of four times. The animals will be sampled on Alejandro Selkirk Island and Desventurada Islands, Santiago, Chile from November 1991 to March 1994. Bone and skin samples from carcasses will be collected from locations near present or historic fur seal haulouts on the same islands.

The major objectives of the research are to document the pattern of lactation and mating system of these species. The study of lactation examines the hypothesis that lactation patterns of fur seals follow a latitudinal gradient based on associated changes in seasonality and predictability of resources. The investigation of the mating system of Juan Fernandez fur seals focuses on the influence of climate on female and male spatial organization and reproductive success.

Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, 1335 East-West Hwy., room 7324, Silver Spring, Maryland 20910, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries. All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

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

By appointment: Office of Protected Resources, National Marine Fisheries Service, 1335 East-West Hwy., suite 7324, Silver Spring, Maryland 20910 (301) 427–2289; Director, Southeast Region, National Marine Fisheries Service, 9450 Koger Blvd., St. Petersburg, Florida 33702 (813/893–3141); and Director, Northeast Region, National Marine Fisheries Service, One Blackburn Drive, Gloucester, Massachusetts 01930 (508/281–9200).

Dated: November 19, 1991.

Nancy Foster,

Director, Office of Protected Resources.

[FR Doc. 91-28549 Filed 11-27-91; 8:45 am]

BILLING CODE 3510-22-M

United States Travel and Tourism Administration

Travel and Tourism Advisory Board; Meeting

Pursuant to section 10 (a) (2) of the Federal Advisory Committee Act, 5 U.S.C. (App. 1976) notice is hereby given that the Travel and Tourism Advisory Board of the U.S. Department of Commerce will meet on December 17, 1991, at 9 a.m. in Seattle, Washington (location to be determined).

Established March 19, 1982, the Travel and Tourism Advisory Board consists of 15 members, representing the major segments of the travel and tourism industry and state tourism interests, and

includes one member of a travel labor organization, a consumer advocate, an academician and a financial expert.

Members advise the Secretary of Commerce on matters pertinent to the Department's responsibilities to accomplish the purpose of the National Tourism Policy Act (Pub. L. 97–63), and provide guidance to the Assistant Secretary for Tourism Marketing in the preparation of annual marketing plans.

Agenda items are as follows:

I. Call to Order
II. Approval of Minutes
III. Go USA Coalition Update
IV. Review of current legislative issues
V. Board Plan of Action
VI. Miscellaneous
VII. Adjournment

A very limited number of seats will be available to observers from the public and the press. To assure adequate seating, individuals intending to attend should notify the Committee Control Officer in advance. The public will be permitted to file written statements with the Committee before or after the meeting. To the extent time is available, the presentation of oral statements is allowed.

Karen M. Cardran, Committee Control Officer, United States Travel and Tourism Administration, room 1860, U.S. Department of Commerce, Washington, DC 20230 (telephone: 202–377–1904) will respond to public requests for information about the meeting.

John G. Keller, Jr.,

Under Secretary of Commerce for Travel and Tourism.

[FR Doc. 91–28627 Filed 11–27–91; 8:45 am]

BILLING CODE 3510–11–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Cotton, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textiles and Textile Products Produced or Manufactured in China

November 22, 1991.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs adjusting limits.

EFFECTIVE DATE: November 22, 1991.

FOR FURTHER INFORMATION CONTACT: Janet Heinzen, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 566–6828. For information on embargoes and quota re-openings, call (202) 377–3715.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

The current limits for certain categories are being adjusted, variously, for swing, carryforward, recrediting of swing previously subtracted and swing subtracted.

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 55 FR 50756, published on December 10, 1990). Also see 55 FR 48268, published on November 20, 1990.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

November 22, 1991.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on November 14, 1990, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products, produced or manufactured in China and exported during the twelve-month period which began on January 1, 1991 and extends through December 31, 1991.

Effective on November 22, 1991, you are directed to amend further the directive dated November 14, 1990 to adjust the limits for the following categories, as provided under the terms of the current bilateral agreement between the Governments of the United States and China:

Category	Adjusted twelve-month limit [1]
Levels not subject to a group	
300/301	1,665,057 kilograms.
313	39,516,945 square meters.
314	44,788,334 square meters.
317/326	18,066,336 square meters of which not more than 3,291,853 square meters shall be in Category 326.
633	33,000 dozen.
840	225,237 dozen.
845	2,283,250 dozen.

[1] The limits have not been adjusted to account for any imports exported after December 31, 1990.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 91–28635 Filed 11–27–91; 8:45 am]

BILLING CODE 3510–DR–F

Announcement of Import Restraint Limits for Certain Cotton, Wool, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textiles and Textile Products Produced or Manufactured in the People's Republic of China

November 22, 1991.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs establishing limits for the new agreement year.

EFFECTIVE DATE: January 1, 1992.

FOR FURTHER INFORMATION CONTACT: Janet Heinzen, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 566–6828. 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 Bilateral Cotton, Wool, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textile Agreement of February 2, 1988, as amended, between the Governments of the United States and the People's Republic of China establishes limits for the 1992 agreement year. The limits for Categories 335, 338/339, 338-S/339-S, 340, 351, 352, 359-C, 435, 436, 438, 444, 448, 617, 635, 648, 649 and 831 are being reduced for carryforward used in 1991.

Overshipment charges amounting to 64,121 kilograms will be applied to the 1992 limit for Category 369–S.

A copy of the current bilateral agreement is available from the Textiles Division, Bureau of Economic and Business Affairs, U.S. Department of State, (202) 647–3889.

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 55 FR 50756, published on December 10, 1990). Information regarding the 1992 CORRELATION will be published in the **Federal Register** at a later date.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

November 22, 1991.

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 Bilateral Cotton, Wool, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textile Agreement of February 2, 1988, as amended, between the Governments of the United States and the People's Republic of China; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on January 1, 1992, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products in the following categories, produced or manufactured in China and exported during the twelve-month period beginning on January 1, 1992 and extending through December 31, 1992, in excess of the following levels of restraint:

Category	Twelve-month restraint limit
Levels not in a group	
200	594,315 kilograms.
218	10,271,588 square meters.
219	2,083,997 square meters.
226	9,462,865 square meters.
237	1,589,500 dozen.
239	2,578,137 kilograms.
300/301	3,504,768 kilograms.
313	38,688,971 square meters.
314	43,935,223 square meters.
315	152,086,638 square meters.
317/326	17,894,275 square meters of which not more than 3,423,527 square meters shall be in Category 326.
331	4,581,826 dozen pairs.
333	81,439 dozen.
334	285,094 dozen.
335	350,986 dozen.
336	146,317 dozen.
338/339	2,217,614 dozen of which not more than 1,671,393 dozen shall be in knit shirts other than T-shirts and tank tops in Categories 338–S/339–S [1].
340	763,309 dozen of which not more than 393,185 dozen shall be in shirts made from fabric with two or more colors in the warp and/or the filling, excluding napped shirts in Category 340–Z [2].
341	625,403 dozen of which not more than 375,243 dozen shall be in blouses made from fabric with two or more colors in the warp and/or the filling in Category 341–Y [3].
342	245,047 dozen.
345	122,835 dozen.
347/348	2,325,301 dozen.
350	138,567 dozen.
351	436,887 dozen.
352	1,657,504 dozen.
359–C [4]	488,973 kilograms.
359–V [5]	760,678 kilograms.
360	6,567,287 numbers of which not more than 4,479,525 numbers shall be in Category 360–P [6].
361	3,690,434 numbers.
363	28,114,314 numbers.
369–D [7]	4,222,453 kilograms.
369–H [8]	4,289,102 kilograms.
369–L [9]	2,756,721 kilograms.
369–S [10]	592,902 kilograms.
410	1,901,119 square meters of which not more than 1,523,952 square meters shall be Category 410–A [11] and not more than 1,523,952 square meters shall be in Category 410–B [12].
433	22,373 dozen.
434	12,747 dozen.
435	23,182 dozen.
436	14,424 dozen.
438	25,242 dozen.
440	36,422 dozen of which not more than 20,812 dozen shall be in men's shirts in Category 440–M [13].
442	40,584 dozen.
443	131,116 numbers.
444	192,995 numbers.
445/446	280,963 dozen.
447	75,772 dozen.
448	21,089 dozen.
607	2,807,872 kilograms.
611	4,799,451 square meters.
613	6,587,481 square meters.
614	10,351,755 square meters.
615	21,550,474 square meters.
617	14,910,914 square meters.
631	1,068,573 dozen pairs.
633	49,680 dozen.
634	540,483 dozen.
635	548,216 dozen.
636	489,917 dozen.
638/639	2,273,108 dozen.
640	1,384,823 dozen.
641	1,231,861 dozen.
642	286,992 dozen.
645/646	796,953 dozen.
647	1,422,862 dozen.
648	991,927 dozen.
649	771,421 dozen.
650	101,030 dozen.
651	677,350 dozen of which not more than 119,252 dozen shall be in Category 651–B [14].
652	2,277,714 dozen.
659–C [15]	364,527 kilograms.
659–H [16]	2,467,938 kilograms.
659–S [17]	538,858 kilograms.
669–P [18]	1,700,770 kilograms.
670–L [19]	13,796,612 kilograms.
831	433,358 dozen pairs.
833	23,753 dozen.
835	111,565 dozen.
840	433,992 dozen.
842	237,538 dozen.
845	2,345,264 dozen.
846	157,571 dozen.
847	1,157,994 dozen.
863–S [20]	7,970,087 numbers.
Group II	
330, 332, 349, 353, 354, 359–O [21], 431, 432, 439, 459, 630, 632, 643, 644, 653, 654 and 659–O [22], as a group.	118,620,170 square meters equivalent.
Sublevel in Group II	
643	459,461 numbers.
Group III	
201, 220, 222–225, 227, 229, 362, 369–O [23], 400, 414, 464–469, 600, 603, 604–O [24], 606, 618–622, 624–629, 665, 666, 669–O [25] and 670–O [26], as a group.	320,886,768 square meters equivalent.
Group IV	
832, 834, 836, 838, 839, 843, 844, 850–852, 858 and 859, as a group.	25,334,197 square meters equivalent.
Sublevel in Group IV	
836	237,080 dozen.

[1] Categories 338–S/339–S: all HTS numbers except 6109.10.0012, 6109.10.0014, 6109.10.0018, 6109.10.0023, 6109.10.0040, 6109.10.0045, 6109.10.0060 and 6109.10.0065.

[2] Category 340–Z: only HTS numbers 6205.20.2015, 6205.20.2020, 6205.20.2050 and 6205.20.2060.

[3] Category 341–Y: only HTS numbers 6204.22.3060, 6206.30.3010 and 6206.30.3030.

[4] Category 359–C: only HTS numbers 6103.42.2025, 6103.49.3034, 6104.62.1020, 6104.69.3010, 6114.20.0048, 6114.20.0052, 6203.42.2010, 6203.42.2090, 6204.62.2010, 6211.32.0010, 6211.32.0025 and 6211.42.0010.

[5] Category 359–V: only HTS numbers 6103.19.2030, 6103.19.4030, 6104.12.0040, 6104.19.2040, 6110.20.1022, 6110.20.1024, 6110.20.2030, 6110.20.2035, 6110.90.0044, 6110.90.0046, 6201.92.2010, 6202.92.2020, 6203.19.1030, 6203.19.4030, 6204.12.0040, 6204.19.3040, 6211.32.0070 and 6211.42.0070.

[6] Category 360–P: only HTS numbers 6302.21.1010, 6302.21.1020, 6302.21.2010, 6302.21.2020, 6302.31.1010, 6302.31.1020, 6302.31.2010 and 6302.31.2020.

[7] Category 369–D: only HTS numbers 6302.60.0010, 6302.91.0005 and 6302.91.0045.

[8] Category 369–H: only HTS numbers 4202.22.4020, 4202.22.4500 and 4202.22.8030.

[9] Category 369–L: only HTS numbers 4202.12.4000, 4202.12.8020, 4202.12.8060, 4202.92.1500, 4202.92.3015 and 4202.92.6000.

[10] Category 369–S: only HTS number 6307.10.2005.

[11] Category 410–A: only HTS numbers 5111.11.3000, 5111.11.7030, 5111.11.7060, 5111.19.2000, 5111.19.6020, 5111.19.6040, 5111.19.6060, 5111.19.6080, 5111.20.9000, 5111.30.9000, 5111.90.3000, 5111.90.9000, 5212.11.1010, 5212.12.1010, 5212.13.1010, 5212.14.1010, 5212.15.1010, 5212.21.1010, 5212.22.1010, 5212.23.1010, 5212.24.1010, 5212.25.1010, 5311.00.2000, 5407.91.0510, 5407.92.0510, 5407.93.0510, 5407.94.0510, 5408.31.0510, 5408.32.0510, 5408.33.0510, 5408.34.0510, 5515.13.0510, 5515.22.0510, 5515.92.0510, 5516.31.0510, 5516.32.0510, 5516.33.0510, 5516.34.0510 and 6301.20.0020.

[12] Category 410–B: only HTS numbers 5007.10.6030, 5007.90.6030, 5112.11.2030, 5112.11.2060, 5112.19.9010, 5112.19.9020, 5112.19.9030, 5112.19.9040, 5112.19.9050, 5112.19.9060, 5112.20.3000, 5112.30.3000, 5112.90.3000, 5112.90.9010, 5112.90.9090, 5212.11.1020, 5212.12.1020, 5212.13.1020, 5212.14.1020, 5212.15.1020, 5212.21.1020, 5212.22.1020, 5212.23.1020, 5212.24.1020, 5212.25.1020, 5309.21.2000, 5309.29.2000, 5407.91.0520, 5407.92.0520, 5407.93.0520, 5407.94.0520, 5408.31.0520, 5408.32.0520, 5408.33.0520, 5408.34.0520, 5515.13.0520, 5515.22.0520, 5515.92.0520, 5516.31.0520, 5516.32.0520, 5516.33.0520 and 5516.34.0520.

[13] Category 440–M: only HTS numbers 6203.21.0030, 6203.23.0030, 6205.10.1000, 6205.10.2010, 6205.10.2020, 6205.30.1510, 6205.30.1520, 6205.90.2020, 6295.90.4020 and 6211.31.0030.

[14] Category 651–B: only HTS numbers 6107.22.0015 and 6108.32.0015.

[15] Category 659–C: only HTS numbers 6103.23.0055, 6103.43.2020, 6103.43.2025, 6103.49.2000, 6103.49.3038, 6104.63.1020, 6104.63.1030, 6104.69.1000, 6104.69.3014, 6114.30.3044, 6114.30.3054, 6203.43.2010, 6203.43.2090, 6203.49.1010, 6203.49.1090, 6204.63.1510, 6204.69.1010, 6210.10.4015, 6211.33.0010, 6211.33.0017 and 6211.43.0010.

[16] Category 659–H: only HTS numbers 6502.00.9030, 6504.00.9015, 6504.00.9060, 6505.90.5090, 6505.90.6090, 6505.90.7090 and 6505.90.8090.

[17] Category 659–S: only HTS numbers 6112.31.0010, 6112.31.0020, 6112.41.0010, 6112.41.0020, 6112.41.0030, 6112.41.0040, 6211.11.1010, 6211.11.1020, 6211.12.1010 and 6211.12.1020.

[18] Category 669–P: only HTS numbers 6305.31.0010, 6305.31.0020 and 6305.39.0000.

[19] Category 670–L: only HTS numbers 4202.12.8030, 4202.12.8070, 4202.92.3020, 4202.92.3030 and 4202.92.9020.

[20] Category 863–S: only HTS number 6307.10.2015.

[21] Category 359–O: all HTS numbers except 6103.42.2025, 6103.49.3034, 6104.62.1020, 6104.69.3010, 6114.20.0048, 6114.20.0052, 6203.42.2010, 6203.42.2090, 6204.62.2010, 6211.32.0010, 6211.32.0025, 6211.42.0010 (Category 359–C); 6103.19.2030, 6103.19.4030, 6104.12.0040, 6104.19.2040, 6110.20.1022, 6110.20.1024, 6110.20.2030, 6110.20.2035, 6110.90.0044, 6110.90.0046, 6201.92.2010, 6202.92.2020, 6203.19.1030, 6203.19.4030, 6204.12.0040, 6204.19.3040, 6211.32.0070 and 6211.42.0070 (Category 359–V).

[22] Category 659–O: all HTS numbers except 6103.23.0055, 6103.43.2020, 6103.43.2025, 6103.49.2000, 6103.49.3038, 6104.63.1020, 6104.63.1030, 6104.69.1000, 6104.69.3014, 6114.30.3044, 6114.30.3054, 6203.43.2010, 6203.43.2090, 6203.49.1010, 6203.49.1090, 6204.63.1510, 6204.69.1010, 6210.10.4015, 6211.33.0010, 6211.33.0017, 6211.43.0010 (Category 659–C); 6502.00.9030, 6504.00.9015, 6504.00.9060, 6505.90.5090, 6505.90.6090, 6505.90.7090, 6505.90.8090 (Category 659–H); 6112.31.0010, 6112.31.0020, 6112.41.0010, 6112.41.0020, 6112.41.0030, 6112.41.0040, 6211.11.1010, 6211.11.1020, 6211.12.1010 and 6211.12.1020 (Category 659–S).

[23] Category 369–O: all HTS numbers except 6302.60.0010, 6302.91.0005, 6302.91.0045 (Category 369–D); 4202.22.4020, 4202.22.4500, 4202.22.8030 (Category 369–H); 4202.12.4000, 4202.12.8020, 4202.12.8060, 4202.92.1500, 4202.92.3015, 4202.92.6000 (Category 369–L); and 6307.10.2005 (Category 369–S).

[24] Category 604–O: all HTS numbers except 5509.32.0000 (Category 604–A).

[25] Category 669–O: all HTS numbers except 6305.31.0010, 6305.31.0020 and 6305.39.0000 (Category 669–P).

[26] Category 670–O: only HTS numbers 4202.22.4030, 4202.22.8050 and 4202.32.9550.

Imports charged to these category limits for the period January 1, 1991 through December 31, 1991 shall be charged against those levels of restraint to the extent of any unfilled balances. In the event the limits established for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this directive.

The limits set forth above are subject to adjustment in the future pursuant to the provisions of the current bilateral agreement between the Governments of the United States and the People's Republic of China.

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 these actions fall 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. 91–28645 Filed 11–27–91; 8:45 am]

BILLING CODE 3510–DR–F

Adjustment of Import Limits and Sublimit for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in Peru

November 22, 1991.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs adjusting limits.

EFFECTIVE DATE: December 2, 1991.

FOR FURTHER INFORMATION CONTACT: J. 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 these limits, 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 current limit for Categories 338/339 and sublimit for Categories 338–S/339–S are being increased for swing and carryover. The limit for Category 219 is being reduced to account for the swing being applied.

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 55 FR 50756, published on December 10, 1990). Also see 55 FR 50861, published on December 11, 1990.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

November 22, 1991.

Commissioner of Customs,

Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on December 5, 1990, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool and man-made fiber textile products, produced or manufactured in Peru and exported during the twelve-month period which began on January 1, 1991 and extends through December 31, 1991.

Effective on December 2, 1991, you are directed to adjust the limits for the following categories, as provided under the terms of the current bilateral agreement between the Governments of the United States and Peru:

Category	Adjusted twelve-month limit [1]
Limit not in a group	
219	15,755,983 square meters.
338/339	875,151 dozen of which not more than 676,801 dozen shall be in Categories 338–S/339–S [2].

[1] The limits have not been adjusted to account for any imports exported after December 31, 1990.

[2] Category 338–S: only HTS numbers 6103.22.0050, 6105.10.0010, 6105.10.0030, 6105.90.3010, 6109.10.0027, 6110.20.1025, 6110.20.2040, 6110.20.2065, 6110.90.0068, 6112.11.0030 and 6114.20.0005; Category 339–S: only HTS numbers 6104.22.0060, 6104.29.2049, 6106.10.0010, 6106.10.0030, 6106.90.2010, 6106.90.3010, 6109.10.0070, 6110.20.1030, 6110.20.2045, 6110.20.2075, 6110.90.0070, 6112.11.0040, 6114.20.0010 and 6117.90.0022.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,
Auggie D. Tantillo,
Chairman, Committee for the Implementation of Textile Agreements.
[FR Doc. 91-28646 Filed 11-27-91; 8:45 am]
BILLING CODE 3510-DR-F

COMMISSION ON MINORITY BUSINESS DEVELOPMENT

Hearing

AGENCY: Commission on Minority Business Development.

ACTION: Public hearing.

SUMMARY: Notice is hereby given in accordance with the Federal Advisory Committee Act that a public hearing of the United States Commission on Minority Business Development will be held on Tuesday, December 17, 1991. The hearing is open to the public.

The December 17th hearing will convene at 9 a.m. at the Prince Georges Community College, Largo Student Center Building, in the Rennie Forum, Largo, Maryland.

The public hearing is for the purpose of receiving testimony from public and private sector decision-makers and entrepreneurs, professional experts, corporate leaders and representatives of key interest groups and organizations concerned about minority business development and participation in federal programs and contracting opportunities.

The issues of concern will be MSB and COD Program, 8(a), Access to Capital, Subcontracting, Certification, Training and Education for Minority Entrepreneurs, Mentorship, International Trade, Perception, Need for an Independent Assessment Body and general minority business development.

The Commission was established by Public Law 100-656, for purposes of reviewing and assessing Federal programs intended to promote minority business and making recommendations to the President and the Congress for such changes in laws or regulations as may be necessary to further the growth and development of minority businesses.

FOR FURTHER INFORMATION AND TESTIMONY INFORMATION: Contact S. Arlene Pinkney or Leo Salazar at 202-523-0030 at the Commission on Minority Business Development, 750 17th Street NW., suite 300, Washington, DC 20006.

SUPPLEMENTARY INFORMATION: Transcripts of hearings will be available for public inspection during regular working hours at the Commission Office approximately 30 days following the hearing.

André M. Carrington,
Executive Director.
[FR Doc. 91-28543 Filed 11-27-91; 8:45 am]
BILLING CODE 6820-PB-M

COMMISSION OF FINE ARTS

Meeting

The Commission of Fine Arts' next meeting is scheduled for Thursday, 16 January 1992 at 10 a.m. in the Commission's offices in the Pension Building, Suite 312, Judiciary Square, 441 F Street, NW., Washington, DC 20001 to discuss various projects affecting the appearance of Washington, DC, including buildings, memorials, parks, etc.; also matters of design referred by other agencies of the government. Handicapped persons should call the Commission offices (202-504-2200) for details concerning access to meetings.

Inquiries regarding the agenda and requests to submit written or oral statements should be addressed to Charles H. Atherton, Secretary, Commission of Fine Arts, at the above address or call the above number.

Dated in Washington, DC, 22 November 1991.

Charles H. Atherton,
Secretary.
[FR Doc. 91-28617 Filed 11-27-89; 8:45 am]
BILLING CODE 6330-01-M

CONSUMER PRODUCT SAFETY COMMISSION

Request for Extension of Approval of Information Collection Requirements—Labels and Instructions for Certain Coal and Wood Burning Appliances

AGENCY: Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: In accordance with provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35), the Consumer Product Safety Commission has submitted to the Office of Management and Budget a request for extension of approval through December 31, 1994, of information collection requirements set forth in 16 CFR part 1406, "Coal and Wood Burning Appliances—Notification of Performance and Technical Data." That rule requires manufacturers and importers of certain wood and coal burning appliances to provide safety information to consumers on labels affixed to those products and in instructions to accompany those products. The rule also requires manufacturers and importers to provide to the Commission copies of labels and instructions and an explanation of how certain clearance distances in those labels and instructions were determined. The requirements to provide copies of labels and instructions to the Commission have been in effect since May 16, 1984. For this reason, the information burden imposed by this rule is limited to manufacturers and importers introducing new products or models, or making changes to labels, instructions, or information previously provided to the Commission.

The purposes of the reporting requirements in part 1406 are to reduce risks of injuries from fires associated with the installation, operation, and maintenance of the appliances which are subject to the rule, and to assist the Commission in determining the extent to which manufacturers and importers comply with the requirements in part 1406.

Additional Information About the Request for Extension of Approval of Information Collection Requirements

Agency address: Consumer Product Safety Commission, Washington, DC 20207.

Title of information collection: Coal and Wood Burning Appliances—Notification of Performance and Technical Data (16 CFR part 1406).

Type of request: Extension of approval.

Frequency of collection: One time, plus updates when new models are introduced or previously submitted materials are changed.

General description of respondents: Manufacturers and importers of coal and wood burning fireplace stoves, heaters, and similar appliances.

Estimated number of respondents: 20.

Estimated average number of hours per respondent: 3 per year.

Estimated number of hours for all respondents: 60 per year.

Comments: Comments on this request for extension of approval of information collection requirements should be addressed to Elizabeth Harker, Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503; telephone (202) 395-7340. Copies of the request for extension of information collection requirements are available from Francine Shacter, Office of Planning and Evaluation, Consumer Product Safety Commission, Washington, DC 20207; telephone (301) 492-6416.

This is not a proposal to which 44 U.S.C. 3504(h) is applicable.

Dated: November 22, 1991.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 91-28553 Filed 11-27-91; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board Task Force on Review of the B-2

ACTION: Advisory committee meetings.

SUMMARY: The Defense Science Board Task Force on Review of the B-2 will meet in closed session on December 5, 1991 at the Pentagon, Arlington, Virginia

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Acquisition on scientific and technical matters as they affect the perceived needs of the Department of Defense. At this meeting the Task Force will review the B-2 program with emphasis on the flight test program and reductions of program costs.

In accordance with section 10(d) of the Federal Advisory Committee Act, Public Law No. 92-463, as amended (5 U.S.C. app. II, (1988)), it has been determined that this DSB Task Force meeting, concerns matters listed in 5 U.S.C. 552b(c)(1) (1988), and that accordingly this meeting will be closed to the public.

Dated: November 25, 1991.

Linda M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 91-28667 Filed 11-27-91; 8:45 am]

BILLING CODE 3810-01-M

Department of the Air Force

Acceptance of Group Application Under Public Law 95-202 and DODD 1000.20

In the matter of civilians employed by Consolidated Aircraft Corporation (Consairway Division) during WWII as flight crew members operating aircraft, owned by USAAF, Air Transport Command, assigned to Consairway and included those support personnel who were necessary to the required performance of the contractual obligations of Consairway during the period of December 7, 1941 through August 14, 1945.

Under the provisions of section 401, Public Law 95-202 and DOD Directive 1000.20, the Department of Defense Civilian/Military Service Review Board has accepted an application on behalf of the group known as: "Civilians Employed by Consolidated Aircraft Corporation (Consairway Division) during WWII as Flight Crew Members Operating Aircraft, Owned by USAAF, Air Transport Command, Assigned to Consairway and Included those Support Personnel Who Were Necessary to the Required Performance of the Contractual Obligations of Consairway During the Period December 7, 1941 through August 14, 1945."

Persons with information or documentation pertinent to the determination of whether the service of this group should be considered active military service to the Armed Forces of the United States are encouraged to submit such information or documentation within 60 days to the DOD Civilian/Military Service Review Board, Secretary of the Air Force (AFPC), Washington, DC 20330-1000. Copies of documents or other materials submitted cannot be returned. For further information, contact Lt Col Dunlap, (703) 692-4747.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 91-28545 Filed 11-27-91; 8:45 am]

BILLING CODE 3910-01-M

Intent To Grant Exclusive Patent License

Pursuant to the provisions of part 404 of title 37, Code of Federal Regulations, which implements Public Law 96-517 as amended by Public Law 98-620, codified at sections 207 and 208 of title 35, United States Code, the Department of the Air Force announces its intention to grant Aware, Inc., One Memorial Drive, 4th Floor, Cambridge, Massachusetts 02142-1301, a corporation of the State of Massachusetts, an exclusive license for practice of an invention domestically and in certain foreign countries, said invention being described and claimed in United States Patent Application Serial Number 07/760,021, filed 12 September 1991 in the name of Terrence G. Champion for "Multi-Speaker Conferencing Over Narrow Band Channels."

The license described above will be granted unless an objection thereto, together with a request for an opportunity to be heard, if desired, is received in writing by the addressee set forth below within the sixty (60) day period immediately following the date of publication of this Notice.

All communications concerning this Notice should be sent to Mr. Donald J. Singer, Chief, Patents Division, Air Force Legal Services Agency, AFLSA/JACP, 1900 Half Street, SW., Washington, DC 20324-1000, Telephone No. (202) 475-1386.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 91-28544 Filed 11-27-91; 8:45 am]

BILLING CODE 3910-01-M

Department of the Army

Notice of Intent To Prepare an Environmental Assessment

AGENCY: Department of the Army, DOD.

ACTION: Notice of Intent to prepare an Environmental Assessment for the realignment of the Joint Readiness Training Center and the 199th Separate Motorized Brigade to Fort Polk, Louisiana.

SUMMARY: The Defense Base Closure and Realignment Commission was mandated by Public Law 101-510, the Defense Base Closure and Realignment Act of 1990, to recommend military installations for realignment and closure. The Commission's recommendations were presented to the President in their report on July 1, 1991, and were approved by the President and forwarded to Congress on July 11, 1991. Included in the Commission's report were the recommendations to relocate the Joint Readiness Training Center from Fort Chaffee, Arkansas, and the 199th Separate Motorized Brigade from Fort Lewis, Washington, to Fort Polk, Louisiana. After 45 legislative days, the recommendations became law on October 2, 1991.

ALTERNATIVES: Public Law 101-510 exempted the decision making process of the Commission in recommending installations to be closed or realigned from the provisions of the National Environmental Policy Act of 1969. The law also exempted the Department of Defense from considering the need for closing, realigning or transferring functions and from looking at alternative installations to realign or close. The Department of Army still must prepare environmental impact analyses to assess the environmental effects of realignment on installations receiving functions from other installations and the environmental effects of property disposal.

PUBLIC REVIEW: The public will have an opportunity to comment on the findings of the Environmental Assessment before any action is taken to implement these realignment actions. Opportunity for public comment is anticipated during the summer of 1992.

Dated: November 22, 1991.

Lewis D. Walker,

Deputy Assistant Secretary of the Army (Environment, Safety and Occupational Health) OASA (IL&E).

[FR Doc. 91-28680 Filed 11-27-91; 8:45 am]

BILLING CODE 3710-08-M

Defense Logistics Agency

Privacy Act of 1974; Computer Matching Program Between the Defense Finance and Accounting Service—Kansas City Center and the Defense Manpower Data Center of the Department of Defense

AGENCY: Defense Manpower Data Center, Defense Logistics Agency, Department of Defense.

ACTION: Notice of an internal Department of the Defense computer matching program between the Defense Finance and Accounting Service—Kansas City Center (DFAS-KC) and the Defense Manpower Data Center (DMDC) of the Department of Defense (DoD) for public comment.

SUMMARY: DMDC, as the matching agency under the Privacy Act of 1974, as amended, (5 U.S.C. 552a), is hereby giving constructive notice in lieu of direct notice to the record subjects of a computer matching program between DFAS-KC and DMDC that their records are being matched by computer. The record subjects are delinquent debtors of the DFAS-KC who are current or former Federal employees or military members receiving Federal salary or benefit payments and indebted and delinquent in their payment of debts owed to the United States Government under certain programs administered by DFAS-KC so as to permit DFAS-KC to pursue and collect the debt by volunatary repayment or by administrative or salary offset procedures under the provisions of the Debt Collection Act of 1982.

DATES: This proposed action will become effective December 30, 1991, and the computer matching will proceed accordingly without further notice, unless comments are received which would result in a contrary determination or if the Office of Management and Budget or Congress objects thereto. Any public comment must be received before the effective date.

ADDRESSES: Any interested party may submit written comments to the Director, Defense Privacy Office, 400 Army Navy Drive, Room 205, Arlington, VA 22202-2884. Telephone (703) 614-3027.

SUPPLEMENTARY INFORMATION: Pursuant to subsection (o) of the Privacy Act of 1974, as amended, (5 U.S.C. 552a), DFAS-KC and DMDC have concluded a memorandum of understanding (MOU) to conduct a computer matching program between the agencies. The purpose of the match is to assist DFAS-KC in identifying and locating those delinquent debtors employed in another Federal agency or uniformed service, including retirees receiving a Federal benefit. DFAS-KC will use this information to initiate independent collection of these debts under the Debt Collection Act of 1982 when voluntary payment is not forthcoming or by administrative or salary offset procedures until the obligation is paid in full. The parties to this MOU have determined that a computer matching program is the most efficient, effective and expeditious method for accomplishing this task with the least amount of intrusion of personal privacy of the individuals concerned. It was therefore concluded and agreed upon that computer matching would be the best and least obtrusive manner and choice for accomplishing this requirement.

A copy of the computer matching MOU between DFAS-KC and DMDC is available upon request to the public. Requests should be submitted to the address caption above or to the Debt Management Division, Defense Finance and Accounting Service—Kansas City Center, Kansas City, MO 64197-0001.

Set forth below is a notice of the establishment of a computer matching program required by paragraph 6.c. of the Office of Management and Budget Guidelines on Computer Matching published in the **Federal Register** at 54 FR 25818 on June 19, 1989.

The matching agreement as required by 5 U.S.C. 552a(r) and an advance copy of this notice was submitted on November 15, 1991, to the Committee on Government Operations of the House of Representatives, the Committee on Governmental Affairs of the Senate, and the Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget pursuant to paragraph 4b of Appendix I to OMB Circular No. A-130, "Federal Agency Responsibilities for Maintaining Records about Individuals," dated December 12, 1985 (50 FR 52738, December 24, 1985). This matching program is subject to review by OMB and Congress and shall not become effective until that review period has elapsed.

Dated: November 25, 1991.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

Computer Matching Program Between the Defense Finance and Accounting Service-Kansas City Center and the Defense Manpower Data Center of the Department of Defense for Debt Collection

A. *Participating Agencies:* Participants in this computer matching program are the Defense Finance and Accounting Service-Kansas City Center (DFAS-KC) and the Defense Manpower Data Center (DMDC) of the Department of Defense (DoD). DFAS-KC is the source agency, ie., the agency disclosing the records for the purpose of the match. DMDC is the specific recipient or matching agency, i.e., the agency that actually performs the computer matching.

B. *Purpose of the match:* The purpose of the match is to identify and locate delinquent debtors who are current or former Federal employees or military members receiving any Federal salary or benefit payments and indebted and delinquent in their repayment of debts owed to the United States Government under certain programs administered by DFAS-KC so as to permit DFAS-KC to pursue and collect the debt by voluntary repayments or by administrative or salary offset procedures under the provisions of the Debt Collection Act of 1982.

C. *Authority for conducting the match:* The legal authority for conducting the matching program is contained in the Debt Collection Act of 1982 (Pub. L. 97-365), 31 U.S.C. chapter 37, subchapter I (General) and subchapter II (Claims of the United States Government), 31 U.S.C. 3711 Collection and Compromise, 31 U.S.C. 3716-3718 Administrative Offset, 5 U.S.C. 5514 Installment Deduction for Indebtedness (Salary Offset); 10 U.S.C. 136, Assistant Secretaries of Defense, Appointment Powers and Duties; Section 206 of Executive Order 11222; 37 U.S.C. 1007, Military Salary Offset; 4 CFR chapter II, Federal Claims Collection Standards (General Accounting Office—Department of Justice); DoD Instruction 7045.18, Collection of Indebtedness due the United States (32 CFR part 90); DoD Directive 7045.13 DoD Credit Management and Debt Collection Program, dated October 31, 1986.

D. *Records to be matched:* The systems of records maintained by the respective agencies under the Privacy Act of 1974, as amended, 5 U.S.C. 552a, from which records will be disclosed for

the purpose of this computer match are as follows:

1. This match will involve the DFAS–KC record system identified as MFD00007, "Marine Corps Financial Records System", last published in the **Federal Register** at 56 FR 24793 on May 31, 1991. The notice contains an appropriate routine use for the release of these records for this purpose. The DFAS–KC file contains information on approximately 10,000 debtors.

2. The DoD systems of records are S322.10 DMDC, "Defense Manpower Data Center Data Base", published at 56 FR 19838 on April 30, 1991, and S322.11 DLA–LX, "Federal Creditor Agency Debt Collection Data Base", last published in the **Federal Register** at 52 FR 37495 on October 7, 1987. The DMDC files contain information on approximately ten million active duty, retired, and Reserve military members, and current and former Federal civilian employees.

3. This computer match is internal within the DoD. The Dod is considered a single agency for routine use disclosure purposes under the Privacy Act. All routine uses published in DoD record system notices are for disclosure of records outside the DoD for a use that is compatible with the purpose for which the information was collected and maintained by DoD. The exchange of records for this match between DFAS–KC and DMDC is permitted under the exception of subsection (b)(1) of the Privacy Act, i.e., to those officers and employees of the agency which maintains the record who have a need for the record in the performance of their duties. Therefore, there is no requirement that either record system notice have a routine use for the match. Nevertheless, the exchange of the records is compatible with the purposes for which the information was collected and maintained in both systems. Moreover, there will be a disclosure accounting maintained by DMDC for any disclosures from the S322.10 DMDC and S322.11 DLA–LZ record systems.

E. *Description of Computer Matching Program:* DFAS–KC, as the source agency, will provide DMDC with a magnetic tape of individuals who are indebted to the Marine Corps. The tape will contain data elements on individual debtors. DMDC, as the recipient agency, will perform a computer match using all nine digits of the SSN of the DFAS–KC file against a DMDC computer data base. Matching records, "hits" based on the SSN, will produce the member's name, service or agency, category of employee, salary or benefit amounts, and current work or home address. Matching records will be returned to DFAS–KS in a standard 430 byte output record on tape. DFAS–KC will be responsible for verifying the information and for resolving any discrepancies or inconsistencies on an individual basis. DFAS–KC will be responsible for making the final determinations as to positive identification, amount of indebtedness, and recovery efforts as a result of the match. Debtors identified on the DMDC listing as in a Marine Corps active duty, reserve, or retired pay status are treated as in-service debtors. If the debtor is employed by another Federal agency, a request for salary or administrative offset is issued to the employing agency. Debtors identified on the DMDC listing as in a Navy, Air Force, or Army active duty, reserve or retired pay status are issued a military pay offset warning letter. If no response is received after 30 days, a Pay Adjustment Authorization is issued to deduct monthly installments from the debtor's military pay.

F. *Individual notice and opportunity to contest:* It will be the responsibility of DFAS–KC to verify and determine whether the data from the DMDC match are consistent with the data from the DFAS–KC debtor file, and to resolve any discrepancies or inconsistencies as to positive identification. Any discrepancies or inconsistencies furnished by DMDC, or developed as the result of the match, such as amount of indebtedness or salaries of hits will be independently investigated and verified by DFAS–KC prior to any final adverse action being taken against the individual by DFAS–KC. There will be no adverse action taken based on raw hits.

Marine Corps Debtors—There are two (2) primary types of salary offset: Military Salary Offset—under Title 37 U.S.C. 1007 (Deduction from pay), Army debtors who are currently serving in the Armed Forces in an activy duty, reserve, or retired pay status.

Civilian Salary Offset—Under 5 U.S.C. 5514 Army debtors who are currently employed as a civilian or retired by a government agency.

Under subsection (c) of 37 U.S.C. 1007, an amount that a member of the Armed Forces is administratively determined to owe the United States may be deducted from the pay of the member in monthly installments. The debtor is notified in writing when collections are made under this authority. That notification includes information concerning the amount to be collected and the amount of monthly deductions. The debtor is given an opportunity to enter into a voluntary agreement to repay the debt under terms agreeable to DFAS–KC. The debtor is given an opportunity to inspect and copy records related to the debt and for review of the decision related to the debt. Request for copies of the records relating to the debt shall be made no later than 10 days from the receipt by the debtor of the notice of indebtedness.

The debtor is entitled to a 30 day written notification informing the debtor of the circumstances under which the debt occurred, the amount owed, the intent to collect by deduction from pay if the amount owed is not paid in full, and an explantion of other rights of the debtor under the law.

The debtor is also entitled to an opportunity for a hearing concerning the existence or the amount of the debt, or when a repayment schedule is established other than by written agreement concerning the terms of the repayment schedule. The debtor shall be advised that a challenge to either the existence of the debt, the amount of the debt, or the repayment schedule, must be made within 30 days of receipt by the debtor of the notice of indebtedness or within 45 days after receipt of the records relating to the debt, if such records are requested by the debtor.

G. *Inclusive dates of the matching program:* This computer matching program is subject to review by the Office of Management and Budget and Congress. If no objections are raised by either, and the mandatory 30 day public notice period for comment has expired for this **Federal Register** notice with no significant adverse public comments in receipt resulting in a contrary determination, then this computer matching program becomes effective and the respective agencies may begin the exchange of data 30 days after the date of this published notice at a mutually agreeable time and may be repeated no more than twice a year. Under no circumstances shall the matching program be implemented before this 30 day public notice period for comment has elapsed as this time period cannot be waived. By agreement between DFAS–KC and DMDC, the matching program will be in effect and continue for 18 months with an option to renew for 12 additional months unless one of the parties to the agreement advises the other by written request to terminate or modify the agreement.

H. *Address for receipt of public comments or inquiries:* Director, Defense Privacy Office, 400 Army Navy Drive, room 205, Arlington, VA 22202–2884. Telephone (703) 614–3027.

[FR Doc. 91–28668 Filed 11–27–91; 8:45 am]

BILLING CODE 3810–01–M

Privacy Act of 1974; Computer Matching Program Between the Defense Finance and Accounting Service-Indianapolis Center and the Defense Manpower Data Center of the Department of Defense

AGENCY: Defense Manpower Data Center, Defense Logistics Agency, Department of Defense.

ACTION: Notice of an internal Department of the Defense computer matching program between the Defense Finance and Accounting Service-Indianapolis Center (DFAS–IN) and the Defense Manpower Data Center (DMDC) of the Department of Defense (DoD) for public comment.

SUMMARY: DMDC, as the matching agency under the Privacy Act of 1974, as amended, (5 U.S.C. 552a), is hereby giving constructive notice in lieu of direct notice to the record subjects of a computer matching program between DFAS–IN and DMDC that their records are being matched by computer. The record subjects are delinquent debtors of the DFAS–IN who are current or former Federal employees or military members receiving Federal salary or benefit payments and indebted and delinquent in their payment of debts owed to the United States Government under certain programs administered by DFAS–IN so as to permit DFAS–IN to pursue and collect the debt by voluntary repayment or by administrative or salary offset procedures under the provisions of the Debt Collection Act of 1982.

DATES: This proposed action will become effective December 30, 1991, and the computer matching will proceed accordingly without further notice, unless comments are received which would result in a contrary determination or if the Office of Management and Budget or Congress objects thereto. Any public comment must be received before the effective date.

ADDRESSES: Any interested party may submit written comments to the Director, Defense Privacy Office, 400 Army Navy Drive, room 205, Arlington, VA 22202–2884. Telephone (703) 614–3027.

SUPPLEMENTARY INFORMATION: Pursuant to subsection (o) of the Privacy Act of 1974, as amended, (5 U.S.C. 552a), DFAS–IN and DMDC have concluded a memorandum of understanding (MOU) to conduct a computer matching program between the agencies. The purpose of the match is to assist DFAS–IN in identifying and locating those delinquent debtors employed in another Federal agency or uniformed service, including retirees receiving a Federal benefit. DFAS–IN will use this information to initiate independent collection of these debt under the Debt Collection Act of 1982 when voluntary payment is not forthcoming or by administrative or salary offset procedures until the obligation is paid in full. These collection efforts will include requests by DFAS–IN of other Federal agencies to disclose and maintain debtor records which will be matched with DMDC's Federal employment/compensation records to collect debts owed to DFAS–IN. The parties to this MOU have determined that a computer matching program is the most efficient, effective and expeditious method for accomplishing this task with the least amount of intrusion of personal privacy of the individuals concerned. It was therefore concluded and agreed upon that computer matching would be the best and least obtrusive manner and choice for accomplishing this requirement.

A copy of the computer matching MOU between DFAS–IN and DMDC is available upon request to the public. Requests should be submitted to the address caption above or to the Debt Management Systems Branch, Defense Finance and Accounting Service-Indianapolis Center, Department 80, Indianapolis, IN 46249–0001.

Set forth below is a notice of the establishment of a computer matching program required by paragraph 6.c. of the Office of Management and Budget Guidelines on Computer Matching published in the **Federal Register** at 54 FR 25818 on June 19, 1989.

The matching agreement as required by 5 U.S.C. 552a(r) and an advance copy of this notice was submitted on November 15, 1991, to the Committee on Government Operations of the House of Representatives, the Committee on Governmental Affairs of the Senate, and the Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget pursuant to paragraph 4b of Appendix I to OMB Circular No. A–130, "Federal Agency Responsibilities for Maintaining Records about Individuals," dated December 12, 1985 (50 FR 52738, December 24, 1985). This matching program is subject to review by OMB and Congress and shall not become effective until that review period has elapsed.

Dated, November 25, 1991.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

Computer Matching Program Between the Defense Finance and Accounting Service—Indianapolis Center and the Defense Manpower Data Center of the Department of Defense for Debt Collection

A. *Participating agencies:* Participants in this computer matching program are the Defense Finance and Accounting Service—Indianapolis Center (DFAS–IN) and the Defense Manpower Data Center (DMDC) of the Department of Defense (DoD). DFAS–IN is the source agency, i.e., the agency disclosing the records for the purpose of the match. DMDC is the specific recipient or matching agency, i.e., the agency that actually performs the computer matching.

B. *Purpose of the match:* The purpose of the match is to identify and locate delinquent debtors who are current or former Federal employees or military members receiving any Federal salary or benefit payments and indebted and delinquent in their repayment of debts owed to the United States Government under certain programs administered by DFAS–IN so as to permit DFAS–IN to pursue and collect the debt by voluntary repayments or by administrative or salary offset procedures under the provisions of the Debt Collection Act of 1982.

C. *Authority for conducting the match:* The legal authority for conducting the matching program is contained in the Debt Collection Act of 1982 (Pub. L. 97–365), 31 U.S.C. Chapter 37, Subchapter I (General) and Subchapter II (Claims of the United States Government), 31 U.S.C. 3711 Collection and Compromise, 31 U.S.C. 3716–3718 Administrative Offset, 5 U.S.C. 5514 Installment Deduction for Indebtedness (Salary Offset); 10 U.S.C. 136, Assistant Secretaries of Defense, Appointment Powers and Duties; section 206 of Executive Order 11222; 4 CFR chapter II, Federal Claims Collection Standards (General Accounting Office—Department of Justice); DoD Instruction 7045.18, Collection of Indebtedness due the United States (32 CFR part 90); DoD Directive 7045.13 DoD Credit Management and Debt Collection Program, dated October 31, 1986.

D. *Records to be matched:* The systems of records maintained by the respective agencies under the Privacy Act of 1974, as amended, 5 U.S.C. 552a, from which records will be disclosed for

the purpose of this computer match are as follows:

1. This match will involve the DFAS–IN record system identified as A0037–104–1bSAFM, "Debt Management System", last published in the **Federal Register** at 53 FR 49586 on December 8, 1988, and amended at 55 FR 48671 on November 21, 1990. The notice contains an appropriate routine use for the release of these records for this purpose. The DFAS–IN file contains information on approximately 27,000 debtors.

2. The DoD systems of records are S322.10 DMDC, "Defense Manpower Data Center Data Base", published at 56 FR 19838 on April 30, 1991, and S322.11 DLA–LZ, "Federal Creditor Agency Debt Collection Data Base", last published in the **Federal Register** at 52 FR 37495 on October 7, 1987. The DMDC files contain information on approximately ten million active duty, retired, and Reserve military members, current and former Federal civilian employees, and debtors obligated to DoD.

3. This computer match is internal within the DoD. The DoD is considered a single agency for routine use disclosure purposes under the Privacy Act. All routine uses published in DoD record system notices are for disclosure of records outside the DoD for a use that is compatible with the purpose for which the information was collected and maintained by DoD. The exchange of records for this match between DFAS–IN and DMDC is permitted under the exception of subsection (b)(1) of the Privacy Act, i.e., to those officers and employees of the agency which maintains the record who have a need for the record in the performance of their duties. Therefore, there is no requirement that either record system notice have a routine use for the match. Nevertheless, the exchange of the records is compatible with the purposes for which the information was collected and maintained in both systems. Moreover, there will be a disclosure accounting maintained by DMDC for any disclosures from the S322.11 DLA–LZ record system.

E. *Description of computer matching program:* DFAS–IN, as the source agency, will provide DMDC with a magnetic tape of individuals who are indebted to the Army. The tape will contain data elements on individual debtors. DMDC, as the recipient agency, will perform a computer match using all nine digits of the SSN of the DFAS–IN file against a DMDC computer data base. Matching records, "hits" based on the SSN, will produce the member's name, service or agency, category of employee, salary or benefit amounts, and current work or home address. Matching records will be returned to DFAS–IN in a standard 430 byte output record on tape. DFAS–IN will be responsible for verifying the information and for resolving any discrepancies or inconsistencies on an individual basis. DFAS–IN will be responsible for making the final determinations as to positive identification, amount of indebtedness, and recovery efforts as a result of the match. Debtors identified on the DMDC listing as in an Army active duty, reserve, or retired pay status are treated as in-service debtors. If the debtor is employed by another Federal agency, a request for salary or administrative offset is issued to the employing agency. Debtors identified on the DMDC listing as in a Navy, Air Force, or Marine Corps active duty, reserve or retired pay status are issued a military pay offset warning letter. If no response is received after 30 days, a Pay Adjustment Authorization is issued to deduct monthly installments from the debtor's military pay.

F. *Individual notice and opportunity to contest:* It will be the responsibility of DFAS-IN to verify and determine whether the data from the DMDC match are consistent with the data from the DFAS-IN debtor file, and to resolve any discrepancies or inconsistencies as to positive identification. Any discrepancies or inconsistencies furnished by DMDC, or developed as the result of the match, such as amount of indebtedness or salaries of hits will be independently investigated and verified by DFAS-IN prior to any final adverse action being taken against the individual by DFAS-IN. There will be no adverse action taken based on raw hits.

Army Debtors—There are two (2) primary types of salary offset:

Military Salary Offset—under Title 37 U.S.C. 1007 (Deduction from Pay), Army debtors who are currently serving in the Armed Forces in an active duty, reserve, or retired pay status.

Civilian Salary Offset—under 5 U.S.C. 5514 Army debtors who are currently employed as a civilian or retired by a government agency.

Under subsection (c) of 37 U.S.C. 1007, an amount that a member of the Armed Forces is administratively determined to owe the United States may be deducted from the pay of the member in monthly installments. The debtor is notified in writing when collections are made under this authority. That notification includes information concerning the amount to be collected and the amount of monthly deductions. The debtor is given an opportunity to enter into a voluntary agreement to repay the debt under terms agreeable to the head of the Creditor Component or his designee. The debtor is given an opportunity to inspect and copy records related to the debt and for review of the decision related to the debt. Request for copies of the records relating to the debt shall be made no later than 10 days from the receipt by the debtor of the notice of indebtedness.

The debtor is entitled to a 30 day written notification informing the debtor of the circumstances under which the debt occurred, the amount owed, the intent to collect by deduction from pay if the amount owed is not paid in full, and an explanation of other rights of the employee under the law.

The debtor is also entitled to an opportunity for a hearing concerning the existence or the amount of the debt, or when a repayment schedule is established other than by written agreement concerning the terms of the repayment schedule. The debtor shall be advised that a challenge to either the existence of the debt, the amount of the debt, or the repayment schedule, must be made within 30 days of receipt by the debtor of the notice of indebtedness or within 45 days after receipt of the records relating to the debt, if such records are requested by the debtor.

G. *Inclusive dates of the matching program:* This computer matching program is subject to review by the Office of Management and Budget and Congress. If no objections are raised by either, and the mandatory 30 day public notice period for comment has expired for this **Federal Register** notice with no significant adverse public comments in receipt resulting in a contrary determination, then this computer matching program becomes effective and the respective agencies may begin the exchange of data 30 days after the date of this published notice at a mutually agreeable time and may be repeated no more than twice a year. Under no circumstances shall the matching program be implemented before this 30 day public notice period for comment has elapsed as this time period cannot be waived. By agreement between DFAS-IN and DMDC, the matching program will be in effect and continue for 18 months with an option to renew for 12 additional months unless one of the parties to the agreement advises the other by written request to terminate or modify the agreement.

H. *Address for receipt of public comments or inquiries:* Director, Defense Privacy Office, 400 Army Navy Drive, Room 205, Arlington, VA 22202–2884. Telephone (703) 614–3027.

[FR Doc. 91–28669 Filed 11–27–91; 8:45 am]

BILLING CODE 3810–01–M

DEPARTMENT OF ENERGY

Opportunity for Public Comment, Programmatic Environmental Impact Statement for Reconfiguration of the Nuclear Weapons Complex

AGENCY: Department of Energy.

ACTION: Notice of opportunity for public comment, incorporating the New Production Reactor capacity analysis into the programmatic environmental impact statement for reconfiguration of the nuclear weapons complex.

SUMMARY: The Department of Energy (DOE) invites public comment on incorporating its New Production Reactor (NPR) capacity environmental impact statement (EIS) into the Department's programmatic environmental impact statement (PEIS) for reconfiguring the nuclear weapons complex. On November 1, 1991, the Secretary of Energy announced his decision to integrate the two EISs, which was made in light of the President's announcement of September 27, 1991, to further reduce the Nation's stockpile of nuclear weapons. The President's initiative allows DOE an opportunity to conduct an integrated examination of the reconfiguration and NPR programs. This approach would result in integrating the programmatic analysis regarding tritium supply with the programmatic analysis of other functional elements of the weapons complex. The "Draft EIS for the Siting, Construction and Operation of NPR Capacity," which analyzed both programmatic and project-specific alternatives for tritium capacity, was issued for public review and comment in April 1991 pursuant to the National Environmental Policy Act (NEPA), as amended (42 U.S.C. 4321 *et seq.*), and the Council on Environmental Quality (CEQ) regulations implementing NEPA (40 CFR parts 1500–1508). DOE received numerous public comments regarding the draft NPR capacity EIS and the scope of the Reconfiguration PEIS, including comments on the relationship between the two documents.

DATES: The public comment period on incorporating the NPR capacity EIS into the Reconfiguration PEIS will extend until January 6, 1992. To ensure their consideration in the preparation of the PEIS, comments must be postmarked or delivered to DOE headquarters by that date.

FOR FURTHER INFORMATION CONTACT: Written comments and requests for further information on the DOE nuclear weapons complex reconfiguration program should be sent to: Howard R. Canter, Deputy Assistant Secretary, Weapons Complex Reconfiguration Office, DP–40, room 4C–014, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–2700.

SUPPLEMENTARY INFORMATION: On September 16, 1988, DOE issued a Notice of Intent (NOI) to prepare an EIS on its proposal to site, construct, and operate NPR capacity and related support facilities (53 FR 36094). DOE held 14 public scoping meetings in November and December 1988, as part of the scoping process for the EIS; the public comment period ended December 15, 1988.

On February 11, 1991, DOE issued a NOI to prepare a PEIS on its proposal to reconfigure its existing nuclear weapons complex to create a smaller, less diverse, more efficient complex at the present sites or at relocated or consolidated sites (56 FR 5590). The PEIS will analyze the environmental consequences of alternative long-term reconfiguration strategies for the DOE nuclear weapons complex, envisioned to be in place early in the 21st century ("Complex 21"), and weigh these against the consequences of maintaining the existing configuration. DOE held 15 public scoping meetings from March to August 1991, as part of the scoping process for the PEIS; the public comment period ended September 30, 1991.

The NPR proposal was identified as an interim action to Reconfiguration PEIS, within the meaning of § 1506.1(c) of the CEQ regulations because DOE had determined that new tritium production capacity was needed on an urgent schedule, and therefore believed that the NPR proposal was justified independently of the Complex 21 proposal. The NPR EIS was to serve as the DOE's programmatic look at new tritium production capacity and any new facility built as a result of that analysis would be part of Complex 21. A Notice of Availability of the draft NPR EIS was published on April 19, 1991 (56 FR 16078), and DOE held 13 public hearings; the public comment period on the draft EIS ended June 17, 1991.

DOE received numerous public comments regarding the draft NPR capacity EIS and the scope of the Reconfiguration PEIS, including comments on the relationship between the two documents.

On September 27, 1991, the President announced his initiative to further reduce the Nation's nuclear weapons stockpile. The Secretary has determined that this announcement has created both the opportunity and necessity to integrate the examination of the tritium production capacity issue along with the reconfiguration program. This redirection of the PEIS effort will ensure that DOE's long-range planning and decision-making are fully consistent with the President's goals.

As stated in the "Nuclear Weapons Complex Reconfiguration Study," published by DOE in January 1991, and in the NOI for the Reconfiguration PEIS, the PEIS will analyze alternative configurations for the weapons complex and compare them to a "no action" (no reconfiguration) baseline alternative. The Reconfiguration Study outlined two reconfiguration options, designated A and B. Under Reconfiguration Option A, the plutonium recycling and manufacturing functions now performed at the Rocky Flats Plant near Denver, Colorado, would be relocated; the non-nuclear manufacturing functions now performed at Rocky Flats would be either transferred or privatized; and remaining configuration of the weapons complex would be upgraded in place. Under Reconfiguration Option B, either the nuclear materials functions now performed at the Pantex Plant near Amarillo, Texas, or the uranium processing functions now performed at the Y–12 Plant near Oak Ridge, Tennessee, or both, would be collocated with the plutonium functions from Rocky Flats. Candidate sites being considered for relocation of these functions under either Option A or B are the Hanford Site near Richland, Washington; the Idaho National Engineering Laboratory near Idaho Falls, Idaho; the Oak Ridge Reservation near Oak Ridge, Tennessee ; the Pantex Plant and the Savannah River Site near Aiken, South Carolina. The possibility of relocating other mission elements would be examined in the interests of further consolidating the weapons complex.

DOE intends to integrate the programmatic analysis of tritium supply capacity into the Reconfiguration PEIS as follows. Under the "no action" alternative, tritium would continue to be produced at the K- or L- Reactors at the Savannah River Site. Under other alternatives, tritium would be supplied by siting, constructing, and operating new tritium production capacity at the Savannah River Site, the Idaho National Engineering Laboratory, or the Hanford Site. Sizing and scheduling for tritium supply capacity will be reexamined in light of the President's initiative to reduce the nuclear weapons requirements.

The draft NPR EIS analyzed the potential environmental impacts of three reactor technologies at three DOE sites. The technologies analyzed were a heavy-water reactor, a light-water

reactor, and a modular high-temperature gas-cooled reactor. The sites analyzed were the Hanford Site, the Idaho National Engineering Laboratory, and the Savannah River Site. These sites are also being considered for relocation of other nuclear functions, now carried out at the Rocky Flats, Pantex, and Y-12 Plants, as described above. Accordingly, the effects of collocating tritium supply with other nuclear functions will be assessed in the PEIS for all three sites. DOE will reassess whether other technologies would be reasonable alternatives for tritium supply, given the President's initiative. The PEIS analysis may include sufficient detail to support decisions regarding construction of tritium supply, plutonium recycling, and uranium processing facilities; however, the PEIS is intended primarily to support programmatic decisions regarding configuration of the weapons complex and serve as a basis for tiering subsequent project-specific environmental reviews for new facilities, if any, to be constructed as part of Complex 21.

INVITATION TO COMMENT: DOE invites interested parties, including affected Federal, State and local agencies and Indian Tribes, to comment on the ramifications of integrating the analysis of the environmental effects of tritium supply capacity into the analysis of reconfiguring the nuclear weapons complex. DOE will consider these comments when preparing the Reconfiguration PEIS. DOE will solicit public review and comment on the draft PEIS when completed and will consider those comments when completing the final PEIS.

Public comments received in response to this notice will be made available for review in the public reading rooms established previously for the Reconfiguration PEIS effort.

Signed in Washington, DC this 25th day of November, 1991, for the United States Department of Energy.

Richard A. Claytor,

Assistant Secretary, Defense Programs.

[FR Doc. 91-28695 Filed 11-27-91, 8:45 am]

BILLING CODE 6450-01-M

Secretary of Energy Advisory Board Task Force on Economic Analysis and Modeling Related to Energy; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770, as amended), notice is hereby given of the following advisory committee task force meeting:

Name: Secretary of Energy Advisory Board Task Force on Economic Analysis and Modeling Related to Energy.

Date and Time: Thursday, December 12, 1991, 8:30 am-12 noon.

Place: U.S. Department of Energy, Forrestal Building—room 1E-245, 1000 Independence Avenue, SW., Washington, DC 20585.

Note: To obtain badge at front desk it will be necessary to have a picture I.D. (For example, Driver's License, Passport or Company I.D.). All visitors will be escorted at all times for security reasons.

Contact: Susan D. Heard, Designated Federal Officer, 1000 Independence Avenue, SW., Washington, DC 20585, Telephone: (202) 586-3770.

Purpose: The Task Force will advise the Department of Energy on how economic models and tools of analysis can better be used to address issues of energy policy by developing recommendations to clarify analytical needs, facilitate communication between DOE analysis and policy makers, and create institutions with DOE that accumulate knowledge gained through the policy modeling process.

Tentative Agenda

Thursday, December 12, 1991

8:30 a.m., Greetings and Opening Remarks—Roger Noll
9, Report of the Modeling Principles Subgroup—Stephen Peck
9:30, Report of the Current and Emerging Issues Subgroup—Glen Schleede
10, Break
10:30, Discussion of the NEMS Review—Roger Noll
11, Discussion of Upcoming Events—Task Force
11:45, Public Comments
12 noon, Adjourn

Public Participation: The meeting is open to the public. The Chairman of the Task Force is empowered to conduct the meeting in a fashion that will, in the Chairman's judgment, facilitate the orderly conduct of business.

Persons wishing to attend the public meeting should provide their names and social security numbers to (202) 586-7092 by December 6 to arrange for visitor passes to the Forrestal Building.

Any member of the public who wishes to make an oral statement pertaining to agenda items should contact the Designated Federal Officer at the address or telephone number listed above. Requests must be received before 3 p.m. (E.S.T.) Friday, December 6, 1991, and reasonable provision will be made to include the presentation during the public comment period. It is requested that oral presenters provide 15 copies of their statements at the time of their presentations.

Written testimony pertaining to agenda items may be submitted prior to the meeting. Written testimony must be received by the Designated Federal Officer at the address shown above before 5 p.m. (E.S.T.) Friday, December 6, 1991, to assure it is considered by Task Force members during the meeting.

Minutes: A transcript of the open, public meeting will be available for public review and copying approximately 30 days following the meeting at the Public Reading Room, 1E-190, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC, between 9 a.m. and 4 p.m., Monday through Friday except Federal holidays.

Issued: Washington, DC, on November 20, 1991.

Marcia L. Morris,

Deputy Advisory Committee Management Officer.

[FR Doc. 91-28686 Filed 11-27-91; 8:45 am]

BILLING CODE 6450-01-M

[6450-01]

Intent To Develop a Resource Allocation Support System for the Office of Waste Operations and Request for Public Comment

AGENCY: U.S. Department of Energy, Office of Enironmental Restoration and Waste Management, Office of Waste Operations.

ACTION: Request for public comments on the development of a resource allocation support system for the Office of Environmental Restoration and Waste Management, Office of Waste Operations.

SUMMARY: The Department of Energy (DOE) is in the initial stages of developing a resource allocation support system to aid in budgetary decisions by the Office of Waste Operations (WO). The WO program manages wastes from DOE's processing, manufacturing, and research activities using appropriate treatment, storage, and disposal technologies. These wastes must be managed in a way that protects the health and safety of the public and workers and the quality of the environment. In addition, WO activities are being directed to achieve real reductions in the volume and toxicity of hazardous, mixed, radioactive, and sanitary wastes generated by DOE's activities.

Currently, funding allocation decisions for WO activities are aided through the use of a categorical system, which is described in the Five-Year Plan (DOE/S-0089P, August 1991, pp. 174-174). DOE is considering a resource allocation support system based on a formal decision-making methodology, namely, multiattribute utility analysis. It is intended that the new resource allocation support system be technically sound; responsive to public values, ideas, and concerns; and generally more helpful in aiding funding decisions than the current system. DOE requests comments on the WO objectives to be used by the system, and how the resource allocation support system should be structured.

DATES: Written comments should be postmarked by December 30, 1991 to assure consideration. Comments received after that date will be considered to the extend practicable.

ADDRESSES AND FURTHER INFORMATION: Comments and requests for additional information should be directed to: Kevin Donovan, EM–333, Trevion II, U.S. Department of Energy, Washington, DC 20585–0002; telephone number (301) 903–7671.

SUPPLEMENTARY INFORMATION: The resource allocation support system is expected to aid DOE managers in evaluating the benefits and costs of funding options at different WO budget levels. This system, a multiattribute utility process, should also help DOE managers examine tradeoffs among proposed activities for a specific WO budget level. Proposed WO activities will be evaluated against specific WO objectives that measure benefits of performing the work. The amount of funding recommended by the system for each activity depends on the degree to which the activity achieves WO objectives. DOE management would take the recommendation into consideration when making budgetary decisions.

The following objectives are being considered for the resource allocation support system to measure benefits and costs for different funding options: Maximize compliance with applicable environmental laws and agreements; minimize health and safety risks to workers and the public; minimize environmental impacts; minimize waste generation; and effectively treat, store, and dispose of waste generated by DOE programs, such as Defense Programs, Nuclear Energy, Energy Research, and Environmental Restoration.

DOE is interested in receiving comments on the proposed structure and on the objectives which should be used.

Paul D. Grimm,

Principal Deputy Assistant Secretary for Environmental Restoration and Waste Management.

[FR Doc. 91–28693 Filed 11–27–91; 8:45 am]

BILLING CODE 6450–01–M

Assistant Secretary for International Affairs and Energy Emergencies

Proposed Subsequent Arrangement

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160), notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement for Cooperation between the Government of the United States of America and the European Atomic Energy Community (EURATOM) concerning Peaceful Uses of Atomic Energy, as amended, and the Agreement for Cooperation between the Government of the United States of America and the Government of Sweden concerning Peaceful Uses of Nuclear Energy.

The subsequent arrangement to be carried out under the above-mentioned agreements involves approval for the transfer from the United Kingdom to Sweden of 7,600 kilograms of uranium, enriched to 3.13 percent in the isotope uranium-235 for fuel fabrication for the Swedish State Power Board. Retransfer document RTD/SW(EU)–151 has been assigned to this transfer.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

Issued in Washington, DC on November 22, 1991.

Richard H. Williamson,

Associate Deputy Assistant Secretary for International Affairs.

[FR Doc. 91–28689 Filed 11–27–91; 8:45 am]

BILLING CODE 6450–01–M

Proposed Subsequent Arrangement

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160), notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement for Cooperation between the Government of the United States of America and the European Atomic Energy Community (EURATOM) concerning Peaceful Uses of Atomic Energy, as amended, and the Agreement for Cooperation between the Government of the United States of America and the Government of Switzerland concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above-mentioned agreements involves approval of the following retransfer: RTD/SD(EU)–65, for the transfer from the Federal Republic of Germany to Switzerland of 14 irradiated fuel rods containing 19,168 grams of uranium, containing 102 grams of uranium-235 and 227 grams of plutonium for storage in Switzerland, following post-irradiation examination.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

Issued in Washington, DC on November 22, 1991.

Richard H. Williamson,

Associate Deputy Assistant Secretary for International Affairs.

[FR Doc. 91–28690 Filed 11–27–91; 8:45 am]

BILLING CODE 6450–01–M

Proposed Subsequent Arrangement

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160), notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement for Cooperation between the Government of the United States of America and the European Atomic Energy Community (EURATOM) concerning Peaceful Uses of Atomic Energy, as amended, and the Agreement for Cooperation between the Government of the United States of America and the Government of Norway concerning Peaceful Uses of Nuclear Energy.

The subsequent arrangement to be carried out under the above-mentioned agreements involves approval of the following retransfer: RTD/NO(EU)–59, for the transfer from the Federal Republic of Germany to Norway of 4,756 grams of uranium, containing 40 grams of the isotope uranium–235 and 60 grams of plutonium contained in irradiated fuel rods for storage in Norway following post-irradiation examination.

In accordance with section 131 of the Atomic Energy At of 1954, as amended, it has been determined that this subsequent arrangement will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

Issued in Washington, DC on November 22, 1991.

Richard H. Williamson,

Associate Deputy Assistant Secretary for International Affairs.

[FR Doc. 91–28691 Filed 11–27–91; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket Nos. ER92-176-000, et al.]

Niagara Mohawk Power Corp., et al.; Electric Rate, Small Power Production, and Interlocking Directorate Filings

Take notice that the following filings have been made with the Commission:

1. Niagara Mohawk Power Corp.

[Docket No. ER92-176-000]

November 18, 1991.

Take notice that on November 4, 1991, Niagara Mohawk Power Corporation (Niagara) tendered for filing the first supplemental agreement to the System Energy Sales Agreement between Niagara and Pennsylvania Power & Light Company.

Comment date: December 2, 1991 in accordance with Standard Paragraph E at the end of this notice.

2. Iowa Public Service Co.

[Docket No. ER92-182-000]

November 18, 1991.

Take notice that on November 8, 1991 Iowa Public Service Company (IPS) tendered for filing an Electric Interconnection Agreement (Interconnection Agreement), revised Exhibit A and Exhibit B to the Interconnection Agreement with Northwest Iowa Power Cooperative (NIPCO), dated November 1, 1991.

IPS indicates that the Interconnection Agreement replaces the Electric Interchange Agreement (Interchange Agreement) between IPS and NIPCO, dated April 30, 1971. Revised Exhibit A reflects the changes the Parties have made in the points of interconnection and the interconnection facilities of the two systems.

IPS requests a waiver of the Commission's rules so that the Interconnection Agreement may be approved retroactive to November 1, 1991.

Inasmuch as there is no rate for payment by NIPCO to IPS for the exchange of power and energy included in this transaction, IPS respectfully requests a waiver of the filing requirements pursuant to 35.12(b).

IPS states that copies of this filing were served on NIPCO and the Iowa Utilities Board.

Comment date: December 2, 1991, in accordance with Standard Paragraph E at the end of this notice.

3. PacifiCorp Electric Operations

[Docket No. ER91-656-000]

November 18, 1991.

Take notice that PacifiCorp Electric Operations (PacifiCorp), on November 14, 1991, tendered for filing an agreement to its September 27, 1991 filing of the Interconnection Agreement (Agreement) in this Docket.

The amended filing is being submitted to provide additional cost support for the rate to be charged for Backup Service under the Agreement.

PacifiCorp renews its request for waiver of the Commission's regulations in order to allow an effective date of August 1, 1991 to be assigned to the Agreement.

Copies of this amended filing were supplied to Basin Electric, the Public Utility Commission of Oregon and the Public Service Commission of Wyoming.

Comment date: December 2, 1991, in accordance with Standard Paragraph E at the end of this notice.

4. New York Power Pool

[Docket No. ER92-142-000]

November 18, 1991.

Take notice that on November 7, 1991, New York Power Pool tendered for filing revised copies of Attachment 4 of the October 30, 1991 filing in this docket.

Comment date: December 2, 1991, in accordance with Standard Paragraph E at the end of this notice.

5. PacifiCorp Electric Operations

[Docket No. ER92-185-000]

November 18, 1991.

Take notice that PacifiCorp Electric Operations (PacifiCorp), on November 14, 1991, tendered for filing in accordance with 18 CFR 35.13 of the commission's Rules and Regulations, and Central Substation Operation and Maintenance Agreement ("Agreement") between PacifiCorp and Utah Associated Municipal Power Systems (UAMPS) dated October 30, 1991.

Under terms of the agreement, PacifiCorp will provide operation and maintenance services for UAMPS' Central Substation and Interconnection Facilities.

PacifiCorp requests, pursuant to 18 CFR 35.11 of the Commission's Rules and Regulations, that a waiver of prior notice be granted and that an effective date of October 1, 1991 be assigned to the agreement, this date being consistent with the date of commencement of service under the agreement.

Copies of this filing were supplied to UAMPS, the Utah Public Service Commission and the Public Utility Commission of Oregon.

Comment date: December 2, 1991, in accordance with Standard Paragraph E at the end of this notice.

6. Niagara Mohawk Power Corp.

[Docket No. ER92-184-000]

November 18, 1991.

Take notice that Niagara Mohawk Power Corp. (Niagara Mohawk), on November 13, 1991, tendered for filing an agreement between Niagara Mohawk and Lake View, Inc. (Lake View) dated November 5, 1991 providing for certain transmission services to Lake View. This agreement provides for the transmission and delivery of Niagara Mohawk of specified quantities of power produced by Lake View to be sold by Lake View to Consolidated Edison Company of New York (Con Ed) under separate agreement. Firm services under this agreement are proposed to commence as of the commercial operation date of Lake View's Production facility, as that term is defined in the Lake View-Con Ed power purchase agreement. (The commercial operation date is currently projected by Lake View to be January 1995).

Niagara Mohawk requests waiver of the commission's notice requirements. 18 CFR 35.3(b), 35.11. Waiver is warranted because approval of this contract at this time is necessary for the successful obtainment of financing for construction of the Production Facility.

Copies of this filing were served upon Lake View and the New York State Public Service Commission.

Comment date: December 2, 1991, in accordance with Standard Paragraph E at the end of this notice.

7. The Detroit Edison Co.

[Docket No. ER92-180-000]

November 18, 1991.

Take notice that on November 6, 1991, The Detroit Edison Company (Detroit Edison) filed (1) a notice of termination of Detroit Edison's FERC Rate Schedule No. 25 and all supplements thereto, which is an interconnection agreement between Detroit Edison and the city of Detroit, Michigan (City) and (2) Original Sheet No. 10a to Detroit Edison's FERC Electric Tariff, Volume No. 1, which a rate schedule providing for the sale of capacity and energy on a firm and interruptible basis to the City.

Detroit Edison states that the filing implements the agreement between Detroit Edison and the City, dated October 23, 1991, and entitled "Power Supply Agreement Between the City of Detroit, Michigan and The Detroit Edison Company," under which Detroit Edison agreed to sell the city 16 MW of

firm capacity and associated energy at 100% load factor, as well as interruptible energy.

Detroit Edison requests an effective date of January 1, 1992 for both the proposed service under Original Sheet No. 10a and the termination of Rate Schedule No. 25, and accordingly, has requested a limited waiver of the Commission's notice requirements. Detroit Edison states that all requisite agreement to the filing has been obtained.

Detroit Edison states further that copies of the filing have been served on the City and the Michigan Public Service Commission.

Comment date: December 2, 1991, in accordance with Standard Paragraph E at the end of this notice.

8. Baltimore Gas and Electric Co.

[Docket No. ER92-181-000]

November 18, 1991.

Take notice that on November 8, 1991, Baltimore Gas and Electric (BG&E) tendered for filing, as an initial rate schedule, an agreement between BG&E and the Philadelphia Electric Company (PE) reflecting BG&E's sale to PE of up to 100% BG&E's entitlement for the use of the Pennsylvania-New Jersey-Maryland Interconnection (PJM) transmission system which is used to import energy from Systems to the west of PJM at a rate of up to $5.50 MWh commencing January 8, 1992. PE has concurred in this rate the Commission allow the rate schedule to become effective January 8, 1992.

Comment date: December 2, 1991, in accordance with Standard Paragraph E end of this notice.

9. Public Service Company of New Hampshire

[Docket No. ER92-177-000]

November 18, 1991.

Take notice that Public Service Company of New Hampshire (PSNH), on November 6, 1991, tendered for filing as an initial rate schedule a System Exchange and Sales Agreement between it and UNITIL Power Corp. (UPC) dated November 1, 1991. The agreement provides for the exchange or sale, from time to time, of PSNH system capacity and associated energy. In the case of an exchange, PSNH would receive an entitlement in capacity from UPC.

The agreement has been executed by PSNH and UPC and copies have been delivered to the customer and the Public Service Commission in New Hampshire.

Comment date: December 2, 1991 in accordance with Standard Paragraph E at the end of this notice.

10. Minnesota Power & Light Company

[Docket No. EC92-3-000]

November 18, 1991.

Take notice that on November 14, 1991, Minnesota Power & Light Company (MP&L) filed an Application for Authority to Sell Certain Public Utility Facilities Under Section 203 of the Federal Power Act (Application). The Application seeks approval of the sale of certain metering and switching facilities located in Minnesota to United Power Association (UPA). The proposed transaction would be subject to the existing interconnection agreement between MP&L and UPA.

Comment date: December 9, 1991 in accordance with Standard Paragraph E at the end of this notice.

11. Missouri Public Service Company

[Docket No. ER91-682-000]

November 19, 1991.

Take notice that Missouri Public Service Company (MPS) and The Kansas City Power and Light Company (KCP&L) on November 13, 1991, tendered for filing an amendment to their filing of September 30, 1991. The amendment provides a more precise breakdown of the Transformation Services to be provided under their Amendatory Agreement No. 1, dated September 18, 1991, to the Multiple Interconnection and Transmission Contract dated April 28, 1966 between MPS and KCP&L. The Amendatory Agreement filed September 30, 1991 provides for additional Interconnection Schedules No. 13 and 14, sets forth a rate schedule for Transformation Service and modifies Interconnection Schedule No. 11, as explained in more detail in the filing.

In order to more precisely reflect the intent of the parties, the amended filing breaks down the Transformation Service to be provided under the Amendatory Agreement into long-term firm, short-term firm and emergency services. The parties are seeking waiver of the Commission's notice requirements so that the filing can have an effective date of June 1, 1991, as set forth in the Amendatory Agreement and the amended rate schedule filed November 13, 1991.

A copy of the amended filing was served upon the Missouri Public Service Commission.

Comment date: December 3, 1991 in accordance with Standard Paragraph E at the end of this notice.

12. Florida Power Corp.

[Docket No. ER92-183-000]

November 19, 1991.

Take notice that on November 12, 1991, Florida Power Corporation (FPC) filed five agreements under which FPC has constructed or is constructing facilities to achieve new interconnections between itself and other utilities in return for contributions in aid of construction. Upon completion of construction FPC has continued to own the facilities and has operated and maintained them at its own expense.

FPC requests that four of the five enclosed agreements be permitted to become effective retroactively from the in-service date of each construction project. As good cause for waiver of the 60-day notice requirement of section 205 to permit retroactive effective dates, FPC states that it only recently became aware that the staff regards agreements for contributions in aid of construction as a rate schedules and knows of no prior assertion of this view of aid-of-construction agreements. The facilities constructed under the fifth agreement are schedule for service in June 1, 1992, and FPC requests that the interconnection agreement covering those facilities be permitted to become effective as of that date.

Comment date: December 3, 1991, in accordance with Standard Paragraph E at the end of this notice.

13. Green Mountain Power Corp.

[Docket No. ER92-109-000]

November 19, 1991.

Take notice that on November 1, 1991, Green Mountain Power Corporation tendered for filing supplemental information regarding the justification for charges for 50 MW of capacity and associated energy sold to the New York Power Authority during May 1990 pursuant to a Letter of Agreement dated August 8, 1990.

Comment date: December 3, 1991, in accordance with Standard Paragraph E at the end of this notice.

14. Gloria M. Shatto

[Docket No. ID-2210-002]

November 19, 1991.

Take notice that on November 14, 1991, Gloria M. Shatto (Applicant) tendered for filing an application under section 305(b) of the Federal Power Act to hold the following positions:

Director—Georgia Power

Director—Texas Instruments Incorporated

Comment date: December 4, 1991, in accordance with Standard Paragraph E at the end of this notice.

15. Iowa Public Service Co.

[Docket No. ER91-362-000]

November 19, 1991.

Take notice that on November 12, 1991, Iowa Public Service Company tendered for filing an executed Agreement for wholesale electric power and energy between Iowa Public Service Company and the City of Lake View, Iowa (City), whereby Iowa Public Service Company (IPS) will provide wholesale electric power and energy as required by the City above the amount provided by the Western Area Power Administration (Western). Accompanying the Agreement is a tariff containing the same rate terms, identified as Iowa Public Service Company Partial Requirements Wholesale Service Schedule 3, Sales for Resale, Original Issue Sheets Nos. 7-9.

IPS requests a waiver of the 18 CFR 35.14: Fuel Cost and Purchased Power Adjustment Clauses. The IPS energy charge which is to be applied to our partial requirements wholesale customers is designed to track Company's energy costs directly and on a monthly basis; there is no adjustment clause. The monthly cost of IPS generation is the summation of the hourly production cost on each generating unit, using replacement fuel cost, incremental production operating and maintenance costs, current heat rates, and actual unit loadings. The replacement fuel cost includes transportation charges, as well as the cost of fuel. The replacement fuel cost is the currently incurred cost allowing for immediate adjustment of charges and recovery of Company expense. Fuel costs are adjusted on a monthly basis.

IPS states that copies of this filing were served on the City of Lake View, Iowa and the Iowa Utilities Board.

Comment date: December 3, 1991, in accordance with Standard Paragraph E at the end of this notice.

16. St. Joseph Light & Power Co.

[Docket No. ER92-28-000]

November 19, 1991.

Take notice that St. Joseph Light & Power Company (SJLP), on November 15, 1991, tendered for filing an amendment to filing for SJLP-Associated Electric Cooperative, Inc. (AECI)-Transmission Letter of Intent, effective April 14, 1987. The Letter of Intent is to amend the Interconnection Agreement dated July 31, 1981, between SJLP and AECI. In this amendment to filing, SJLP has attempted to clarify the position of the parties as it pertains to the Letter of Intent.

Comment date: December 3, 1991, in accordance with Standard Paragraph E at the end of this notice.

17. PacifiCorp Electric Operations

[Docket No. ER92-17-000]

November 19, 1991.

Take notice that PacifiCorp Electric Operations (PacifiCorp), on November 15, 1991, tendered for filing in accordance with 18 CFR 35.13 of the Commission's Rules and Regulations, an amendment to its filing of the Long-Term Power Sales Agreement (Agreement) between PacifiCorp and Western Area Power Pool Administration (Western) dated October 1, 1991.

PacifiCorp has supplied a statement of its current rate under PacifiCorp FERC Electric Tariff, Original Volume No. 3, Service Schedule PPL-3 (Tariff). The Agreement provides that, in any year that the calculated rate for Additional Energy Cost pursuant to Exhibit D to the Agreement exceeds the Tariff rate, PacifiCorp will make a timely filing of the calculated rate with the Commission.

PacifiCorp renews its request that an effective date of December 1, 1991 be assigned to the Agreement corresponding to the commencement of service under the Agreement.

Copies of the amended filing were supplied to Western, the Public Utility Commission of Oregon and the Public Utilities Commission of the State of California.

Comment date: December 3, 1991, in accordance with Standard Paragraph E end of this notice.

18. Illinois Power Company

[Docket No. ES92-10-000]

Take notice that on November 14, 1991, Illinois Power Company filed an application with the Federal Energy Regulatory Commission pursuant to Section 204 of the Federal Power Act seeking authorization to issue not more than $500 million of short-term notes on or before December 31, 1993, with a final maturity date no later than December 31, 1994.

Comment date: December 13, 1991 in accordance with Standard Paragraph E at the end of this notice.

19. Central Illinois Public Service Co.

[Docket No. ES92-16-000]

November 20, 1991.

Take notice that on November 14, 1991, Central Illinois Public Service Company filed an application with the Federal Energy Regulatory Commission pursuant to Section 204 of the Federal Power Act seeking authorization to issue not more than $120 million of short-term debt obligations on or before December 31, 1993, with a final maturity date no later than December 31, 1994.

Comment date: December 13, 1991, in accordance with Standard Paragraph E at the end of this notice.

20. Northwestern Public Service Co.

[Docket No. ES92-12-000]

November 20, 1991.

Take notice that on November 12, 1991, Northwestern Public Service Company filed an application with the Federal Energy Regulatory Commission pursuant to Section 204 of the Federal Power Act seeking authorization to issue not more than $30 million of First Mortgage Bonds.

Comment date: December 11, 1991, in accordance with Standard Paragraph E at the end of this notice.

21. Iowa Southern Utilities Co.

[Docket No. ES92-13-000]

November 20, 1991.

Take notice that on November 12, 1991, Iowa Southern Utilities Company filed an application with the Federal Energy Regulatory Commission pursuant to section 204 of the Federal Power Act seeking authority to negotiate for the placement of up to $13,400,000 of notes or First Mortgage Bonds.

Comment date: December 11, 1991, in accordance with Standard Paragraph E end of this notice.

22. Maine Electric Power Co., Inc.

[Docket No. ES92-15-000]

November 20, 1991.

Take notice that on November 13, 1991, Maine Electric Power Company, Inc. filed an application with the Federal Energy Regulatory Commission pursuant to section 204 of the Federal Power Act seeking authorization to issue not more than $15 million of short-term notes on or before December 31, 1993, with a final maturity date no later than December 31, 1994.

Comment date: December 13, 1991 in accordance with Standard Paragraph E at the end of this notice.

23. Central Maine Power Co.

[Docket No. ER90-471-000]

November 20, 1991.

Take notice that on November 14, 1991, Central Maine Power Company (CMP), tendered for filing the following:

1. Amendment to Settlement Agreement between CMP and Massachusetts Municipal Wholesale Electric Company

2. Notice of Termination effective October 31, 1991 pertaining to Transmission Contract dated March 8, 1991 between CMP and MMWEC.

The Amendment modifies a Settlement Agreement between CMP and MMWEC submitted by CMP to the Commission for approval on June 10, 1991 along with a Transmission Service Agreement between CMP and MMWEC dated June 7, 1991.

CMP has requested waiver of the Commission's notice and filing requirements to permit the Transmission Service Agreement to become effective on November 1, 1991 and to permit the Notice of Termination to become effective as of October 31, 1991.

CMP has served copies of the filing on the affected customer and on the Maine Public Utilities Commission.

Comment date: December 4, 1991, in accordance with Standard Paragraph E at the end of this notice.

24. Central Maine Power Co.

[Docket No. ES92-14-000]

November 20, 1991.

Take notice that on November 13, 1991, Central Maine Power Company filed an application with the Federal Energy Regulatory Commission pursuant to section 204 of the Federal Power Act seeking authorization to issue not more than $175 million of short-term notes on or before December 31, 1993, with a final maturity date no later than December 31, 1994.

Comment date: December 12, 1991, 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 91-28578 Filed 11-27-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP92-151-000 et al.]

Algonquin Gas Transmission Co. et al.; Natural Gas Certificate Filings

Take notice that the following filings have been made with the Commission:

1. Algonquin Gas Transmission Co.

[Docket No. CP92-151-000]

November 20, 1991.

Take notice that on November 7, 1991, Algonquin Gas Transmission Company (Applicant), 1284 Soldiers Field Road, Boston, Massachusetts 02135, filed in Docket No. CP92-151-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity requesting authorization to construct and operate facilities and to transport and deliver natural gas on a firm basis for The Southern Connecticut Gas Company (Southern Connecticut), all as more fully set forth in the application which is on file with the Commission and open for public inspection.

Applicant proposes to transport up to 6,667 MMBtu equivalent of natural gas per day for Southern Connecticut. Applicant states that the primary term of Applicant's proposed transportation service for Southern Connecticut commences November 1, 1993 through March 31, 2012, and year-to-year thereafter subject to termination by either party as of March 31, 2012 or any subsequent March 31 anniversary date upon giving prior written notice of the termination. Applicant indicates that it would receive quantities of natural gas from Texas Eastern Transmission Corporation (Texas Eastern) near Lambertville, New Jersey and transport such quantities to Southern Connecticut at North Haven Connecticut.

Applicant states that Southern Connecticut and Applicant have executed a Precedent Agreement dated October 18, 1991 contemplating construction of facilities and firm transportation service under proposed Rate Schedule X-39. Applicant further states that Southern Connecticut will execute a formal service agreement with Algonquin for the transportation service proposed.

In order to render the proposed transportation service, Applicant proposes to construct and operate the following facilities:

A. Pipeline Facilities

1.9 miles of 36-inch loop of Applicant's existing 26-inch mainline and 30-inch mainline loop from mainline Valve 27 to the R-System tap in Berlin, Connecticut.

B. Meter Station Facilities

Rebuild of Southern Connecticut's North Haven, Connecticut Meter Station and miscellaneous meter station modifications at various locations on Applicant's system.

Applicant estimates the cost of the proposed facilities to be $5.6 million. Applicant will finance the facilities through revolving credit arrangements, short-term loans and from funds on hand. Applicant states that it would construct the facilities during the summer of 1993 for an in-service date of November 1, 1993.

Applicant states that it would render the proposed service pursuant to Applicant's proposed Rate Schedule X-39. Applicant proposes to charge an incremental rate consisting of a one-part demand charge and an appropriate overrun charge for quantities in excess of the maximum daily transportation quantity.

Applicant submits that, in orders issued June 7, 1989 and June 5, 1990, the Commission certificated joint storage and transportation proposals filed by Texas Eastern and CNG Transmission Corporation (CNG). Applicant further submits that the orders certificated CNG to develop a new storage field called the North Summit Storage Pool, in Fayette County, Pennsylvania. Applicant states that Texas Eastern and Applicant were authorized to provide transportation service for customers who had contracted for storage service from CNG. Applicant further states that Texas Eastern was authorized to reserve 20,000 Dth equivalent per day in the new CNG storage facility to market to new customers. Applicant indicates that an application will be filed prior to November 15, 1991, to, *inter alia*, assign to three shippers the rights and obligations to the CNG storage service previously subscribed by Texas Eastern and for Texas Eastern to provide firm transportation for those three shippers pursuant to Texas Eastern's existing Rate Schedule FTS-5. Applicant submits that the three shippers and their related service quantities are as follows:

Company name	Storage and transportation quantities (Dth/d)
Elizabethtown Gas Company	6,666
Southern Connecticut	6,667
UGI Corporation	6,667
Total	20,000

Applicant indicates that the proposed commencement date for Texas Eastern's and CNG's service is April 1, 1992. Applicant states that Applicant's facilities will not be constructed in time for the first scheduled season of underlying firm service. Applicant further states that Southern Connecticut has an existing Rate Schedule AIT-1 Service Agreement with Applicant which would allow for transportation of underlying quantities subject to the terms and conditions of that Rate Schedule.

Comment date: December 11, 1991, in accordance with Standard Paragraph F at the end of this notice.

2. Texas Eastern Transmission

[Docket No. CP92-165-000]

November 20, 1991.

Take notice that on November 8, 1991, Texas Eastern Transmission Corporation (Texas Eastern), P.O. Box 1642, Houston, Texas 77251-1642, filed in Docket No. CP92-165-000 an application pursuant to section 7(c) of the Commission's Regulations under the Natural Gas Act for authorization to transport natural gas for CNG Transmission Corporation (CNG) and to construct and operate additional compression facilities necessary to provide such service, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Texas Eastern requests authority to transport on a firm basis for CNG, up to 30,000 dekatherms of natural gas per day (dt/d), under a precedent agreement dated September 27, 1991. Texas Eastern also requests authority to construct and operate 6,500 horsepower of compression at its existing Bedford, Pennsylvania compressor station at an estimated cost of $9,600,550 which is necessary to perform the transportation service for CNG. Texas Eastern states that the cost of constructing the facilities will be financed initially with funds on hand, borrowings under revolving credit arrangements or short-term financing.

Texas Eastern states that it would receive natural gas from CNG at the recently authorized Crayne Farm Meter Station near Texas Eastern's Meter Station No. 037 in Greene County, Pennsylvania. Texas Eastern states that it would redeliver equivalent quantities of natural gas to CNG at Meter Station No. 1745, Chambersburg Station, Franklin County, Pennsylvania. Texas Eastern states that upon the Commission's approval of this application, it will enter into a gas transportation agreement with CNG for a term of twenty years. Texas Eastern submits that because it will have a twenty-year firm contract with CNG for 100.0% of the volume to flow through the proposed facilities, the long-term requirement of the Kansas Pipe Line test is satisfied.

Texas Eastern states that for all gas transported and delivered, it will charge CNG a monthly demand charge for firm quantities and an additional charge for deliveries in excess of the firm quantity. Texas Eastern states that based upon the estimated annual cost of service for the facilities proposed herein, it estimates a monthly demand charge of $7.481 per dekatherm and an excess charge of $0.246 per dekatherm. Texas Eastern requests that the Commission authorize initial rates designed on a 100.0% demand charge for the proposed service as agreed upon in arms-length negotiations with CNG.

Texas Eastern states that approval of its application will facilitate the sale and transportation of natural gas by CNG to Public Service Company of North Carolina which will utilize this additional gas to serve its temperature sensitive, high-priority customers.

Comment date: December 11, 1991, in accordance with Standard Paragraph F at the end of this notice.

3. Colorado Interstate Gas Co.

[Docket No. CP92-154-000]

November 20, 1991.

Take notice that on November 8, 1991, Colorado Interstate Gas Company (CIG), P.O. Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP92-154-000 an application pursuant to section 7(c) of the Commission's Regulations under the Natural Gas Act for authorization to increase the peak day deliverability of CIG's Boehm, Flank and Latigo natural gas storage fields and to construct and operate the facilities necessary therefore, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, CIG requests authority to do the following:

- Increase the presently authorized peak day withdrawal capacity from 100,000 Mcf per day (Mcf/d) to 125,000 Mcf/d at the Boehm storage field;
- Drill and equip five additional injection/withdrawal wells, install an additional 1,650 horsepower compressor unit and construct approximately .92 mile of 4-inch storage field line to connect the additional injection/withdrawal wells to the Boehm storage field at an estimated cost of $5,088,550;
- Increase the presently authorized withdrawal capacity from 120,000 Mcf/d to 150,000 Mcf/d at the Flank storage field;
- Drill and equip eight additional injection/withdrawal wells, install an additional 1,650 horsepower compressor unit and construct approximately 1.41 miles of 4-inch storage field line to connect the additional injection/withdrawal wells at the Flank storage field at an estimated cost of $6,523,000;
- Increase the presently authorized peak day withdrawal capacity from 140,000 Mcf/d to 150,000 Mcf/d at the Latigo storage field;
- Drill and equip four additional injection/withdrawal wells, recylinder one of four existing compressors and construct approximately .72 mile of 6-inch storage field line to connect the additional injection/withdrawal wells at the Latigo storage field at an estimated cost of $3,086,000.

CIG states that financing of these projects will be provided through general corporate funds. CIG states that no charges are being sought to the existing authorized maximum or minimum gas-in-place inventories or to the maximum authorized field pressures at these fields.

CIG states that the total increase in peak day deliver-ability of 83,000 Mcf/d from the three storage fields is necessary to meet its firm (sales and transportation) contractual obligations.

Comment date: December 11, 1991, in accordance with Standard Paragraph F at the end of this notice.

4. South Georgia Natural Gas Co.

[Docket No. CP92-164-000]

November 21, 1991.

Take notice that on November 8, 1991, South Georgia Natural Gas Company (South Georgia), P.O. Box 2563, Birmingham, AL 35202-2563, filed in Docket No. CP92-164-000 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon a portion of the Maximum Daily Quantity (MDQ) of its currently authorized sales of natural gas to the City of Unadilla, Georgia (Unadilla), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

South Georgia proposes to reduce Unadilla's MDQ from 585 Mcf per day to 500 Mcf per day and requests abandonment authorization for the difference of 85 Mcf per day. South Georgia states that Unadilla has requested the reduction, and that no other customers would be affected by the proposed abandonment. It is asserted that South Georgia was authorized to sell gas to Unadilla by the Commission in Docket No. CP67-313. It

is explained that South Georgia and Unadilla have executed a service agreement dated November 1, 1991, to reflect the reduced MDQ.

No facilities are proposed to be abandoned herein.

Comment date: December 12, 1991, in accordance with Standard Paragraph F at the end of this notice.

5. Texas Eastern Transmission Corp.

[Docket No. CP92–179–000]

November 21, 1991.

Take notice that on November 13, 1991, Texas Eastern Transmission Corporation (Texas Eastern), 5400 Westheimer Court, Houston, Texas 77056–5310, filed a prior notice request with the Commission in docket No. CP92–179–000 pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (NGA) for authorization to construct and operate a delivery point and appurtenant facilities in order to provide an interruptible transportation service for Delmarva Power & Light Company (Delmarva), a local distribution company, under the blanket certificates issued in Docket Nos. CP82–535–000, CP88–136–000, and as amended in CP88–136–007 pursuant to § 7 of the NGA, all as more fully set forth in the request which is open to public inspection.

Texas Eastern proposes to construct and operate a delivery point and appurtenant facilities near Sinclair Junction, Pennsylvania, and an electronic gas measurement facility at Delmarva's existing Ridge Road measuring and regulating station in Claymont, Delaware. Texas Eastern states that Delmarva would reimburse Texas Eastern for the estimated $272,000 construction cost of the proposed facilities. Texas Eastern also states that pursuant to an August 2, 1991, service agreement with Delmarva that Texas Eastern would transport and deliver up to 100,000 dekatherms of natural gas per day under its FERC Rate Schedule IT–1 to Delmarva at the proposed delivery point.

Comment date: January 6, 1992, in accordance with Standard Paragraph G at the end of this notice.

6. Arkla Energy Resources, a division of Arkla, Inc.

[Docket No. CP92–197–000]

November 21, 1991.

Take notice that on November 19, 1991, Arkla Energy Resources, a division of Arkla, Inc. (AER), 525 Milam Street, Shreveport, Louisiana 71151, filed in Docket No. CP92–197–000 a request pursuant to §§ 157.205, 157.211 and 157.212 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, 157.211, 157.212) for authorization to construct and operate certain facilities in Arkansas under AER's blanket certificate issued in Docket No. CP82–384–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

AER proposes to:

(1) Construct and operate three new sales taps and related facilities, all for the delivery of gas to Arkansas Louisiana Gas Company (ALG) for resale to domestic, commercial and industrial consumers: (a) A 4-inch tap on AER's Line AC in Pike County, Arkansas, to provide back-up service to existing domestic, commercial and industrial customers served from ALG's existing Glenwood system. AER states that the facilities would deliver approximately 319,782 Mcf annually and 3,200 Mcf on a peak day, to be constructed at an estimated cost of $119,500. (b) A 1-inch tap on AER's Line BT–1–AS in Hot Spring County, Arkansas, for initial service to ALG's new domestic customer, Larry Howerton, using approximately 85 Mcf annually and 1 Mcf on a peak day, to be constructed at an estimated cost of $3,175. (c) A 1-inch tap on AER's Line BT–14 in Franklin County, Arkansas, for initial service to ALG's new domestic customer, Gary Stubblefield, using approximately 255 Mcf annually and 2 Mcf on a peak day, to be constructed at an estimated cost of $3,175.

(2) Operate two existing taps for delivery of gas to ALG for resale to consumers other than the right-of-way grantors for whom the taps were originally installed: (a) An existing 1-inch tap on AER's Line OM–1 in Logan County, Arkansas, for initial service to ALG's new domestic customer, R. H. Binyon, using approximately 85 Mcf annually and 1 Mcf on a peak day. AER states that this customer would manifold onto an existing tap and new construction would not be necessary. (b) An exiting 1-inch tap on AER's Line OM–1 in Logan County, Arkansas, for initial service to ALG's new domestic customer, Virgil Hughes, using approximately 85 Mcf annually and 1 Mcf on a peak day. AER states that this customer would manifold onto an existing tap and new construction would not be necessary.

(3) Construct and operate an interconnect and appurtenant facilities to provide jurisdictional services to a commercial end-user: a 4-inch tap, meter and 19,000 feet of 4½-inch pipe (to be designated Line JM–40) to delvier gas to Nucor Steel (Nucor) under a transportation agreement pursuant to section 284.223 of the Commission's regulations. AER states that Nucor plans to construct a new plant near Hickman, Arkansas, and has contracted for firm service under AER's transportation tariff for the delivery of 4,000 MMBtu per day, with an authorized overrun service of 3,000 MMBtu per day. AER further states that it would interconnect the proposed lateral line with its existing Line J in Mississippi County, Arkansas. AER's proposed facilities would have a maximum delivery capability of 10,000 Mcf per day and are estimated to cost $480,000.

AER states that the posposed facilities would be financed with internally generated capital. AER further states that the gas would be delivered from its general system supply, which it states is adequate to provide the service. AER advises that gas sold would be billed at ALG's applicable retail rates as filed and effective with the appropriate state regulatory authority from time to time.

Comment date: January 6, 1992, in accordance with Standard Paragraph G at the end of this notice.

7. Texas Gas Transmission Corp.

[Docket No. CP92–167–000]

November 21, 1991.

Take notice that on November 12, 1991, Texas Gas Transmission Corporation (Texas Gas), P.O. Box 1160, Owensboro, Kentucky 42302, filed in Docket No. CP92–167–000 an application pursuant to section 7(b) of the Natural Gas Act for an order granting permission and approval to abandon a portion of the existing certificated natural gas sales service to Louisville Gas and Electric Company (LG&E), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Texas Gas states that LG&E has requested a conversion of 10,000 MMBtu per day of its existing sales contract demand to firm transportation service on Texas Gas, resulting in a new sales contract demand of 204,900 MMBtu per day. Texas Gas further states that such conversion is requested to be effective on November 1, 1991, to which Texas Gas has agreed, based on LG&E's agreement not to call on Texas Gas for sales service for the quantities of natural gas converted to firm transportation after the effective date of such conversion. Texas Gas indicates that all firm transportation would be rendered pursuant to its blanket certificate issued in Docket No. CP89–686–000.

Because the Service Agreement between LG&E and Texas Gas is not an "eligible firm sales service agreement," Texas Gas states that it cannot utilize the automatic abandonment authority provided in Section 284.10 of the Commission's Regulations. Thus, by this application, Texas Gas states that it is seeking authority to abandon its sales obligation to LG&E by the amount sought to be converted effective November 1, 1991.

Texas Gas indicates that no abandonment of facilities is requested in connection with the proposed partial abandonment of sales service to LG&E.

Texas Gas states that, in Order No. 500, the Commission commented that

pipelines and their customers may still voluntarily renegotiate their sales contracts that have "unrealistic contract demands," outside the realm of Commission mandated contract demand reductions or conversion and encouraged pipelines to do so.[1] Thus, Texas Gas asserts that the requested partial abandonment is consistent with current Commission policy.

Comment date: December 12, 1991, in accordance with Standard Paragraph F at the end of the notice.

8. Colorado Interstate Gas Co.

[Docket No. CP92–144–000]

November 21, 1991.

Take notice that on November 6, 1991, Colorado Interstate Pipeline Gas Company (CIG), P.O. Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP92–144–000 a request, as supplemented November 14, 1991, pursuant to §§ 157.205 and 157.212 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205 and 157.212) for authorization to operate in interstate commerce certain facilities previously constructed to provide transportation services pursuant to section 311 of the Natural Gas Policy Act (NGPA), under the authorization issued to CIG in Docket No. CP83–21–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

CIG explains that it constructed three subject meter stations for the purpose of providing section 311 transportation service. The application further explains that the meter stations are exempt from the Commission's Regulations (18 CFR 284.(C)). This exemption restricts the use of the facilities for section 311 service and those section 311 transactions converted pursuant to Order no. 526.[2] CIG seeks authority to operate the three meter stations pursuant to the blanket certificate provision of section 7(c) of the Natural Gas Act so that any shipper may receive transportation service when capacity in the facilities is available, without regard to section 311 of the NGPA.

A description of the three meter stations, including the cost, customer, location, quantities of gas delivered and end-use of the gas is set forth below:

(1) *Granger Meter Station*—was constructed in 1990 at a cost of $26,900 to provide transportation service for Neches Gas Distribution Company, an intrastate pipeline company. This facility is located on CIG's 20-inch pipeline in section 7, Township 18 North, Range 111 West, Sweetwater County, Wyoming. Gas transported and delivered from this meter is used as fuel gas in a liquid products pump station owned and operated by Mid-America Pipeline Company. CIG indicates that the current contractual obligation for the Granger Meter Station is 300 Mcf.

(2) *Lakin Power Generating Meter Station*—was constructed in 1989 at a cost of $27,997 to transport gas on behalf of Coastal States Gas Transmission Company. This facility is located on CIG's 10-inch lateral pipeline in Section 23, Township 24 South, Range 36 West, Kearny County, Kansas. Gas transported and delivered from this meter station is used by the City of Lakin, Kansas, as fuel for use in the city's newly constructed electrical generating facility. CIG explains that the current contractual obligation for the Lakin Meter Station is 2,000 Mcf per day.

(3) *Lamar Utilities Board Meter Station*—was constructed in 1988 at a cost of $46,449 to provide transportation service for Llano, Inc., an intrastate pipeline company. This facility is located on CIG'S 20-inch main line and within CIG's existing Lamar Sales Meter Station in Section 29, Township 23 South, Range 48 West, Bent County, Colorado. The gas delivered from this meter station is purchased by the Lamar Utilities Board from a third party and is consumed in an electrical generating facility in the City of Lamar, Colorado. The application reveals that the Lamar Utilities Board Meter Station's current contractual obligation is 2,500 Mcf per day.

CIG explains that it does not propose any change in the delivery volumes to those customers receiving transportation service at the subject facilities. CIG asserts that the certification of the facilities would have no adverse impact on its ability to deliver the peak day or annual entitlements of any other of CIG's existing customers. CIG contends that the certification of the subject facilities would not impact its gas supply situation and that deliveries of natural gas at these points can be made without detriment or disadvantage to any existing customer.

Comment date: January 6, 1992, in accordance with Standard Paragraph G at the end of this notice.

9. Texas Eastern Transmission Corp.

[Docket No. CP92–184–000]

November 21, 1991.

Take notice that on November 15, 1991, Texas Eastern Transmission Corporation (Texas Eastern), P.O. Box 1642, Houston, Texas 77251–1642 filed an application in Docket No. CP92–184–000 pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing it to: (a) Perform a new firm transportation service for six customers; (b) construct and operate the associated incremental facilities required to perform the service; and (c) to coordinate on behalf of the shippers, if requested, the nominating, balancing and billing functions with the upstream transporters to give the shippers a "one-stop" firm transportation service, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Texas Eastern requests authorization to provide a new firm transportation service pursuant to Rate Schedule FTS–3, which, when coupled with transportation on upstream pipelines, would provide access to domestic gas supplies in the Gulf Coast area in the vicinity of Trunkline Gas Company's (Trunkline) facilities, and the Arkoma basin through available pipeline capacity. Texas Eastern states that its FTS–3 proposal is intended to provide Northeast shippers with access to a variety of domestic supply sources using several pipeline transporters, while at the same time offering the administrative convenience of using a single pipeline. Pursuant to the proposed FTS–3 Service, Texas Eastern would provide service to six customers, including four currently served by Texas Eastern and two new customers. The customers, the transportation quantities subscribed by each, and the year(s) during which service would be phased in are as follows:

[1] *Regulations of Natural Gas Pipelines After Partial Wellhead Decontrol* Regulations Preambles, Paragraph 30,761 (1987) at paragraph 30,795.

[2] See 52 FERC ¶ 61,159 (1990) and order amending interim rule 52 FERC ¶ 61,334 (1990).

Shipper	11/93 incremental DTH/day	11/94 incremental DTH/day	11/95 incremental DTH/day	Total DTH/day
UGI Corporation	40,000			40,000
Public Service Electric & Gas Company	25,000	50,000	25,000	100,000
Delmarva Power & Light Company [1]	40,000			40,000
Philadelphia Gas Works	6,000			6,000
Algonquin Gas Transmission Corp.[2]		45,000		45,000
Yankee Gas Services Company		15,000	15,000	30,000
Total	111,000	110,000	40,000	261,000

[1] Texas Eastern does not currently have a direct connection with Delmarva. However, Texas Eastern has filed an application in Docket No. CP-179-000 under its Subpart F blanket certificate to construct and operate a delivery point to Delmarva for the purpose of providing interruptible service under its part 284 blanket certificate. Delmarva has made a reciprocal filing in Docket No. CP92-153-000 to construct and operate a 4.5 mile connecting pipeline between its system in Delaware and Texas Eastern's Line 1-A-1 in Delaware County, Pennsylvania. Both applications are pending before the Commission.

[2] Algonquin has subscribed to FTS-3 service on behalf of Boston Edison Company. It is noted that Boston Edison and also Yankee Gas Services Company will require downstream transportation by algonquin in order to receive their transportation volumes. To provide such downstream transportation, Algonquin has filed a contemporaneous application in Docket No. CP92-185-000 to establish a new ITP-1 firm transportation rate schedule and to construct associated incremental facilities. Final delivery of Boston Edison's volumes is also dependent on Commission approval of a pending application in docket No. CP91-952-000 in Algonquin proposed to construct a 10.7 mile lateral to connect with a proposed Boston Edison combined cycle electric generating facility in Weymouth, Massachusetts.

The FTS-3 Service is proposed to be implemented over a period of three years commencing November 1, 1993 and would ultimately deliver a total of 261,500 Dekatherms (Dth) per day. It is stated that the implementation schedule is the result of the nominations freely made by the FTS-3 Shippers and is proposed to accommodate their forecasted market growth and related needs for additional transportation service.

As part of the FTS-3 Service Texas Eastern states that it would offer a "coordination feature" which would give shippers a "one-stop," firm transportation service. It is explained that if requested by the FTS-3 shippers, Texas Eastern, acting as the FTS-3 shippers' agent, would then make the necessary scheduling arrangements with all upstream pipelines transporting gas to be delivered into Texas Eastern's pipeline system. In addition, it is indicated that Texas Eastern's FTS-3 shippers would receive a single monthly invoice which would include invoices from the upstream pipelines. Texas Eastern states that, as agent for its shippers, it would handle the administrative activities necessary to monitor and resolve imbalances that occur among the upstream pipelines and Texas Eastern.

Texas Eastern states that upstream transportation would be provided by Trunkline and Panhandle Eastern Pipeline Company (Panhandle) under their respective open-access blanket transportation certificates. In addition, it is indicated that Texas Eastern intends to assign a portion of its capacity on the Oklahoma-Arkansas Pipeline (a project which is pending before the Commission in Docket No. CP90-187-000) to FTS-3 Shippers.

It is stated that the proposed FTS-3 Service would be performed by Texas Eastern through the use of 261,500 Dth of incremental firm transportation capacity that Texas Eastern proposes to construct in conjunction with the FTS-3 Service. The incremental facilities include 125.6 miles of pipeline and 59,150 horsepower of compression which would be constructed on a phased basis over a three year period beginning in 1993. It is noted that all of the facilities proposed to be constructed by Texas Eastern would be located on Texas Eastern's system east of Lebanon, Ohio. It is estimated that the proposed facilities would cost $280,207,000.

Texas Eastern proposes incremental rates for the Rate Schedule FTS-3 service. It is stated that the rates are designed as one-part 100 percent demand rates with appropriate overrun and imbalance mechanisms. The incremental rates proposed for each phase of the FTS-3 service are as follows.

Rate per Dth	1993	1994	1995
Demand rate	$20.378	$21.591	$21.453
Excess rate	.6699	.7098	.7053

Texas Eastern states that its FTS-3 proposal would enable it to provide its customers with the convenience of a "one-stop" transportation service that would provide access to gas supplies from multiple domestic production areas. It is stated that the proposed new firm transportation service was widely offered and would meet a demand for firm incremental transportation service in the growing Northeastern market. Texas Eastern asserts that the project would permit FTS-3 shippers to serve core heating loads, as well as new incremental electric generation and industrial loads, while at the same time responding to requirements of the recently-passed Clean Air Act.

It is asserted that FTS-3 Service would promote competition by giving FTS-3 Shippers greater access to other additional sources of supply. The specific sources requested by the shippers, which will govern the nature of related upstream transportation services, are shown below.

Supply Sources Requested by Shippers

Customer	Gulf Coast	Arkoma basin	Lebanon, OH	Total
UGI Corporation	10,000	15,000	15,000	40,000
Public Service Electric & Gas Company	100,000			100,000
Delmarva Power & Light Company	20,000	10,000	10,000	40,000
Philadelphia Gas Works	6,000			6,000
Algonquin Gas Transmission Corp.	45,500			45,500
Yankee Gas Services Company	30,000			30,000
Total	211,500	25,000	25,000	261,500

Texas Eastern proposes to commence construction of the proposed facilities in late 1992 or early 1993 and therefore requests that a certificate be issued by July 1, 1992. Texas Eastern states the project would be financed initially with short term loans and funds on hand, with permanent financing to be arranged later.

Comment date: December 12, 1991, in accordance with Standard Paragraph F at the end of the notice.

10. Algonquin Gas Transmission Co.

[Docket No. CP92-185-000]

November 21, 1991.

Take notice that on November 15, 1991, Algonquin Gas Transmission Company (Algonquin), 1284 Soldiers Field Road, Boston, Massachusetts 02135, filed in Docket No. CP92-185-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing an incremental firm transportation service and the construction and operation of the associated incremental facilities required to perform the service, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Algonquin requests authorization to render a new firm transportation service and to establish a new transportation rate schedule designated as Rate Schedule ITP-1. Algonquin states that the proposed service is, in essence, bundled "one stop" transportation which would provide subscribing shippers with direct access to gas supplies in the Gulf Coast and other supply areas via the pipeline facilities of its affiliates, Trunkline Gas Company (Trunkline), Panhandle Eastern Pipeline Company (Panhandle), Oklahoma-Arkansas Pipeline Company (Ok-Ark),[5] and Texas Eastern Transmission Corporation (Texas Eastern).

Algonquin states that the proposed service, which would be phased in over a two-year period, was offered to all existing customers and to numerous non-customers as a convenient means to access additional supply sources. Two customers subscribed to the service as indicated below.

Customer	(Expressed in MMBtus per day)		
	Initial service (11/94)	Incremental service (11/95)	Total service
Boston Edison Company	45,500		45,500
Yankee Gas Services Company	15,000	15,000	30,000
Total	60,500	15,000	75,500

Algonquin notes that the ITP-1 service would commence in November 1994 and would ultimately total 75,500 MMBtu/d. Algonquin states that the transportation volumes would be delivered to points specified in the customer's respective service agreements. In addition, Algonquin proposes, where requested by the ITP-1 customer, to provide certain administrative functions necessary to coordinate nominating, balancing, and billing functions with the upstream transporters on behalf of the ITP-1 shippers. Such a service, it is asserted, would provide customers with the administrative convenience of dealing with a single pipeline. Under this "coordination feature" Algonquin states that the shipper would only be required to make a single nomination, and Algonquin, acting as agent for the shippers, would then make the necessary scheduling arrangements with all upstream transporting the gas. Algonquin further states that it would handle all the administrative activities necessary to monitor and resolve imbalances which might occur between the initial point of receipt on the upstream pipeline and the delivery point from Algonquin's system.

Algonquin states that no additional capacity or certificate authorization would be required by Trunkline and Panhandle in order to perform their part of the upstream transportation of ITP-1 volumes. Algonquin explains that Trunkline and Panhandle would transport under their respective part 284 blanket certificates, using existing firm capacity made available through normal queuing procedures. Algonquin notes that Boston Edison and Yankee (through its agent, Algonquin) have already requested firm service on both pipelines and are therefore in the firm transportation queues. Algonquin expects that firm transportation capacity will become available and will be contracted on both pipelines prior to the commencement of ITP-1 service.

In contrast to Trunkline and Panhandle, it is stated that Texas Eastern does not currently have capacity to transport ITP-1 gas. Accordingly, it is indicated, Texas Eastern has proposed to construct and operate incremental facilities and to establish a new FTS-3 rate schedule in order to provide firm transportation service for Yankee and Boston Edison as well as for four other shippers connected to the Texas Eastern system. Texas Eastern's related facilities and service, it is stated, are contained in an application filed concurrently with the subject application in Docket No. CP92-184-000.

Algonquin states that ITP-1 volumes sourced in the Gulf Coast area would be transported via Trunkline to Tuscola, Illinois, via Panhandle to Trunkline's Lebanon Lateral, via Trunkline to Texas Eastern at Lebanon, Ohio, and thence via Texas Eastern from Lebanon to the Texas Eastern and Algonquin interconnection at Lambertsville, New Jersey. Algonquin states that it has executed precedent agreements with each of the upstream transporters. It is indicated that Yankee would receive its ITP-1 volumes at existing points of delivery and that Boston Edison would receive its gas at a proposed electric generating plant via lateral facilities proposed by Algonquin and pending before the Commission in Docket No. CP91-952-000.[6]

In order to provide the necessary incremental facilities to accommodate the ITP-1 service, Algonquin proposes to construct and operate a total of 26.1 miles of pipeline replacement and looping and to uprate and restage certain compressors. The proposed facilities, it is asserted, would provide 60,500 MMBtu/d of new capacity by November 1995 and an additional 15,000 MMBtu/d by November 1995. The specific facilities are as follows.

(1) 5.1 miles of 36-inch pipeline loop of the existing 26-inch and 30-inch pipelines from the Brookfield Tap in Brookfield, Connecticut, to Valve Site 21, near the Housatonic River.

(2) 11.9 miles of 36-inch replacement/loop pipeline replacing, in part, Algonquin's existing 26-inch mainline and paralleling an existing 30-inch pipeline loop where it deviates from the existing 26-inch mainline right of way between Valve Site 12 east of Bear Swamp Lake, New Jersey, through Valve Site 14, just off Horse Chock Mountain.

[5] Although Ok-Ark is not yet constructed, it has an application pending before the Commission in Docket No. CP90-187-000.

[6] In its application, filed January 16, 1991, Algonquin requests authority to construct a 10.7-mile, 24-inch diameter pipeline (designated as the "Edgar Lateral") and to transport and deliver natural gas on that lateral under proposed Rate Schedule X-36 to Boston Edison. The lateral would connect Algonquin's system with Boston Edison's proposed 306 megawatt combined cycle electric generating plant located on a 56 acre site at the Edgar Energy Park in Weymouth, Massachusetts. The site is owned by Boston Edison and was used for electric generation from 1925-1978.

(3) 1.6 miles of 12-inch loop of the existing E-1 System 6-inch pipeline through Norwich and Montville, Connecticut.

(4) 7.5 miles of 16-inch pipeline to replace an existing 6-inch pipeline which would parallel an existing 10-inch pipeline loop, from Valve Site E11-1 at Coventry, Connecticut to Valve Site E12-1 at Lebanon, Connecticut.

(5) Modifications at the existing Stony Point, New York Compressor Station to increase the horsepower output of units C5 and C6 from the present rating of 3,830 horsepower (hp), to 4,250 hp and 4,700 hp, respectively, and to restage the compressor units on Units C6 and C7 to accommodate changed flow conditions together with minor modifications of other Algonquin meter stations.

The estimated cost of the facilities is $56,000,000 which, Algonquin states, would be financed initially on a short-term basis with long-term financing to be arranged later when market conditions are favorable. Algonquin anticipates that all construction, including right of way acquisition, will require approximately two years. It is asserted that actual construction must commence no later than May 1, 1994, to assure that the facilities may be placed in service by November 1, 1994.

For ITP-1 service, Algonquin proposes to charge an incremental one-part demand rate which is designed to recover investment and operating costs based on the incremental cost of service attributable to the proposed facilities and the Maximum Daily Transportation Quantity subscribed by each shipper. Using this method, Algonquin proposes an initial rate of $13.605 per month per MMBtu of contract demand, declining to $12.615 per MMBtu in 1996, once all facilities are in service.

Comment date: December 12, 1991, 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 Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to rule 214 of the Commission's Procedural rules (18 CFR 385.214) a motion to intervene of notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 91-28577 Filed 11-27-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP89-251-017]

Alabama-Tennessee Natural Gas Co., Report of Refunds

November 21, 1991.

Take notice that the Alabama-Tennessee Natural Gas Company (Alabama-Tennessee) on October 17, 1991, tendered for filing with the Federal Energy Regulatory Commission (Commission) its Report of Refunds paid to jurisdictional customers for the period February 1, 1990 through November 30, 1990.

Alabama-Tennessee states that the refund was made in compliance with the Commission's order issued December 17, 1990, approving the Stipulation and Agreement filed on July 12, 1990, in Docket No. RP89-251-017.

Alabama-Tennessee states that it is serving a copy of the letter on all of its jurisdictional customers.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.211. All such protests should be filed on or before November 29, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91-28571 Filed 11-27-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP89-661-012]

Algonquin Gas Transmission Co., Petition To Amend

November 22, 1991.

Take notice that on November 15, 1991, Algonquin Gas Transmission company (Algonquin), 1284 Soldiers Field road, Boston, Massachusetts 02135, filed an application in Docket No. CP89-661-012, pursuant to sections 7(b) and 7 (c) of the Natural Gas Act for permission and approval to: (1) Reduce service to Iroquois Gas Transmission System, L.P. (Iroquois) and make corresponding changes in facilities; (2) abandon pipeline facilities; (3) collect proposed rates for service under Rate Schedules AFT-2 and X-38 based on Algonquin's revised facilities costs; and (4) consolidate this filing with Algonquin's filing in Docket No. CP89-661-005, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Specifically, Algonquin proposes reduce the level of firm transportation service to Iroquois under Rate Schedule AFT-2 from 15,000 MMBtu per day to 10,000 MMBtu per day. On October 9, 1991, Algonquin received, *inter alia*, as part of Phase II of the Iroquois Project, authorization to transport this gas for Iroquois on behalf of Connecticut Natural Gas Corporation (CNGC) for redelivery to CNGC at Glastonbury, Connecticut. CNGC has reduced its requirements necessitating the reduction

in transportation service that Algonquin renders to Iroquois. In conjunction with this volumetric reduction, Algonquin proposes to eliminate 2.9 miles of 12-inch P–1 System Loop that was approved in Phase II of the Iroquois Project. Also, Algonquin seeks authority to abandon the final 1.5 miles of 6-inch pipeline on the G–8 system as part of its installation of the 5.5 miles of 20-inch line.[1]

Further, Algonquin now desires to collect rates for service under its Rate Schedules X–38 and AFT–2, which were approved in Phase II of the Iroquois Project, based on costs filed in Docket No. CP89–661–004, the above-mentioned reduction in Iroquois-related facilities, the costs for removal of facilities for which abandonment authority is sought herein, and revised construction costs. Algonquin now estimates that the total cost associated with this request is approximately $85.7 million. the resulting one-part monthly demand charges that result from this recalculation are $9.4870 per MMBtu for Rate Schedule X–38 service and $7.4800 per MMBtu for service under Rate Schedule AFT–2

Finally, Algonquin requests that the Commission consolidate the instant filing with Algonquin's filing in Docket No. CP89–661–005 in order to obtain all remaining authorizations in Algonquin's self-styled "Open Season Project" which relates to the construction and operation and transportation service in connection with the ANR and Iroquois Project in the Northeast U.S.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before December 2, 1991 file with the Federal Energy Regulatory commission, 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 385.214 or 385.211) 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.

Lois D. Cashell,

Secretary.

[FR Doc. 91–28580 Filed 11–27–9191; 8:45 am]

BILLING CODE 6717–01M

[1] Algonquin received authority to abandon 4.0 miles of 6-inch pipeline on the G–8 System in Phase III of the Niagara Import Point Project (NIPP) (52 FERC ¶ 61,257) Algonquin received authorization in Phase II of the Iroquois Project to utilize 4.0 miles of 5.5 miles of 20-inch replacement pipeline on the G–8 System that was authorized in Phase III of the NIPP. Algonquin is currently seeking authorization in Docket No. CP89–661–005 to utilize the remaining 1.5 miles of 20-inch replacement pipe on the G–8 System.

[Docket No. CP90-1391-000]

Arcadian Corp. v. Southern Natural Gas Co.; Filing and Comment Period

November 21, 1991.

Take notice that on November 7, 1991, the Deputy Secretary of Energy filed a letter with the Commission regarding the above-docketed proceeding. A copy of the letter was distributed to the Public Reference Room on November 12, 1991, and was available on the Commission's Records Information Management System on November 15, 1991.

Any party desiring to file comments on the letter may do so on or before December 3, 1991.

Lois D. Cashell,

Secretary.

[FR Doc. 91-28567 Filed 11-27-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP89-35-013]

Midwestern Gas Transmission Co.; Report of Refunds

November 21, 1991.

Take notice that on October 28, 1991, Midwestern Gas Transmission Company (Midwestern) tendered for filing with the Federal Energy Regulatory Commission (Commission) it Report of Refunds summarizing the refund disbursed to its T-5 Shipper, Tennessee Gas Pipeline Company on October 28, 1991 in the amount of $131,541.50.

Midwestern states that the refund is being made pursuant to a September 26, 1991, Commission order in above-referenced proceeding. Midwestern states that the refund consists of $96,737.14 principal and $34,804.36 interest.

Midwestern states that copies of the filing has been mailed to all affected customers and state regulatory commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedures 18 CFR 385.211. All such protests should be filed on or before November 29, 1991. 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. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91-28569 Filed 11-27-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP87-30-040 and RP90-69-011]

Colorado Interstate Gas Co.; Compliance Filing

November 21, 1991.

Take notice that Colorado Interstate Gas Company (CIG) on October 25, 1991, tendered for filing as part of its FERC Gas Tariff, Original Volume No. 2, Second Substitute Ninth Revised Sheet No. 463.

CIG states that its filing is being made in compliance with the commission orders issued on August 5 and September 16, 1991, to correct the wrong rate for firm transportation service to Natural Gas Pipeline Company under Rate Schedule X–32.

CIG states that copies of the filing are being served upon CIG's jurisdictional customers and public bodies.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rule 211 of the commission's Rules of Practice and Procedure 18 CFR 385.211. All such protests should be filed on or before November 29, 1991. Protests will be considered by the commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91–28570 Filed 11-27-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. TA92-2-4-000 and TM92-6-4-000]

Granite State Gas Transmission, Inc.; Proposed Changes in Rates

November 21, 1991.

Take notice that on November 18, 1991, Granite State Gas Transmission, Inc. (Granite State), 300 Friberg

Parkway, Westborough, Massachusetts 01581–5039, tendered for filing with the Commission the revised tariff sheets listed below in its FERC Gas Tariff, Second Revised Volume No. 1, containing changes in rates for effectiveness January 1, 1992:

Purchased Gas Cost Adjustment

Substitute Ninth Revised Sixth Revised Sheet No. 21

Gas Research Institute Surcharge

substitute Second Revised Sheet No. 23
Substitute First Revised Sheet No. 138

According to Granite State, it filed its annual purchased gas cost adjustment on November 7, 1991 and the filing was rejected for an error in the format of the supporting data on the electronic medium accompanying the filing. Granite State further states that the instant filing is a complete substitute for the prior filing and it includes revised rates based on projected gas costs and sales for the first quarter of 1992. Granite State further states that the revised rates include a new negative deferred gas cost surcharge adjustment and a revised Transportation Cost Adjustment based on projected sales for the year ending December 31, 1992.

Additionally, according to Granite State, the revised tariff sheets reflect the Gas Research Institute (GRI) surcharge of $0.0147 per dekatherm, effective January 1, 1992, approved by the Commission in Docket No. RP91–170–000. Granite State further states that the GRI surcharge will be applicable to purchases of Canadian gas from a new supplier, Direct Energy Marketing, Limited, as a result of the issuance of a temporary authorization issued by the Director of the Office of Pipeline and Producer Regulation in Docket No. CP91–2373 on October 31, 1991.

It is stated that the proposed rate changes are applicable to Granite State's jurisdictional services rendered to Bay State Gas Company and Northern Utilities, Inc. Granite State further states that copies of its filing were served upon its customers and the regulatory commissions of the States of Maine, Massachusetts and New Hampshire.

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 procedures (18 CFR 385.211and 385.214). All such motions or protests should be filed on or before December 9, 1991. 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 to the proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91–28573 Filed 11–27–91; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. EC92–4–000]

Holyoke Power and Electric Co.; Filing

November 21, 1991.

Take notice that on November 20, 1991, Holyoke Power and Electric Company (HP&E) tendered for filing, pursuant to section 203 of the Federal Power Act and 33 of the part Commission's regulations, an application for approval of the sale of certain electric facilities and other related equipment and associated real estate in the town of South Hadley, Massachusetts to South Hadley Electric Light Department. HP&E states that the sale is pursuant to an Offer of Settlement between the parties that was previously filed with the Commission in Docket Nos. ER85-720, et al.

HP&E states that copies of its filing have been provided to SHELD and to the Massachusetts Department of Public Utilities.

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 Procedures (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before December 6, 1991. Protestants 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. 91-28576 Filed 11-27-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ES92–17–000]

Iowa Southern Utilities Company; Application

November 22, 1991.

Take notice that on November 18, 1991, Iowa Southern Utilities Company filed an application with the Federal Energy Regulatory Commission pursuant to section 204 of the Federal Power Act seeking authority to issue not more than $25 million of short-term notes prior to January 1, 1994, with a final maturity date no later than December 31, 1994.

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 December 17, 1991. Protests will be considered by the Commission 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 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. 91–28636 Filed 11–27–91; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. MT92–2–000 & MG92–2–000]

Michigan Gas Storage Co., Tariff Filing

November 22, 1991.

Take notice that on November 19, 1991 Michigan Gas Storage Company ("Storage Company") tendered the following tariff sheets for filing pursuant to Order Nos. 497 and 497–A as part of its FERC Gas Tariff Original Volume No. 2, to be effective January 1, 1992:

1st revised Sheet No. 1
2nd Revised Sheet Nos. 9 and 10
3rd Revised Sheet No. 21
2nd Revised Sheet No. 22
1st Revised Sheet Nos. 51 through 55

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 385.211 and 385.214. All such protests should be filed on or before December 9,

1991. 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 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. 91-28640 Filed 11-27-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP91-2392-000; CP91-2393-000]

Northwest Pipeline Corp., Williams Gas Processing Co.; Filing and Comment Period

November 21, 1991.

Take notice that on November 7, 1991, the Deputy Secretary of Energy filed a letter with the Commission regarding the above-docketed proceedings and asked that the letter be placed in the records of the two proceedings. A copy of the letter was available on the Commission's Records Information Management System on November 18, 1991.

Any party desiring to file comments on letter may do so on or before December 3, 1991.

Lois D. Cashell,

Secretary.

[FR Doc. 91-28568 Filed 11-27-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP92-28-001]

Northwest Alaskan Pipeline Co.; Tariff Changes

November 22, 1991.

Take notice that on November 19, 1991, Northwest Alaskan Pipeline Company ("Northwest Alaskan"), P.O. Box 3102, Tulsa, Oklahoma 74101, tendered for filing Substitute Twenty-Ninth Revised Sheet No. 5 to its FERC Gas Tariff, Original Volume No. 2.

Northwest Alaskan states that the proposed effective date of this filing is January 1, 1992.

Northwest Alaskan states that it made a filing on November 15, 1991 in the above referenced docket to reflect an increase in total demand charges for Canadian gas purchased from Pan-Alberta Gas Ltd. ("Pan-Alberta") and resold to its four U.S. purchasers. The effective date of the increase was misstated on the tariff sheet. The instant filing is being made to correct the misstated effective date.

Northwest Alaskan states that a copy of its filing was served on its customers.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rule 211 of the Commission's rules of practice and procedure 18 CFR 385.211. All such protests should be filed on or before December 2, 1991. Protests will be considered by the Commission in determining the appropriate action to taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91-28639 Filed 11-27-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP92-30-000]

Pan-Alberta Gas (U.S.) Inc.; Tariff Changes

November 22, 1991.

Take notice that on November 20, 1991, Pan-Alberta Gas (U.S.) Inc. ("PAG-US") (formerly NATGAS U.S. INC.), 500, 707 Eighth Avenue, SW, Calgary, Alberta, Canada T2P 3V3, tendered for filing in Docket No. RP92-30-000, Fourth Revised Sheet No. 4 Superceding Third Revised Sheet No. 4 to its FERC Gas Tariff Original Volume No. 2.

PAG-US states that it is submitting Fourth Revised Sheet No. 4 (1) to reflect an increase in demand charges during the forthcoming demand charge period (January 1, 1992 through June 30, 1992) for Canadian gas purchased by PAG-US from Northwest Alaskan Pipeline Company ("Northwest Alaskan") and resold to Northern Natural Gas Company ("Northern") under Rate Schedule X-1; and (2) to reflect a downward adjustment in its demand charges to Northern for the period March 1, 1991 through August 31, 1991.

PAG-US requests that Fourth Revised Sheet No. 4 become effective on January 1, 1992.

PAG-US states that a copy of this filing has been served on Northern.

Any person desiring to be heard or to protest said filing should file a petition 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 & Procedure. All such petitions or 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. 91-28641 Filed 11-27-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA91-1-28-005]

Panhandle Eastern Pipe Line Co.; Report of Refunds

November 21, 1991.

Take notice that on November 8, 1991, Panhandle Eastern Pipe Line Company (Panhandle) tendered for filing its Report of Refunds in compliance with the Commission's order issued July 24, 1991, in Docket Nos. TA91-1-28-001, *et al.*

Panhandle states that the order required Panhandle to make payment of refunds covering its March 1991 Quarterly PGA period (March 1 through May 31, 1991), including interest pursuant to § 154.67 of the Commission's regulations. Panhandle states that it distributed $2,004,353.93 to its customers on August 8, 1991.

Panhandle further states that copies of the refund report and details of each customer's refund calculations were served upon all Panhandle's customers and upon all interested state regulatory agencies.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rule 211 of the Commission's rules of practice and procedure 18 CFR 385.211. All such protests should be filed on or before November 29, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91-28572 Filed 11-27-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP91-140-000]

Questar Pipeline Co.; Informal Settlement Conference

November 21, 1991.

Take notice that an informal settlement conference will be convened in this proceeding beginning on Tuesday, December 3, 1991, at 10 a.m.,

and is expected to continue the following day. The conference will be held at the offices of the Federal Energy Regulatory Commission, 810 First Street, NE., Washington, DC, for the purpose of exploring the possible settlement of the above-referenced docket. Discussions will focus on all issues set for hearing in this proceeding, including, but not limited to, cost-of-service, return, rate design, and comparability of service.

Any party, as defined by 18 CFR 385.102(c), or any participant, as defined by 18 CFR 385.102(b), invited to attend. Persons wishing to become a party must move to intervene and receive intervenor status pursuant to the Commission's regulations (18 CFR 385.214).

For additional information, contact John P. Roddy at (202) 208–1176 or J. Carmen Gastilo (202) 208–0248.

Lois D. Cashell,

Secretary.

[FR Doc. 91–28574 Filed 11–27–91; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP90–139–010]

Southern Natural Gas Co.; Report of Refunds

November 21, 1991.

Take notice that on July 1, 1991, the Southern Natural Gas Company (Southern) tendered for filing with the Federal Energy Regulatory Commission (Commission) its Report of Refunds made by Southern to certain customers pursuant to the December 28, 1990 Stipulation and Agreement (Stipulation) in the above-captioned proceeding.

Southern states that the refund report reflects refunds of $2,207,785.90 made to its gas customers on June 20, 1991, pursuant to an April 4, 1991, Commission order accepting an Interim Partial Settlement in Docket No. RP–139–010, et al.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rule 211 of the Commission's rules of practice and procedure 18 CFR 385.211. All such protests should be filed on or before November 29, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91–28575 Filed 11–27–91; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP91–50–002]

Sumas Energy, Inc.; Petition to Amend

November 22, 1991.

Take notice that on November 14, 1991, Sumas Energy, Inc. (Sumas), 17411 NE Union Hill Road, suite 290, Redmond, WA, 98052–3373, filed in Docket No. CP91–50–002, an amendment to its application for the certificate of public convenience and necessity issued under section 7(c) of the Natural Gas Act in Docket No. CP91–50–001, 56 FERC 61,119 to provide for a change of Corporate name to Sumas Cogeneration Company, L.P. and an assignment to The Prudential Insurance Company of America and Credit Suisse, as agents for the participating lenders. The changes sought herein are consistent with the financial agreements now in place, all as more fully set forth in the application on file with the Commission and open for public inspection.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before December 2, 1991, file with the Federal Energy Regulatory Commission, 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 385.214 or 385.211) 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.

Lois D. Cashell,

Secretary.

[FR Doc. 91–28642 Filed 11-27-91; 8:45 am]

BILLING CODE 6717–01–M

Office of Fossil Energy

[FE Docket No. 91–87–NG]

Orchard Gas Corporation; Application To Amend Long-Term Authorization To Import Natural Gas From Canada

AGENCY: Department of Energy, Office of Fossil Emergency.

ACTION: Notice of application to amend long-term authorization to import natural gas from Canada.

SUMMARY: The Office of Fossil Energy (FE) of the Department of Energy (DOE) gives notice of receipt on October 16, 1991, of an application filed by Orchard Gas Corporation (Orchard) to amend its long-term authorization to import natural gas from Canada to establish a new commencement date and to extend the authorization term.

The application is filed under section 3 of the Natural Gas Act and DOE Delegation Order Nos. 0204–111 and 0204–127. Protests, motions to intervene, notices of intervention, and written comments are invited.

DATES: Protests, motions to intervene or notices of intervention, as applicable, requests for additional procedures and written comments are to be filed at the address listed below no later than 4:30 p.m., eastern time, December 30, 1991.

ADDRESSES: Office of Fuels Programs, Fossil Energy, U.S. Department of Energy, Forrestal Building, room 3F–056, FE–50, 1000 Independence Avenue, SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT:

Allyson C. Reilly, Office of Fuels Programs, Fossil Energy, U.S. Department of Energy, Forrestal Building, room 3F–094, FE–53, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–9394.

Diane Stubbs, Office of Assistant General Counsel for Fossil Energy, U.S. Department of Energy, Forrestal Building, room 6E–042, GC–14, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–6667.

SUPPLEMENTARY INFORMATION: Orchard, a Delaware corporation, is acting as agency for MASSPOWER, a Massachusetts general partnership which will develop, construct, own and operate a 239 megawatt cogeneration facility, and Granite State, a New Hampshire corporation and an interstate pipeline engaged in the purchase, importation and resale of natural gas.

On November 15, 1990, FE issued DOE/FE Opinion and Order No. 446

(Order 446), 1 FE ¶70,374, granting Orchard authorization to import up to 25,000 Mcf per day of Canadian natural gas for a 15-year term commencing November 1, 1991. Orchard states that firm transportation capacity on TransCanada PipeLines Limited will not become available until November 1, 1992, rather than November 1, 1991, and that the National Energy Board of Canada authorized ProGas Limited (ProGas) to export the purchase contract volumes over a period of eighteen and one-half years, provided firm deliveries commence prior to November 1, 1993. Revisions have been made to the purchase contract between Orchard and ProGas to reflect these and related technical changes.

The decision on the application for import authority will be made consistent with the DOE's gas import policy guidelines, under which the competitiveness of an import arrangement in the markets served is the primary consideration in determining whether it is in the public interest (49 FR 6684, February 22, 1984). Need and security of supply are also considerations, particularly in long-term arrangements such as this. Parties, especially those that may oppose this application, should comment in their responses on these issues as set forth in the policy guidelines. Orchard asserts that the changes to its purchase contract do not undermine the findings made by FE in Order 446, and therefore the requested amendment would not be inconsistent with the public interest. Parties opposing the arrangement bear the burden of overcoming this assertion.

NEPA Compliance

The National Environmental Policy Act (NEPA), 42 U.S.C. 4321 *et seq.*, requires DOE to give appropriate consideration to the environmental effects of its proposed actions. No final decision will be issued in this proceeding until DOE has met its NEPA responsibilities.

Public Comment Procedures

In response to this notice, any person may file a protest, motion to intervene or notice of intervention, as applicable, and written comments. Any person wishing to become a party to the proceeding and to have their written comments considered as the basis for any decision on the application must, however, file a motion to intervene or notice of intervention, as applicable. The filing of a protest with respect to this application will not serve to make the protestant a party to the proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate action to be taken on the application. All protests, motions to intervene, notices of intervention, and written comments must meet the requirements that are specified by the regulations in 10 CFR part 590. Protests, motions to intervene, notices of intervention, requests for additional procedures, and written comments should be filed with the Office of Fuels Programs at the above address.

It is intended that a decisional record will be developed on the application through responses to this notice by parties, including the parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. A party seeking intervention may request that additional procedures be provided, such as additional written comments, an oral presentation, a conference, or trial-type hearing. Any request to file additional written comments should explain why they are necessary. Any request for an oral presentation should identify the substantial question of fact, law, or policy at issue, show that it is material and relevant to a decision in the proceeding, and demonstrate why an oral presentation is needed. Any request for a conference should demonstrate why the conference would materially advance the proceeding. Any request for a trial-type hearing must show that there are factual issues genuinely in dispute that are relevant and material to a decision and that a trial-type hearing is necessary for a full and true disclosure of the facts.

If an additional procedure is scheduled, notice will be provided to all parties. If no party requests additional procedures, a final opinion and order may be issued based on the official record, including the application and responses filed by parties pursuant to this notice, in accordance with 10 CFR 590.316.

A copy of Orchard's application is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F–056, at the above address. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, November 18, 1991.

Clifford P. Tomaszewski,

Acting Deputy Assistant Secretary for Fuels Programs, Office of Fossil Energy.

[FR Doc. 91–28688 Filed 11–27–91; 8:45 am]

BILLING CODE 6450–01–M

[FE Docket No. 91–63–NG]

Panhandle Trading Co.; Application To Import and Export Natural Gas, Including LNG, From and to Canada, Mexico, and Other Countries

AGENCY: Department of Energy, Office of Fossil Energy.

ACTION: Notice of application for blanket authorization to import/export natural gas and LNG from and to Canada, Mexico and other countries.

SUMMARY: The Office of Fossil Energy (FE) of the Department of Energy (DOE) gives notice of receipt on August 14, 1991, of an application filed by Panhandle Trading Company (PTC) for blanket authorization to import and export up to 50 billion cubic feet (Bcf) per year and to export up to 50 Bcf per year of natural gas, including liquefied natural gas (LNG), from and to Canada, Mexico, and also other countries in the case of imports, over a two-year term beginning on the date of first delivery. PTC intends to utilize existing U.S. pipeline and LNG facilities for the transportation of the volumes to be imported and exported, and states that it will submit quarterly reports detailing each transaction.

The application is filed under section 3 of the Natural Gas Act and DOE Delegation Order Nos. 0204–111 and 0204–127. Protests, motions to intervene, notices of intervention, and written comments are invited.

DATES: Protests, motions to intervene or notices of intervention, as applicable, requests for additional procedures and written comments are to be filed at the address listed below no later than 4:30 p.m., eastern time, December 30, 1991.

ADDRESSES: Office of Fuels Programs, Fossil Energy, U.S. Department of Energy, Forrestal Building, room 3F–056, FE–50, 1000 Independence Avenue, SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT:

Allyson C. Reilly, Office of Fuels Programs, Fossil Energy, U.S. Department of Energy, Forrestal Building, room 3F–094, FE–53, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–9394.

Diane Stubbs, Office of Assistant General Counsel for Fossil Energy, U.S. Department of Energy, Forrestal Building, room 6E–042, GD–14, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–6667.

SUPPLEMENTARY INFORMATION: PTC, a Delaware corporation with its principal place of business in Houston, Texas, is a wholly-owned subsidiary of Panhandle Eastern Corporation. PTC intends to

import gas, for its own account or on behalf of others for sale on a would be sold on a short-term or spot market basis to U.S. pipelines, distribution companies marketers, municipalities, and end-users under contracts that are yet to be negotiated. The natural gas to be exported would be produced in the United States from a variety of suppliers for resale to international spot-market purchasers, including local distribution companies, pipelines, municipalities and end-users. PTC may also export natural gas on the behalf of others. PTC currently holds a blanket authorization in DOE/FE Opinion and Order No. 341, issued October 24, 1989, which would be superseded by the issuance of any new authorization.

The decision on the application for import authority will be made consistent with the DOE's gas import policy guidelines, under which the competitiveness of an import arrangement in the markets served is the primary consideration in determining whether it is in the public interest (49 FR 6684, February 22, 1984). In reviewing the proposed export application, domestic need for the gas will be considered, and any other issue determined to be appropriate. Parties, especially those that may oppose this application, should comment in their responses on the issue of competitiveness as set forth in the policy guidelines for the requested import authority, and on the domestic need for the gas the applicant proposes to export. The applicant asserts that imports made under this arrangement will be competitive and there is no current need for the domestic gas that would be exported under the proposed arrangement. Parties opposing the arrangement bear the burden of overcoming this assertion.

All parties should be aware that if DOE approves this import and export, it may designate a total term volume rather than the annual limit requested in order to provide PTC with maximum operating flexibility.

NEPA Compliance

The National Environmental Policy Act (NEPA), 42 U.S.C. 4321 *et seq.*, requires DOE to give appropriate consideration to the environmental effects of its proposed actions. No final decision will be issued in this proceeding until DOE has met its NEPA responsibilities.

Public Comment Procedures

In response to this notice, any person may file a protest, motion to intervene or notice of intervention, as applicable, and written comments. Any person wishing to become a party to the proceeding and to have their written comments considered as the basis for any decision on the application must, however, file a motion to intervene or notice of intervention, as applicable. The filing of a protest with respect to this application will not serve to make the protestant a party to the proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate action to be taken on the application. All protests, motions to intervene, notices of intervention, and written comments must meet the requirements that are specified by the regulations in 10 CFR part 590. Protests, motions to intervene, notices of intervention, requests for additional procedures, and written comments should be filed with the Office of Fuels Programs at the above address.

It is intended that a decisional record will be developed on the application through responses to this notice by parties, including the parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. A party seeking intervention may request that additional procedures be provided, such as additional written comments, an oral presentation, a conference, or trial-type hearing. Any request to file additional written comments should explain why they are necessary. Any request for an oral presentation should identify the substantial question of fact, law, or policy at issue, show that it is material and relevant to a decision in the proceeding, and demonstrate why an oral presentation is needed. Any request for a conference should demonstrate why the conference would materially advance the proceeding. Any request for a trial-type hearing must show that there are factual issues genuinely in dispute that are relevant and material to a decision and that a trial-type hearing is necessary for a full and true disclosure of the facts.

If an additional procedure is scheduled, notice will be provided to all parties. If no party requests additional procedures, a final opinion and order may be issued based on the official record, including the application and responses filed by parties pursuant to this notice, in accordance with 10 CFR 590.316.

A copy of PTC's application is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F–056, at the above address. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, November 20, 1991.

Clifford P. Tomaszewski,

Acting Deputy Assistant Secretary for Fuels Programs, Office of fossil Energy.

[FR Doc. 91–28687 Filed 11–27–91; 8:45 am]

BILLING CODE 6450–01–M

[FE Docket No. 91–77–NG]

Tenaska Marketing Ventures; Application To Import Natural Gas From Canada

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of application for blanket authorization to import natural gas from Canada.

SUMMARY: The Office of Fossil Energy of the Department of Energy (DOE) gives notice of receipt on September 19, 1991, of an application filed by Tenaska Marketing Ventures (TMV), requesting blanket authorization to import up to 100,000 Mcf per day and up to a total volume of 73.0 Bcf of natural gas from Canada over a two-year period commencing with the date of first delivery. TMV intends to use existing pipeline facilities within the United States and states that it will submit quarterly reports detailing each transaction.

The application is filed under section 3 of the Natural Gas Act and DOE Delegation Order Nos. 0204–111 and 0204–127. Protests, motions to intervene, notices of intervention and written comments are invited.

DATES: Protests, motions to intervene or notices of intervention, as applicable, requests for additional procedures and written comments are to be filed at the address listed below no later than 4:30 p.m., Eastern time December 30, 1991.

ADDRESSES: Office of Fuels, Programs, Fossil Energy, U.S. Department of Energy, Forrestal Building, room 3F–056, FE–50, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–9478

FOR FURTHER INFORMATION CONTACT:

Stanley C. Vass, Office of Fuels, Programs, Fossil Energy, U.S. Department of Energy, Forrestal Building, room 3F–094, FE–53, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–9482

Diane Stubbs, Office of Assistant General Counsel for Fossil Energy, U.S. Department of Energy, Forrestal Building, room 6E–042, GC–14, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–6667

SUPPLEMENTARY INFORMATION: TMV is a partnership organized under the laws of the State of Nebraska with its principal place of business in Omaha, Nebraska. TMV is also a gas marketer that currently purchases gas from various domestic producers but if the requested authorization is granted, TMV asserts it would purchase additional gas from Canadian producers and others at market responsive prices for sale to various United States customers, which might include end users, distribution companies, pipeline companies, and other marketers of natural gas.

The decision on the application for import authority will be made consistent with DOE's natural gas import policy guidelines, under which the competitiveness of an import arrangement in the markets served is the primary consideration in determining whether it is in the public interest (49 FR 6684, February 22, 1984). Parties, especially those that may oppose this application, should comment on the issue of competitiveness as set forth in the policy guidelines regarding the requested import authority. The applicant asserts that imports made under the proposed arrangement will be competitive. Parties opposing the arrangement bear the burden of overcoming this assertion.

All persons should be aware that DOE, if it approves the requested import, may authorize an aggregate term volume, not limited by daily volumes, in order to maximize operating flexibility.

NEPA Compliance

The National Environmental Policy Act (NEPA), 42 U.S.C., 4321 *et seq.*, requires DOE to give appropriate consideration to the environmental effects of its proposed actions. No final decision will be issued in this proceeding until DOE has met its NEAP responsibilities.

Public Comment Procedures

In response to this notice, any person may file a protest, motion to intervene or notice of intervention, as applicably, and written comments. Any person wishing to become a party to the proceeding and to have their written comments considered as the basis for any decision on the application must, however, file a motion to intervene or notice of intervention, as applicable. The filing of a protest with respect to this application will not serve to make the protestant a party to the proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate action to be taken on the application. All protests, motions to intervene, notices of intervention, and written comments must meet the requirements that are specified by the regulations in 10 CFR part 590. Protests, motions to intervene, notices of intervention, requests for additional procedures, and written comments should be filed with the Office of Fuels Programs at the above address.

It is intended that a decisional record will be developed on the application through responses to this notice by parties, including the parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. A party seeking intervention may request that additional procedures be provided, such as additional written comments, an oral presentation, a conference, or trial-type hearing. Any request to file additional written comments should explain why they are necessary. Any request for an oral presentation should identify the substantial question of fact, law, or policy at issue, show that it is material and relevant to a decision in the proceeding, and demonstrate why an oral presentation is needed. Any request for a conference should demonstrate why the conference would materially advance the proceeding. Any request for a trial-type hearing must show that there are factual issues genuinely in dispute that are relevant and material to a decision and that a trial-type hearing is necessary for a full and true disclosure of the facts.

If an additional procedure is scheduled, notice will be provided to all parties. If no party requests additional procedures, a final opinion and order may be issued based on the official record, including the application and responses filed by parties pursuant to this notice, in accordance with 10 CFR 590.316.

A copy of TMV's application is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F–056, At the above address. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, November 22, 1991.

Clifford P. Tomaszewski,

Acting Deputy Assistant Secretary for Fuels Programs, Office of Fossil Energy.

[FR Doc. 91–28084 Filed 11–27–91, 8:45 am]

BILLING CODE 6450–01–M

Office of Energy Research

Special Research Grant Program Notice 92–3; Energy Biosciences

AGENCY: Department of Energy (DOE).

ACTION: Notice inviting grant preapplications.

SUMMARY: The Office of Basic Energy Sciences of the Office of Energy Research (OER), U.S. Department of Energy (DOE) announces its interest in receiving preapplications from potential applicants for research funding in the Energy Biosciences program area. The intent in asking for a preapplication is to save the time and effort of applicants in preparing and submitting a formal project application that may be inappropriate for the program. The preliminary screening of research ideas is aimed also at relieving some of the burden of the scientific community in reviewing an excessive number of research applications. The preapplication should consist of a two to three page concept paper about the research being contemplated under a formal application to the Energy Biosciences program. The concept paper should focus on the objectives of the planned research, its scientific goals and their significance, an outline of the approaches planned, and any other information that relates to the planned research. No budget information or biographical data need be included; nor is an institutional endorsement necessary. The preapplication is an informal inquiry about the technical suitability of submitting a formal application for support of a research idea. A response indicating appropriateness of submitting a formal application will be sent from the Division of Energy Biosciences office in a timely manner to allow for an adequate preparation period for a formal proposal. The deadline for receipt of formal applications is June 10, 1992.

DATES: For timely consideration, all preapplications should be received by February 26, 1992. However, earlier submissions will be gladly accepted. A response to timely preapplications will be communicated by April 20, 1992.

ADDRESSES: Preapplications referencing Program Notice 92–3 should be forwarded to: U.S. Department of Energy, Office of Basic Energy Sciences, ER–17, Division of Energy Biosciences, Washington, DC 20585, Attn: Program Notice 92–3.

PREAPPLICATIONS AND FURTHER INFORMATION: Before preparing a formal application, potential applicants should submit a brief preapplication in accordance with 10 CFR 600(d)(2) which consists of two to three pages of narrative describing research objectives. These will be reviewed relative to the scope and the research needs of the Energy Biosciences program. The Energy Biosciences program has the mission of generating fundamental biological information about plants and non-medical related microorganisms that can provide support for future energy related biotechnologies. The objective is to pursue basic biochemcial, genetic and physiological investigations that may contribute towards providing alternate fuels, petroleum replacement products, energy conservation measures as well as other technologies related to DOE programs. Areas of interest include bioenergetic systems, including photosynthesis; control of plant growth and development, including metabolic, genetic, and hormonal and environmental regulation, metabolic diversity, stress physiology and adaptation; genetic transmission and expression; plant-microbial interactions, plant cell wall structure and function; lignocellulose degradative mechanisms; mechanisms of fermentations, genetics of neglected microorganisms, energetics and membrane phenomena; thermophily (molecular basis of high temperature tolerance); microbial interactions; and one-carbon metabolism, which is the basis of biotransformations such as methanogenesis. The objective is to discern and understand basic mechanisms and principles.

FOR FURTHER INFORMATION CONTACT: Ms. Pat Snyder, Division of Energy Biosciences, Office of Basic Energy Sciences, ER–17, Washington, DC 20585 (301) 903–2873.

SUPPLEMENTARY INFORMATION: Funds are expected to be available for new grant awards in FY 1993. The amount of funds available and number of the awards which can be made will depend on the budget process. The principal purpose in using preapplications at this time is to reduce the expenditure of time and effort of all parties. Information about development and submission of applications, eligibility, limitations, evaluations and selection processes, and other policies and procedures may be found in 10 CFR part 605. Application kits for formal submissions and copies of 10 CFR part 605 are available from the same office listed under the "Address" section of this notice. Telephone requests may be made by calling (301) 903–2873. Instructions for preparation of an application are included in the application kit. The Catalog of Federal Domestic Assistance number for this program is 81.049.

D.D. Mayhew,

Deputy Director for Management, Office of Energy Research.

[FR Doc. 91–28692 Filed 11–27–91; 8:45 am]

BILLING CODE 6450–01–M

Cases Filed During the Week of October 28 Through November 1, 1991

During the week of October 28 through November 1, 1991, 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 Hearing and Appeals, Department of Energy, Washington, DC 20585.

Dated: November 21, 1991.

George B. Breznay,

Director, Office of Hearings and Appeals.

List of Cases Received by the Office of Hearings and Appeals

[Week of October 28 through November 1, 1991]

Date	Name and location of applicant	Case No.	Type of submission
10/28/91	Haynes Oil Company, Mattawamkeag, ME	LEE–0032	Exception to the Reporting Requirements. If Granted: Haynes Oil Company would not be required to file Form EIA–782, "Reseller/Retailers Monthly Petroleum Product Sales Report."
10/31/91	Otis Ainsworth, Washington, DC	LEF–0039	Implementation of Special Refund Procedures. If Granted: The Office of Hearings and Appeals would implement Special Refund Procedures pursuant to 10 CFR part 205, subpart V for the disposition and distribution of funds received in this case.

Refund Application Received

Date received	Name of refund proceeding/name of refund application	Case No.
10/25/91 Thru 11/1/91	Texaco Refund, Applications Received	RF321–17857 Thru RF321–17871.
10/25/91 Thru 11/1/91	Crude Oil Refund, Applications Received	RF272–90308 Thru RF272–90448.
10/25/91 Thru 11/1/91	Gulf Oil Refund, Applications Received	RF300–17947 Thru RF300–18147.
10/25/91 Thru 11/1/91	Atlantic Richfield, Applications Received	RF304–12524 Thru RF304–12606.
10/28/91	Monterey Peninsula Unified Schools	RC272–139.
10/28/91	Harry L. Helgason	RF335–50.
10/28/91	Benigno 66	RF341–13.
10/28/91	Hoff's 66 Auto Center	RF341–14.
10/29/91	Hudson General Corporation	RF336–29.
10/29/91	Orlando Utilities Commission	RF336–30.
10/30/91	C.H. Colvin, Inc.	RF333–18.
11/1/91	Major Oils	RF333–19.

[FR Doc. 91–28694 Filed 11–27–91; 8:45 am]

BILLING CODE 6450–01–M

Western Area Power Administration

[Rate Order No. WAPA-52]

Salt Lake City Area Integrated Projects

AGENCY: Western Area Power Administration, DOE.

ACTION: Notice of rate order No. WAPA-52—Salt Lake City area integrated projects firm power rate adjustment.

SUMMARY: Notice is given of the confirmation and approval by the Assistant Secretary for Conservation and Renewable Energy (Assistant Secretary) of the Department of Energy (DOE) of Rate Order No. WAPA-52 and Rate Schedule SLIP-F3 placing an increased firm power rate for capacity and energy from Salt Lake City Area Integrated Projects (SLCA/IP) of the Western Area Power Administration (Western) into effect on an interim basis for the period of December 1, 1991, through September 30, 1992. The interim rate, hereinafter called the provisional rate, will remain in effect on an interim basis until the Federal Energy Regulatory Commission (FERC) confirms, approves, and places it in effect on a final basis or until it is replaced by another rate.

An expedited adjustment of the SLCA/IP firm power rate was placed into effect on an interim basis. The adjusted rate will earn approximately $7.73 million of the estimated $11.6 million in additional revenue in fiscal year (FY) 1992 required by the SLCA/IP to replace power unavailable from the Colorado River Storage Project's (CRSP) Glen Canyon Dam because of environmentally related water-release restrictions.

The proposed power rate increase contains an additional energy charge of 0.85 mills per kilowatthour (mills/kWh), resulting in a total firm energy charge of 8.10 mills/kWh, and an additional capacity charge of $0.36 per kilowatt per month (kW-month), making a total firm capacity charge of $3.44/kW-month. The combined rate would increase from the present 14.50 mills/kWh to 16.20 mills/kWh. This is an 11.7-percent increase when calculated at a 58.2-percent load factor.

A comparison of existing and provisional rates follows:

COMPARISON OF EXISTING AND PROVISIONAL RATES

	Existing rate (FY 1992)	Provisional rate (FY 1992)
Firm Power Service Rate Schedule	SLIP-F2	SLIP-F3
Firm Capacity Charge ($/kW-month)	$3.08	$3.44
Firm Energy Charge (mills/kWh)	7.25	8.10
Combined Rate (mills/kWh)	14.50	16.20

Rate Order No. WAPA-52 explains the rate adjustment, discusses the principal factors leading to the decision to increase the rate, and responds to comments offered by interested parties during the public consultation and comment period.

EFFECTIVE DATES: Rate Schedule SLIP-F3 will be effective December 1, 1991, through September 30, 1992, on an interim basis, until the FERC confirms, approves, and places it in effect on a final basis, or until it is replaced by another rate.

FOR FURTHER INFORMATION CONTACT:

Mr. Lloyd Greiner, Area Manager, Salt Lake City Area Office, Western Area Power Administration, P.O. Box 11606, Salt Lake City, UT 84147-0606, (801) 524-6372.

Mr. Robert C. Fullerton, Director, Division of Marketing and Rates, Western Area Power Administration, P.O. Box 3402, Golden, CO 80401-3398, (303) 231-1545.

Mr. Jack Dodd, Acting Assistant Administrator for Washington Liaison, Western Area Power Administration, room 8G061, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585-0001, (202) 586-5581.

SUPPLEMENTARY INFORMATION: By Amendment No. 2 to Delegation Order No. 0204-108, published August 23, 1991 (56 FR 41835), the Secretary of Energy delegated (1) the authority on a nonexclusive basis to develop long-term power and transmission rates to the Administrator of the Western Area Power Administration; (2) the authority to confirm, approve, and place such rates in effect on an interim basis to the Assistant Secretary for Conservation and Renewable Energy for the DOE; and (3) the authority to confirm, approve, and place into effect on a final basis, to remand, or to disapprove such rates to the Federal Energy Regulatory Commission. Existing DOE procedures for public participation in power rate adjustments (10 CFR part 903) became effective on September 18, 1985 (50 FR 37835).

Power rates for the SLCA/IP are established pursuant to the DOE Organization Act of August 4, 1977, 42 U.S.C. 7101, *et seq.*; the Reclamation Act of 1902, ch. 1093, 372 Stat. 388 (1902), as amended and supplemented by subsequent enactments, particularly section 9(c) of the Reclamation Project Act of 1939, 43 U.S.C. 485h(c); and other acts specifically applicable to the projects involved.

Discussions on the proposed rate adjustment were initiated on July 3, 1991, when a letter announcing an informal customer meeting was mailed to all firm power customers and other interested persons. This meeting was conducted on August 1, 1991, in Salt Lake City, Utah. At this informal meeting, representatives of Western and the Department of the Interior's (Interior) Bureau of Reclamation (Reclamation) explained the need for the increase and answered questions from those attending.

The consultation and comment period was initiated on August 8, 1991, with publication of a **Federal Register** notice (56 FR 37699), which officially announced the proposed rate adjustment and procedures for public participation. A public information forum and a public comment forum were held on September 9, 1991, in Salt Lake City, Utah. The consultation and comment period ended September 24, 1991. The schedule allowed for all required steps of the public process; however, the time periods were shortened wherever the procedures allowed, so that Western could speed recovery of costs for purchased power made necessary by changed interim operations at Glen Canyon Dam during FY 92 implemented by Reclamation in the fall of 1991.

Western received 21 comment letters on the SLCA/IP rate adjustment. At the September 9, 1991, public comment forum, four parties commented orally. Most of the comments received at the public meetings and in correspondence dealt with (1) assertions that not enough information had been made available or was known, to determine accurately what proposed rate was required; (2) increased cost of replacement power and whether this cost should be nonreimbursable; and (3) various miscellaneous issues. All comments were considered during the preparation of the rate order.

On August 1, 1991, Reclamation began the latest round of environmentally related water-release restrictions at the CRSP's Glen Canyon Dam. The

restrictions, known as interim operations, are anticipated to last until late 1993. At that time, it is expected that some level of permanent water-release restrictions will be imposed by Reclamation.

Since water-release restrictions did not exist and had not even been proposed at the time of the FY 1989 SLCA/IP Rate Order, the present rate contains no provision for purchasing additional power in FY 1992 to replace that made unavailable at Glen Canyon Dam due to interim operations. The immediate and unforeseen imposition of considerable unbudgeted purchased power expense upon the CRSP threatens the already precarious cash situation in the Upper Colorado River Basin Fund without an almost immediate SLCA/IP rate adjustment.

An expedited adjustment of the SLCA/IP firm power rate is the subject of this rate order. It is imperative that a rate increase be placed into effect as quickly as possible to meet projected revenue shortfalls caused by the extra, unforecasted purchased power expense.

Western has based this rate adjustment on the FY 1989 SLCA/IP Rate Order power repayment study (PRS) used to develop the current rate. This Rate Order PRS has been through the public process, and was approved and confirmed on a final basis by the FERC on September 18, 1991. Due to the severe time constraints involved, Western's Administrator is requesting that the FERC waive its rule requiring that all PRS's submitted with rate adjustments contain historic information that is no more than 18 months old.

Western believes that the use of an FY 1990 or FY 1991 SLCA/IP PRS would result in unacceptable delays in the implementation of this accelerated rate, because the new PRS would introduce unrelated issues that would have to be resolved before the new rate could be put into place. Western will be using an FY 1991 SLCA/IP PRS to support a second, separate rate increase. That second rate adjustment, covering all applicable issues prior to FY 1996, is now formally under way and is planned to be effective July 1, 1992.

The methodology used in arriving at an incremental rate to recover the additional costs due to interim operations is straightforward. The FY 1989 Rate Order PRS was solved only for the FY 1992 rate. Then the estimated cost of purchased power to replace that made unavailable by interim operations in FY 1992 (estimated at $11.6 million) was added, and a second FY 1992 rate was determined. The incremental difference of 1.70 mills/kWh is the direct cost of power purchases related to interim operations and the amount that must be added to the currently scheduled FY 1992 combined rate of 14.50 mills/kWh.

The adjusted rate would earn approximately $7.73 million of the estimated $11.6 million in power purchases required by the SLCA/IP in FY 1992 to replace power unavailable from the CRSP's Glen Canyon Dam because of environmentally related water-release restrictions. The cost not covered by the rate increase will be met by the reduction and/or postponement of planned FY 1992 expenditures by Western and Reclamation.

Rate Order No. WAPA–52, confirming, approving, and placing the proposed SLCA/IP rate adjustment in effect on an interim basis, is issued, and Rate Schedule SLIP–F3 will be promptly submitted to the FERC for confirmation and approval on a final basis.

Issued in Washington, DC, November 20, 1991.

J. Michael Davis,

Assistant Secretary, Conservation and Renewable Energy.

Order Confirming, Approving, and Placing the Salt Lake City Area Integrated Projects Firm Power Service Rate Into Effect on an Interim Basis

November 20, 1991.

Pursuant to section 302(a) of the Department of Energy (DOE) Organization Act, 42 U.S.C. 7101, *et seq.*, the power marketing functions of the Secretary of the Interior and the Bureau of Reclamation (Reclamation) under the Reclamation Act of 1902, ch. 1093, 372 Stat. 388, as amended and supplemented by subsequent enactments, particularly section 9(c) of the Reclamation Project Act of 1939, 43 U.S.C. 485h(c); and other acts specifically applicable to the projects involved, were transferred to and vested in the Secretary of Energy (Secretary).

By Amendment No. 2 to Delegation Order No. 0204–108, published August 23, 1991 (56 FR 41835), the Secretary of Energy delegated (1) the authority to develop long-term power and transmission rates on a nonexclusive basis to the Administrator of the Western Area Power Administration (Western); (2) the authority to confirm, approve, and place such rates in effect on an interim basis to the Assistant Secretary for Conservation and Renewable Energy (Assistant Secretary); and (3) the authority to confirm, approve, and place into effect on a final basis, to remand, or to disapprove such rates to the Federal Energy Regulatory Commission (FERC). Existing DOE procedures for public participation in power rate adjustments (10 CFR part 903) became effective on September 18, 1985 (50 FR 37835).

Acronyms and Definitions

As used in this rate order, the following acronyms and definitions apply:

$/kW-month: Monthly Charge for Capacity (Usage—$ per Kilowatt per Month).

Basin Fund: That Account in the U.S. Treasury, established by the CRSP Act, into which all CRSP revenues are deposited and from which all CRSP expenses are paid.

Collbran: Collbran Project.

CREDA: Colorado River Energy Distributors Association.

CROD: Contract Rate of Delivery.

CRSP: Colorado River Storage Project.

CRSP Act: Act of April 11, 1956, ch. 203, 70 Stat. 105, 43 U.S.C. 620–620o.

DOE: Department of Energy.

DOE Order RA 6120.2: An order dealing with Power Marketing Administration Financial Reporting.

EA: Environmental Assessment.

EIS: Environmental Impact Statement.

Exception Criteria: An agreement setting forth conditions for operating outside of Test Flows and subsequent Interim Operating Criteria, including system regulation, emergency situations, and for the specific purpose of avoiding high-cost replacement power purchases.

FERC: Federal Energy Regulatory Commission.

FONSI: Finding of No Significant (Environmental) Impact.

FY: Fiscal Year.

Interim Energy and Capacity Pass-Through Costs: The energy and capacity purchased by Western in behalf of its customers to replace power made unavailable at Glen Canyon Dam by environmentally related water-release restrictions.

Interior: U.S. Department of the Interior.

kW: Kilowatt.

kWh: Kilowatthour.

MW: Megawatt.

Mills/kWh: Mills per Kilowatthour.

NEPA: National Environmental Policy Act of 1969.

O&M: Operation and Maintenance.

PMA: Power Marketing Administration.

PRS: Power Repayment Study.

Rate Brochure: The brochure dated September 1991 detailing the background of the rate proposal contained in this rate order.

Rate Order PRS: The FY 1989 SLCA/IP PRS submitted with this rate order.

Reclamation: Bureau of Reclamation (in the Department of the Interior).

Rio Grande: Rio Grande Project.
SLCA: Salt Lake City Area.
SLCAO: Salt Lake City Area Office.
SLCA/IP: The Salt Lake City Area Integrated Projects, which encompass the combined sales and resources of the CRSP, Collbran, and Rio Grande Projects.
Upper Basin: That part of the Colorado River Basin consisting of the southwestern part of Wyoming, western Colorado, most of New Mexico, Utah, and the northwestern section of Arizona.

Effective Date

The new rate will become effective on an interim basis on December 1, 1991, and will extend until September 30, 1992, or until superseded by another rate, whichever comes first.

Public Notice and Comment

The Procedures and Public Participation in Power and Transmission Rate Adjustments and Extensions, 10 CFR part 903, have been followed by Western in the development of this firm power rate. The provisional firm power rate represents an increase of more than 1 percent in total SLCA/IP revenues; therefore it is a major rate adjustment as defined at 10 CFR 903.2(e) and 903.2(f)(1). The distinction between a minor and a major rate adjustment is used only to determine the public procedures for the rate adjustment.

The following summarizes the steps Western took to assure involvement of interested parties in the rate process:

1. Discussion of the proposed rate adjustment was initiated on July 3, 1991, when a letter announcing an informal customer meeting was mailed to all firm power customers and other interested parties. The meeting was held on August 1, 1991, in Salt Lake City, Utah. At this informal meeting, Western and Reclamation representatives explained the need for the increase and answered questions from those attending.

2. A **Federal Register** notice was published on August 8, 1991 (56 FR 37699), officially announcing the proposed firm power rate adjustment, initiating the public consultation and comment period, announcing the public information and public comment forums, and presenting procedures for public participation.

3. On August 12, 14, and 16, 1991, letters were mailed from Western's Loveland, Phoenix, and Salt Lake City area Offices to all SLCA/IP customers and other interested parties announcing the publication of the **Federal Register** notice of August 8, 1991.

4. On August 27 and 30, 1991, a rate brochure was mailed to all customers and other interested persons. This mailing also included a letter announcing the public information and comment forums.

5. A public information forum and a public comment forum were held on September 9, 1991, in Salt Lake City, Utah. Western and Reclamation representatives explained the need for the rate increase in greater detail, provided additional supporting documentation, and answered questions. At the September 9, 1991, public comment forum, four parties commented orally.

6. Twenty-one comment letters were received on or soon after the 47-day consultation and comment period. The consultation and comment period ended September 24, 1991. All formally submitted comments have been considered in the preparation of this rate order.

Project History

The SLCA/IP consists of the Colorado River Storage Project (CRSP), Rio Grande, and Collbran Projects. The projects were integrated for marketing and rate-making purposes on October 1, 1987. The goals of integration were to increase marketable resources, simplify contract and rate development and project administration, assure repayment of Collbran and Rio Grande Projects' costs, and create a common rate. The projects maintain their individual identities for financial accounting and repayment purposes, but their revenue requirements are integrated into one power repayment study (PRS) for rate-making purposes.

Power Repayment Studies

PRS's are prepared each fiscal year (FY) to determine if power revenues will be sufficient to pay, within the prescribed time periods, all costs assigned to the power function. Repayment criteria are based on law, policies, and authorizing legislation. DOE Order RA6120.2, section 12.b, states:

> In addition to the recovery of the above costs (operation and maintenance and interest expenses) on a year-by-year basis, the expected revenues are at least sufficient to recover (1) each dollar of power investment at Federal hydroelectric generating plants within 50 years after they become revenue producing, except as otherwise provided by law; plus, (2) each annual increment of Federal transmission investment within the average service life of such transmission facilities or within a maximum of 50 years, whichever is less; plus, (3) the cost of each replacement of a unit of property of a Federal power system within its expected service life up to a maximum of 50 years; plus, (4) each dollar of assisted irrigation investment within the period established for the irrigation investment within the period established for the irrigation water users to repay their share of construction costs; plus, (5) other costs such as payments to basin funds, participating projects or States.

A complete discussion of the history of each of the three SLCA/IP projects, plus a general description of the SLCA/IP PRS, is found in the October 1989 brochure that is included in the WAPA-45 record.

Existing and Provisional Rates

A comparison of the existing and provisional rates follows:

COMPARISON OF EXISTING AND PROVISIONAL RATES

	Existing rate (FY 1992)	Provisional rate (FY 1992)
Firm Power Service Rate Schedule	SLIP-F2	SLIP-F3
Firm Capacity Charge ($/kW-month)	$3.08	$3.44
Firm Energy Charge (mills/kWh)	7.25	8.10
Combined Rate (mills/kWh)	14.50	16.20

Certification of Rate

Western Administrator has certified that the SLCA/IP firm power rate placed in effect on an interim basis herein is the lowest possible consistent with sound business principles. The rate has been developed in accordance with administrative policies and applicable laws.

Discussion

Due to growing concern for resources downstream from Glen Canyon Dam, Reclamation is preparing the Glen Canyon Dam Environmental Impact Statement (GCD–EIS) to consider alternative long-range plans for operating the dam. A perceived need to protect downstream resources until the GCD–EIS is completed and a long-term operating plan is implemented has prompted Reclamation to change operating parameters at Glen Canyon Dam on an interim basis, which will adversely affect power generation at this facility.

On August 1, 1991, the Secretary of the Interior changed the operation of Glen Canyon Dam, and restricted its power operations. This necessitated the purchase of power to replace that which would otherwise have been generated there to meet Western's firm contractual commitments. The restrictions, known as interim operations, are anticipated to

last until late 1993. At that time, it is expected that permanent water-release restrictions will be imposed by Reclamation.

Reclamation's interim operating parameters will change the timing and pattern of water releases from Glen Canyon Dam. Because Glen Canyon Powerplant produces 70 to75 percent of the total power produced by the SLCA/IP, any change in the pattern of water releases has a major effect on power operations. Reclamation's interim operating parameters will require that water be released from Glen Canyon Dam with less fluctuation through the day. Reclamation's interim operating parameters will mean that Western will have less Glen Canyon generation during times of high load and more during off-peak periods. This shifting of power generation will require Western to purchase additional power on-peak in order to meet its contractual commitments. Western estimates that the total net cost to replace power unavailable due to interim operating parameters during FY 1992 will be $11.6 million.

Due to the continuing drought in the Colorado River Basin, the Upper Colorado River Basin Fund (Basin Fund) is in a precarious financial position. Without an accelerated SLCA/IP firm power rate adjustment, the increase in purchased power expenses associated with Reclamation's interim operating parameters would result in the Basin Fund having insufficient funds to meet expected expenses. In order to meet the revenue shortfall due to Reclamation's interim operating parameters, Western must propose an increase of its power rates.

Since the interim operations did not exist and were not proposed at the time of the FY 1989 SLCA/IP Rate Order, the existing rate contained no provision for meeting the additional power purchase requirements in FY 1992 resulting from interim flows. The immediate and unforeseen imposition of considerable unbudgeted purchased power expense upon the CRSP threatens the already precarious cash situation in the Upper Colorado River Basin Fund without an almost immediate SLCA/IP rate adjustment.

The expedited adjustment of the SLCA/IP firm power rate is the subject of this rate order. It is imperative that a rate increase be placed into effect as quickly as possible to meet revenue shortfalls caused by the substantial extra, unforecasted purchased power expense.

Western has based the subject rate adjustment on the FY 1989 SLCA/IP Rate Order PRS used to develop the current rate. This Rate Order PRS has been through the public process, and was approved and confirmed by the FERC on a final basis on September 18, 1991. Due to the severe time constraints involved, Western's Administrator is requesting that the FERC waive its rule requiring that all PRS's submitted with rate adjustments contain historic information that is no more than 18 months old. Western has reviewed the expenses projected in the FY 1989 PRS versus the actual expenses in FY 1989, 1990, and 1991. Western has compared the projected to the actual FY 1989–1991 revenues and expenses, and while these numbers were very close, there were shortfalls. Revenue shortfalls have been handled by capitalizing interest payments.

Western believes that the use of an FY 1990 or 1991 SLCA/IP PRS would result in unacceptable delays in the implementation of this expedited rate, because use of the new PRS would introduce a number of unrelated issues that would have to be addressed and resolved before the new rate could be put into place. Western will be using an FY 1991 SLCA/IP PRS to support a second, separate long-term firm power rate increase. That second rate adjustment, which is now in the midst of the public process, will cover the remaining issues through FY 1996, and is planned to be effective July 1, 1992.

The methodology used in arriving at an incremental rate to recover the additional costs due to interim operations is straightforward. The FY 1989 Rate Order PRS was solved for only an FY 1992 rate. The estimated increased cost of purchased power to replace that made unavailable by interim operations in FY 1992 (approximately $11.6 million) was added, and a second FY 1992 rate was determined. The incremental difference of 1.70 mills per kilowatthour (mills/kWh) is the estimated cost of power purchases related to interim operations and the amount that must be added to the currently scheduled FY 1992 combined rate of 14.50 mills/kWh.

Because revenues from the rate increase will only be received for 8 months, the adjusted rate would earn approximately $7.73 million of the estimated $11.6 million cost of power purchases required by the SLCA/IP in FY 1992 to replace power unavailable from the CRSP's Glen Canyon Dam because of environmentally related water-release restrictions. The costs not covered by the rate increase will be met by the reduction and/or postponement of planned FY 1992 expenditures by Western and Reclamation.

The existing and proposed revenue requirements for the SLCA/IP are as follows:

ESTIMATED 1992 REVENUE

[Rounded to nearest $1,000]

	Existing	Provisional
Revenue requirements	$123,263,000	$134,845,000

The rate increase is necessary to satisfy the cost-recovery criteria set forth in DOE Order No. RA 6120.2.

Statement of Revenue and Related Expenses

The following table provides a summary of revenue and expense data for the FY 1992 rate approval period.

Salt Lake City Area Integrated Projects—FY 1989 PRS—Comparison of Revenues and Expenses

[Unit: $1,000]

	Initial FY 1989 rate order PRS[1]	Revised FY 1989 rate order PRS[2]	Change
Total Revenues	123,263	134,845	11,582
Expenses:			
O&M	37,115	37,115	0
Purchased Power	42,220	53,802	11,582
Transmission	6,698	6,698	0
Collbran/RGP	3,667	3,667	0
Interest	27,563	27,563	0
Amortization	0	0	0

Salt Lake City Area Integrated Projects—FY 1989 PRS—Comparison of Revenues and Expenses—Continued

[Unit: $1,000]

	Initial FY 1989 rate order PRS[1]	Revised FY 1989 rate order PRS[2]	Change
Miscellaneous	6,000	6,000	0
Total Expenses:	123,263	134,845	11,582

[1]The FY 1989 Rate Order PRS, solved for a FY 1992 rate.
[2]The FY 1989 Rate Order PRS, solved for a FY 1992 rate, with the addition of $11.6 million in purchased power to replace that made unavailable by interim operations at Glen Canyon Dam.

Basis for Rate Development—SLCA/IP

The provisional SLCA/IP rate was designed to continue to maintain an approximate 50/50 split between revenue earned from demand charges and that earned from energy charges. The cost to individual customers will vary, because of differences in their supplies and loads.

The interim rate contains a $3.44 per kilowatt-month (kW-month) firm capacity charge and an 8.10 mills/kWh firm energy charge in FY 1992. Assuming a 58.2-percent load factor, the necessary combined rate is 16.20 mills/kWh, which is an increase of 11.7 percent. The rate approval period terminates at the latest, on September 30, 1992.

Comments

Western received 16 written comments dated on or before the September 24, 1991, end of the comment period and received 5 additional written comments after September 24, 1991. In addition, four entities commented during the September 9, 1991, public comment forum. All comments were reviewed and considered in the preparation of this rate order.

Written comments were received from the following sources:

Anderson, Val.
Arizona Municipal Power Users' Association (AMPUA)
Beck, Ike
Beck, Myrtle
Bountiful City Light and Power
Bridger Valley Electric Association
Briggs, James M.
City of St. George
Colorado River Energy Distributors Association (CREDA)
Flowell Electric Association, Inc.
Fort Morgan
Gini, Mr. E.
Intermountain Consumer Power Association (ICPA)
Irrigation and Electrical Districts Association of Arizona (IEDA)
Mt. Wheeler Power, Inc.
Murray City Power
Plains Electric Generation and Transmission Cooperative, Inc.
Platte River Power Authority
Salt River Project
Williamson, Lamar D. and Jacqueline Zaugg, Mark

Representatives of the following organizations made oral comments:

Bountiful City Light and Power
Colorado River Energy Distributors Association
Intermountain Consumer Power Association
Irrigation and Electrical Districts Association of Arizona

The majority of comments were from SLCA/IP power customers. The customer organizations are identified below:

1. Colorado River Energy Distributors Association (CREDA) is an organization of power distributors within the SLCA/IP marketing area. Its members purchase most of the power furnished by the SLCA/IP.

2. Irrigation and Electrical Districts Association of Arizona (IEDA) is a nonprofit Arizona association composed of purchasers of Federal hydropower, including SLCA/IP resources.

3. Arizona Municipal Power Users' Association (AMPUA) is an organization of publicly owned power distributors who collectively deliver approximately one-half of the electricity in the State of Arizona.

Most of the comments received at the public meetings and in correspondence dealt with (1) assertions that not enough information had been made available or was known, to determine accurately what proposed rate was required; (2) increased cost of replacement power and whether this cost should be non reimbursable; and (3) various miscellaneous issues. The comments and responses, paraphrased for brevity, are discussed below. Direct quotes from comment letters are used for clarification, where necessary.

Issue I: Is the Information in Western's Rate Notice and Brochure Deficient

Several commenters expressed a concern that the actual replacement power expenses required to be recovered in the rate adjustment process depend on events and decisions which have not yet been resolved.

One advocate of this view was IEDA, whose letter dated September 24 addressed the issue as follows:

The rules of the Department of Energy on rate procedure are designed to meet the rate-making requirements of the Administrative Procedure Act. The fundamental requirement of that act is that customers be given proper notice and an opportunity to be heard. We suggest that the notice here is deficient both by departmental regulatory standards and by the standards of the Administrative Procedure Act.

Fundamental fairness requires that we be given proper notice of the actual elements of a rate proposal and an opportunity to comment on those actual elements.

Response: Western followed the established procedural guidelines for rate adjustments shown in 10 CFR Part 903. Detailed analyses of the procedures and calculations used in arriving at the proposed rates were presented at the September 9, 1991, public information forum. The rate process has been shortened where the procedures allowed, for good cause. However, full public participation has been invited for each step of the rate adjustment. The figures used to support the provisional rate must necessarily be based on the latest information available to Western before its submission to the Assistant Secretary, and includes estimates based on the exception criteria placed in effect for 90 days as of October 21, 1991.

Issue II: Exception criteria

When this rate proceeding began, Western, Reclamation, other Federal agencies, and other interested parties were negotiating an agreement to allow Western to exceed mandated water-release amounts and patterns from Glen Canyon Dam for specified periods of time. This interagency agreement, containing what are referred to as the "exception criteria," would reduce the cost of power that must be purchased as a result of Reclamation's interim changes in the operation of Glen Canyon Dam. No agreement for exception criteria had been accepted by the time the **Federal Register** notice and rate brochure were published, when the public comment forum was held on

September 9, or by the September 24 end of the comment period.

Because there was no agreement on exceptions, and no assurance that one would be forthcoming, Western's original rate proposal assumed that none would exist. To base a rate increase on the hope that exception criteria would be allowed, and then have those exceptions fail to materialize, would leave the SLCA/IP with insufficient revenues with which to purchase replacement power. Western believed it preferable to assume the lack of exception criteria, rather than to underestimate purchased power costs and risk a revenue shortfall.

Many comments were addressed to this assumption of no future exception criteria, based on the commenters' belief that the existence of even moderate exception criteria would result in a considerably reduced rate. CREDA's letter dated September 24 put it as follows:

Western has, to this point in time, failed to describe how it will adjust its proposed rate increase to reflect he adoption of exception criteria. Before CREDA can comment substantively on the rate proposal, Western must either (i) delay the rate process until agreement is reached by the agencies on exception criteria and Western can, for itself and the CRSP rate payers, estimate the resulting adjustment to its original estimate of purchased power costs or (ii) provide to CRSP rate payers an estimate of the effect of its own proposed exception criteria, along with supporting information, and describe in detail the timing and amount by which it would intend to reduce its original rate proposal to account for later changes in any assumed exception criteria.

Response: Detailed analysis of the procedures and calculations used in arriving at the proposed rates were presented at the September 9, 1991, public information forum.

An exception criteria agreement became effective on October 21, 1991. The criteria allow Western to exceed interim operations release restrictions at Glen Canyon Dam for 3 percent of the time in any 30 days. This provision is initially in effect for a period not to exceed 90 days. The agreement is not automatically renewable, although Western will work with the other coordinating agencies to extend the agreement, and the operating flexibility it provides, through the period of the subject rate adjustment; i.e., through September 30, 1992, or until another rate is put in place, whichever occurs first.

Western has modified the rate adjustment to recognized the new exception criteria agreement.

The exception criteria effective on October 21, 1991, will be in place for 90 days, through late January 1992. This allows Western to utilize the criteria through the FY 1992 winter season peak period of December and January. Purchased power prices normally fall after the seasonal peak load is reached, so Western's cost estimates assume that purchased power costs will be considerably reduced through the remainder of the winter season.

The assessment of the impact of interim operations was not completed until financial considerations had been factored in, including the cost of replacement power and the value of surplus SLCA/IP sales. Pricing assumptions were based upon (1) operational experience; (2) estimates of future market conditions; and (3) the quantity and quality of exceptions granted to Western to meet unsual conditions.

Western assumes that purchases through the winter season will continue to be nonfirm energy, at nonfirm prices (estimated at 23.25 mils/kWh on-peak and 15.5 mills/kWh off-peak, with a seasonal weighted average of 19.375 mills/kWh).

Until the cooperating agencies review the results of operations during the FY 1992 winter season, Western cannot be assured that the exception criteria will be renewed. Therefore, the assumption in this single-issue rate adjustment is that there will be no exception criteria during the FY 1992 summer season (April through September 1991). As a result, purchases during the summer season are assumed to be firm capacity and energy, at firm prices (estimated at a combined 45.0 mills/kWh on-peak and a combined 16.0 mills/kWh off-peak, with a seasonal weighted average combined rate of 30.5 mills/kWh). These calculations carry an implied load factor of 40 percent. On-peak firm capacity and energy costs are $6.50/kW-month and 21.63 mills/kWh.

The cost of purchased power to replace that unavailable at Glen Canyon Dam, under the above assumptions, results in an annual cost of $11.6 million for FY 1992.

This leads to a proposed combined rate of 16.2 mills/kWh, which is an 11.7-percent increase over the presently scheduled FY 1992 combined firm power rate of 14.50 mills/kWh. Any surplus revenue collected will be applied to the repayment of interest.

Issue III: Interim Energy and Capacity Pass-Through costs

Two concerns were raised on the issue of interim energy and capacity pass-through costs.

A. The Implementation of interim Energy and Capacity Pass-Through Costs

The provisional rate was determined by assuming that Western would purchase power to replace that unavailable at Glen Canyon Dam, and thus maintain its contractual delivery obligations. Many SLCA/IP customers are exploring the possibility of using what is referred to as "interim energy and capacity pass-through costs" to mitigate the impact of the rate increase. Under one approach, the customers would accept power deliveries from Western, reduced by that unavailable at Glen Canyon Dam, while still making the payments to Western that would have been required with their full contract rates of delivery (CROD). Deficiencies between the customers' entitlement and what Western is able to deliver would be met by customer purchases. Western would act as the customers' agent in purchasing the power, using funds advanced by the customers.

Many commenters, assuming that the implementation of interim energy and capacity pass-through costs contract arrangements would significantly reduce or even nullify the subject rate adjustment, expressed concern that Western had ignored this possibility in the rate action. CREDA's letter dated September 24 stated:

> The PTC option would serve as an alternative mechanism for Western's recovering part or all the additional purchased power costs resulting from interim flows * * * If part or all of the purchased power costs of interim flows are recovered through individual pass-through charges, the only reason for an increase should be eliminated or at least reduced. CREDA has seen no description in Western's notice or rate brochure as to how it proposes to deduct the estimated purchased power costs recovered through pass-through charges from its calculation of the increased costs that would remain to be recovered, if any, through its base rates.

Response: Western agrees that the PTC option could possibly reduce the amount of this rate adjustment. However, no agreement has been reached on PTC contractual language to date. Given the lack of agreement, Western believes it prudent to proceed with this rate adjustment.

One of the commenters would like assurance that customers will continue to have their present transmission arrangements, allowing them to wheel this purchased power via Western's transmission lines. Platte River Power Authority's letter dated September 24 says:

Platte River's contract for power from Western includes the cost of the transmission facilities to deliver that power. If Platte River chooses to purchase power on its own, rather than contracting with Western to purchase power, Platte River expects Western to wheel this purchased power via Western's transmission lines at no additional cost since access for a certain amount of power is included in Platte River's contract.

Response: This is an issue that Western is considering. Implementation of this type of arrangement would be reflected in the future rate increase that presently is in the public process and is scheduled to become effective July 1, 1992.

B. Salt Lake City, et al., vs. Western Area Power Administration, et al

Western is presently marketing the SLCA/IP's power resources under a court order. CREDA's letter dated September 24, 1991, asserts that no changes can be made to SLCA/IP marketing arrangements without the approval of the presiding judge:

If Western decides to implement a PTC arrangement with its customers which will require an amendment to the current CRSP contracts, Western should also either obtain prior approval of the amendment from Judge Greene to insure that the amendment does not interfere with the outstanding injunction* * *or provide CRSP customers with adequate assurances that such prior approval is not necessary.

Response: Western's legal counsel has reviewed Judge Greene's order and believes that prior approval of a interim energy and capacity pass-through cost contract amendment may not be necessary, if the customer's CROD remains unchanged, depending on the terms of the contract language developed.

Issue IV: Nonreimbursable Costs

A. Are Interim Operations-Related Purchased Power Costs Nonreimbursable?

Many commenters stated a belief that the expense of purchasing power to replace that made unavailable by interim operations restrictions at Glen Canyon Dam is actually an environmental cost. The commenters charge that these costs should be considered nonreimbursable.

CREDA's letter dated September 24 stated:

As the sole purpose of interim flows is to stabilize downstream beaches and improve fisheries and recreational uses of the river, all direct and indirect costs associated with these new flow restrictions are nonreimbursable expenses under the CRSP Act and should not be included in CRSP firm power rates.

Response: The Commissioner of Reclamation implemented test flows and interim operations at Glen Canyon Dam effective August 1, 1991. Interior Secretary Manuel Lujan stated:

The interim test period will allow the Bureau of Reclamation time to more fully evaluate data from research flows and to carry out National Environmental Policy Act compliance for the final implementation of interim flows. This protects one of our Nation's greatest resources while meeting basic water and power needs.

As stated in the previous SLCA/IP rate case, Reclamation has decided that studies related to dam operations and associated purchase power costs are part of power O&M expenses. Therefore, Reclamation has determined costs related to the study of operations downstream from Glen Canyon Dam are considered reimbursable, and are to be funded from the Basin Fund.

If any of these costs should subsequently be declared nonreimbursable, Western will correct the PRS. Historical payments to any cost later decided to be nonreimbursable will be applied to the repayment of interest and outstanding power-related investments, using standard priority-of-repayment criteria. Historic interest expense for the affected investments will be recalculated, and reduced as needed. Any reduction in cumulative historic interest expense will be applied to current interest expense. All changes in historic data will be shown in the PRS as current-year adjustments.

It should be noted that all CRSP operating costs must be funded initially out of the Basin Fund, whether or not they are reimbursable. The only exceptions are those expenses that fall under section 8 of the CRSP Act, which are funded by congressional appropriation. The Basin Fund's most significant source of money to pay operating costs is power revenues. This need to provide funding means that the firm power rate would have to remain high enough to pay the expenses as they arose. The amounts paid using power revenues in the Basin Fund to pay nonreimbursable expenses would be applied to repayment of outstanding power obligations.

B. Interim Operations Costs As Section 8 Expenses

A recurrent theme in the comments received by Western is the idea that any and all costs incurred by the CRSP which are in any way connected to or necessitated by environmental concerns should be declared nonreimbursable, under section 8 of the CRSP Act.

The CRSP Act of 1956 states:

Sec. 8. [Recreational and fish wildlife facilities.] * * * the Secretary is authorized and directed to investigate, plan, construct, operate, and maintain * * * (2) facilities to mitigate losses of, and improve conditions for, the propagation of fish and wildlife.

Bountiful City Light and Power's letter dated September 23 says:

Because these new flow restrictions are the result of environmental mitigation (fish, wildlife, and recreation), these costs should not be allocated to normal operation and maintenance expenses but should be allocated to nonreimbursable accounts under section 8 * * * All costs incurred pursuant to this section shall be nonreimbursable and nonreturnable.

Bridger Valley E.A.'s letter dated September 24 states:

The purpose for which the flow restrictions are being imposed match exactly with those outlined in section 8 of the Colorado River Storage Act which states that all such costs shall be nonreimbursable * * * These costs should not be recovered through electric rates, but should be funded by a direct appropriation.

Response: This issue was raised and answered in the previous SLCA/IP rate case. Western and Reclamation are well aware of these continuing concerns and we will jointly review the matter.

Issue V: Miscellaneous

Several issues were raised by only a few commenters, or were peripheral to specific concerns of the subject rate adjustment. They are addressed here:

A. An Inequitable Distribution of Costs

Bridger Valley E.A.'s letter dated September 24 expressed the opinion that power users are paying far more than their fair share of costs for the CRSP, and that the subject deserves some scrutiny:

Power users are repaying the total cost of the Federal investment in the Colorado River system including irrigation and recreation * * * A shift in priority of purpose from power generation to recreation may call for a shift of the payback burden also.

Many comments said that groups which have labeled themselves "environmentalists" have succeeded in getting what is perceived to be their political agenda adopted by Reclamation, while power users are assigned the responsibility to pay the bills.

Val Anderson, of Ephraim, Utah, gave voice to much of the concern in his letter dated September 4:

Why should we fund all these studies? Why can't our fine feathered environmental groups come up with the millions ($) needed. If it wasn't for the dam, all the fishing, boating, etc. would not exist.

The rate payers pay for all the benefits and our concerned environmental groups enjoy them at no costs or obligation.

Response: Since 1967, Reclamation has allocated the joint costs of the CRSP based on an established-pattern method; i.e., based on the generally consistent pattern resulting from allocations made in 1967 and years just prior thereto. Western has used Reclamation's cost allocation standards in determining the joint costs to be repaid by power.

B. Premature Implementation of Interim Operations

Some commenters are persuaded that Interior is putting interim operations in place too soon, based on faulty data. This was addressed by Bountiful City Light and Power in their letter dated September 23, 1991:

We hope Secretary Lujan * * * will recognize that the Glen Canyon Dam EIS Study is not complete and, to date, there is no conclusive evidence to support the need for a radical change in operations at Glen Canyon Dam. More importantly, we see no emergency—the EIS is ongoing * * * We need the benefit of the EIS and the thorough research which is ongoing before we change the operations of Glen Canyon Dam.

Response: This comment is outside the scope of the present rate proceeding. However, the operation of all of the dams in the SLCA/IP, including Glen Canyon Dam, is Reclamation's responsibility. Since Reclamation decided that it was necessary to implement interim operations, Western has included the resulting purchased power expenses in the subject PRS to avoid cashflow problems.

C. Negative Environmental Impact of Interim Operations

Some commenters are concerned that interim operations, ostensibly designed to mitigate environmental degradation in the Colorado River below Glen Canyon Dam, will themselves result in environmental damage. Clean, renewable, hydropower not produced at Glen Canyon Dam will have to be replaced with purchased power, almost all of which will come from air-polluting thermal resources.

This concern was voiced by Mark Zaugg, of Bountiful, Utah, in his September 6 letter:

I urge you to take into consideration the environmental effects of having to replace the loss of the clean hydroelectric power generation with other forms of power generation, such as coal fired power plants, or other fuel fired plants, and the associated environmental damage being caused by the extraction, processing, and burning of these other fuels to generate power. I'm certain that * * * any deterioration of the downstream environment * * * is insignificant to the overall damage that results from other forms of power generation.

Response: This comment is outside the scope of the present rate proceeding. However, the decision to restrict releases from Glen Canyon Dam was made by the Commissioner of Reclamation, at the direction of the Secretary of the Interior. Western understands the concern of the commenters, and will forward their remarks to Reclamation.

D. Federal Power Is Becoming Too Expensive

Some commenters are concerned that Federal hydropower is very close to losing its cost advantage over non-Federal resources.

This issue was raised by Val Anderson, of Ephraim, Utah:

Please bear in mind that as you continue to jack the rates up there will come a time when Federal power will be unaffordable * * * Then who will step up to pay all the costs? I hope we're not foolish enough to think the concerned environmental groups will pick up the tab.

Response: The increase in purchased power costs due to water-release restrictions at Glen Canyon Dam is the factor that is driving the subject rate action. In this particular situation, Western has no control over the events causing the interim rate increase. The flow restrictions and operating constraints at Glen Canyon Dam have been imposed by Reclamation, and Western is charged by law with the duty to recover all SLCA/IP operating costs assigned to power, including those related to interim operations.

Western addressed these concerns about rising power costs in the environmental assessment (EA) prepared for this rate action. The EA determined that the subject rate adjustment will allow the cost of SLCA/IP firm power to remain under that of alternative sources of supply.

E. Post-Budgetary Impact

Murray City Power expressed a concern that the expedited rate increase will cause problems to customers because it comes after they have already completed and approved their budgets for FY 1992. They have not set aside any money to pay the increased cost of SLCA/IP power. Murray's letter dated September 20 stated:

The announcement of the single issue rate adjustment came somewhat as a surprise * * * after most public power entities had implemented their budgets for fiscal year 1992. The impact of a 22.8-percent increase in billings from WAPA * * * will be traumatic, especially in light of the fact that this increase was not announced with sufficient timeframe to cover the increase in current-year budgets.

Response: Western understands the distress about the unfortunate timing of the proposed SLCA/IP rate increase. The rate increase has been modified downward as much as prudent financial management will allow. However, the factors causing the rate increase; i.e., the immediate implementation of environmentally related interim releases at Glen Canyon Dam, are beyond the ability of Western to control, or to finance without a rate increase.

F. Inaccurate Projections

Reclamation implemented test releases for interim operations on August 1, 1991. ICPA's letter dated September 13 stated:

Since the new flow regime has been initiated, Western's cost for replacing lost capacity under those flows has been nil. This is further evidence that the actual rate impacts are less than the $22.7 million the adjusted rate is designed to recover.

Response: Western's estimates of the cost of purchased power to replace that unavailable because of interim operations are annual figures. It is true that the costs over the first months of the interim operations would not equal the total that Western has projected, if they were prorated over a year, but it is also true that specific circumstances have occurred during these first months that have held down the cost of purchased power. Those circumstances cannot be expected to continue. The revenue, if not needed for power purchases, would be applied to reduce deferred interest payments.

For example:

1. The summer of 1991 was relatively mild in Arizona. Air conditioner usage was not as high as it could have been, which freed significant electrical resources for sale to other users in the SLCA/IP marketing area.

2. Arizona Public Service Company's Palo Verde nuclear generating station stayed on line much of the time. Since Palo Verde was serving its own load, other suppliers who would normally have helped with that task were free to sell their power elsewhere.

3. The Bonneville Power Administration, in Idaho, Oregon, and Washington, had surplus power, because of relatively high water conditions. This meant that they were offering abundant and inexpensive hydropower throughout the western U.S.

4. Water releases from Glen Canyon Dam were relatively high in August and September. Restricted releases earlier in the year (partly due to environmentally

related research flows) meant that substantial water had to go through the dam by the end of the water year (on September 30) to meet Upper Basin Colorado River Compact water delivery requirements to Lower Basin states and to Mexico. The extra water was used to generate power.

Because of a fortunate combination of circumstances, considerably more power was available in the SLCA/IP marketing area during the summer of 1991 than had been expected. This kept the cost of purchased power to replace that unavailable due to interim operations at Glen Canyon Dam at a minimum.

The cost of replacement power stayed low during the summer of 1991 because of transient, one-time-only events. Western believes that it would not be prudent to rely on those or similar events happening again in the near future. Power deliveries must be made, even in the face of adversity. The only practical approach is to plan as if the adversity will occur, to assure that contractual commitments can be met. This means that Western must assume that power to replace that unavailable at Glen Canyon Dam will be relatively scarce, and relatively expensive. The most logical way to keep costs down is to minimize the cost of replacement power needed, through the use of exception criteria. Western has been working energetically toward this end, and will continue to do so in the future.

The estimated purchased power costs used to arrive at the rate adjustment contained in this rate order have been decreased considerably, in recognition of the exception criteria agreement effective on October 21. Western believes that further modification of projections, without changes in exception criteria amount or availability, would be unwise.

G. "Worst-Case" Scenario

Plains Electric G&T's letter dated September 24 stated that the interim rate increase is based on the assumption that the worst possible outcome of the still-unsettled issues will come to pass; i.e.:

> The Western proposed single issue rate increase takes into consideration a worst case scenario. Plains understands that negotiations are ongoing with the other * * * operating agencies of the Glen Canyon EIS which will permit some exception to the operations at Glen Canyon Dam. We would urge Western to withhold any rate filing with FERC until a final decision is resolved.

Response: It should be understood that, while the extra cost of purchased power to replace that unavailable at Glen Canyon Dam during August and September in FY 1991 and all of FY 1992 was originally estimated to exceed $22.7 million, the original interim rate increase would have recovered only approximately $15.1 million. The $22.7 million cost, prorated over 12 months in FY 1992, equalled approximately $1.89 million in extra revenue per month. The rate increase will become effective on December 1, 1991. Revenues will begin to arrive at Western in January 1992. This means that the $1.89 million in additional revenue would have actually been received for only 8 months (January through September 1992). The additional revenue from the originally requested rate increase, over 8 months, equaled approximately $15.1 million in actual revenues. The estimated $7.57 million in extra purchased power expense not covered by the rate increase was to be absorbed by reductions in and/or postponement of planned FY 1992 expenditures by Western and Reclamation.

With the implementation of the exception criteria on October 21, the estimated necessary revenues have been reduced to $11.6 million in FY 1992. This equals $0.97 million per month. Because revenues from the rate increase will only be earned for 8 months, the actual annual additional revenues received are estimated to be $7.73 million. The $3.87 million in costs not covered by the rate increase will still be borne by the reduction and/or postponement of planned FY 1992 expenditures by Western and Reclamation.

H. Is Reclamation In Conflict With National Environmental Policy Act of 1969 (NEPA) Requirements?

One commenter raised the question of whether it is legally permissible under the NEPA for Reclamation to significantly change operations at Glen Canyon Dam without first preparing an EA and/or EIS.

Bountiful City Light and Power's letter dated September 23, 1991, stated:

> It is also questionable whether there is a major Federal action taken place under NEPA if the Secretary of Interior implements the interim flows without the exception criteria being recommended by * * * Western.

Response: This comment is outside the scope of this rate adjustment proceeding. However, Reclamation has prepared an EA, which resulted in a finding of no significant (Environmental) Impact (FONSI).

I. Operating and Maintenance Expense

AMPUA's letter dated September 24 expressed concern about ongoing O&M costs:

> We think Western should review its overhead and maintenance expenses. They appear to be too high in the circumstances. Ongoing efforts to help the USBR reduce costs should be emphasized.

Response: This comment is outside the scope of this rate proceeding. The subject of O&M expense will be addressed in the next SLCA/IP rate action, which will look at all issues applicable through FY 1996.

However, Western's Salt Lake City Area Office has ordered across-the-board cutbacks in O&M expenditures through FY 1992. Furthermore, every phase of planned construction which can be postponed has been. Reclamation has made a significant reduction to its funding requests for FY 1992.

Environmental Evaluation

In compliance with the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, *et seq.*; Council on Environmental Quality Regulations (40 CFR parts 1500–1508); and DOE guidelines published in the **Federal Register** on December 15, 1987 (52 FR 47662–47670), and interim guidance, Western has prepared an EA. DOE approved a FONSI on November 15, 1991.

Copies of the EA and FONSI are available from Western's Salt Lake City, Utah; Golden, Colorado; and Washington, DC., offices. The office addresses are provided elsewhere in this rate order.

Executive Order 12291

DOE has determined that this rate action is not a major rule within the meaning of the criteria of section 1(b) of Executive Order 12291. In addition, Western is exempt from sections 3, 4, and 7 of that order, and therefore will not prepare a regulatory impact statement.

Availability of Information

Information regarding this rate adjustment, including PRS's, the EA and FONSI, comments, and other supporting material, is available for public review in the Salt Lake City Area Office, Western Area Power Administration, 257 East 200 South, Suite 475, Salt Lake City, Utah 84111; Division of Marketing and Rates, Western Area Power Administration, 1627 Cole Boulevard, Golden, Colorado 80401; and the Office of the Assistant Administrator for Washington Liaison, Western Area Power Administration, room 8G061, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585.

Submission to Federal Energy Regulatory Commission

The rate herein confirmed, approved, and placed in effect on an interim basis, together with supporting documents, will be submitted to the FERC for confirmation and approval on a final basis.

Order

In view of the foregoing and pursuant to the authority delegated to me by the Secretary of Energy, I confirm and approve on an interim basis, effective December 1, 1991, Rate Schedule SLIP–F3. The rate schedule shall remain in effect on an interim basis, pending FERC confirmation and approval of it or a substitute rate on a final basis, through September 30, 1992.

Issued at Washington, DC, November 20, 1991.

J. Michael Davis,

Assistant Secretary, Conservation and Renewable Energy.

Effective: Beginning December 1, 1991, through September 30, 1992.

Available: In the area serviced by the Salt Lake City Area Integrated Projects.

Applicable: To the wholesale power customers for firm power service supplied through one meter at one point of delivery, or as otherwise established by contract.

Character: Alternating current, 60 hertz, 3-phase, delivered and metered at the voltages and points established by contract.

Monthly Rate: Demand Charge: $3.44 per kilowatt of billing demand.

Energy Charge: 8.10 mills per kilowatthour of use.

Billing Demand: The billing demand will be the greater of (1) the highest 30-minute integrated demand measured during the month up to, but not in excess of, the delivery obligation under the power sales contract, or (2) the contract rate of delivery.

Adjustments

For Transformer Losses: If delivery is made at transmission voltage but metered on the low-voltage side of the substation, the meter readings will be increased to compensate for transformer losses as provided for in the contract.

For Power Factor: The customer will be required to maintain a power factor at all points of measurement between 95-percent lagging and 95-percent leading.

[FR Doc. 91–28685 Filed 11–27–91; 8:45 am]
BILLING CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–4035–9]

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 December 30, 1991.

FOR FURTHER INFORMATION CONTACT: Sandy Farmer at EPA (202) 260–2740.

SUPPLEMENTARY INFORMATION:

Office of Solid Waste and Emergency Response

Title: Information Collection from States in Accordance with the CERCLA Capacity Assurance Process, (EPA No. 1343.03). This ICR is a reinstatement of a previously approved collection for which approval has expired.

Abstract: Section 104(c)(9) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) requires that each State assure that they have adequate capacity to treat, store, or dispose of all hazardous waste expected to be generated within or imported into the State for a twenty-year period in order to be eligible for Superfund remedial funds. EPA requires States to provide data and program information biennially to assure that they have an adequate capacity to manage the hazardous waste expected to be generated within their borders.

The information being collected for this Capacity Assurance Process (CAP) submission is substantially different from that collected for the last CAP submission in 1989. This submission is limited in scope, requiring each State to report on progress to meet capacity needs by providing a qualitative assessment and progress report that covers: (1) The State's waste minimization program, (2) the status of hazardous waste treatment, storage, and disposal facilities, and (3) where applicable, information on interstate or regional agreements. EPA will use the information to assure that the respondents are in compliance with the provisions of the statute.

Burden Statement: The estimated average public reporting burden for this collection of information is about 60 hours per State. This estimate includes all aspects of the information collection including time for reviewing instructions, gathering data, and preparing and submitting the information to the Agency.

Respondents: States, Territories, and the District of Columbia.

Estimated Number of Respondents: 56.

Estimated Number of Responses Per Respondents: 1.

Estimated Total Annual Burden on Respondents: 3,360 hours.

Frequency of Collection: Biennially.

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 Jonathan Gledhill, Office of Management and Budget, Office of Information and Regulatory Affairs, 725 17th St., NW., Washington, DC 20503.

Dated: November 21, 1991.

Paul Lapsley,

Director, Regulatory Management Division.

[FR Doc. 91–28660 Filed 11–27–91; 8:45 am]
BILLING CODE 6560–50–M

[FRL–4036–1]

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 December 30, 1991.

FOR FURTHER INFORMATION CONTACT: Sandy Farmer at EPA (202) 260–2740.

SUPPLEMENTARY INFORMATION:

Office of Water

Title: Development and Approval Guidance for Coastal Nonpoint Pollution Control Programs (ICR #1569.01.)

Abstract: ICR 1569.01 describes the reporting requirements associated with the Program Development and Approval Guidance Document for Coastal Nonpoint Pollution Control Programs. This Guidance Document, which was prepared jointly by EPA and the National Oceanic and Atmospheric Administration (NOAA), serves to implement section 6217 of the Coastal Zone Act Reauthorization Amendments of 1990.

Section 6217 is concerned with coastal pollution and is intended to coordinate Federal and State coastal zone management and water quality programs. According to section 6217, the 29 coastal States and Territories with Federally-approved coastal management programs must prepare Coastal Nonpoint Source Control Programs. EPA and the National Oceanic and Atmospheric Administration (NOAA) are required to oversee the development of these programs.

Thirty months after the publication of the final Guidance Document, the 29 approved States and Territories must submit summaries of their Coastal Nonpoint Programs to EPA Headquarters, which will share them with NOAA.

As part of these submissions, the States and Territories must include the following information:

—Management plans for protecting coastal areas,
—A listing of land uses threatening coastal waters,
—A listing of critical coastal areas near threatened coastal waters where general management plans are unable to maintain water quality standards or designated uses,
—A listing of additional management measures necessary for the maintenance of water quality standards and designated uses in these critical areas, and
—A proposal of a plan to rearrange coastal zone boundaries so that State and Territorial agencies have suitable jurisdiction to carry out the additional management measures.

The States and Territories must also give technical assistance to local governments and the public for implementing coastal management measures. Furthermore, the States and Territories must identify opportunities for public participation in coastal nonpoint programs and must set up a means of coordinating State and local entity implementation of coastal nonpoint programs.

EPA and NOAA will use the submitted information to evaluate State eligibility for Federal grants under Clean Water Act (CWA) section 319 and Coastal Zone Management Act (CZMA) section 306. The submitted information will enable EPA and NOAA to distribute the grant funds so as to ensure comprehensive and efficient coastal water pollution control. The information will also permit the Agencies to see that the States and Territories provide for sufficient public participation in program development.

Burden Statement: The average burden imposed by the Development and Approval Guidance Document for Coastal Nonpoint Pollution Control Programs is 1,454 hours per response. This total includes time for reviewing the Guidance Document, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Respondents: States and Territories with Federally-approved coastal management programs.

Estimated No. of Respondents: 29.

Estimated Total Annual Burden on Respondents: 16,866 hours.

Frequency of Collection: One-time.

Send comments regarding the burden estimate, or any other aspect of this collection 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 Matt Mitchell, Office of Management and Budget, Office of Information and Regulatory Affairs, 725 17th St., NW., Washington, DC 20503.

Dated: November 21, 1991.

Paul Lapsley,

Director, Regulatory Management Division.

[FR Doc. 91–28661 Filed 11–27–91; 8:45 am]

BILLING CODE 6560–50–M

[FRL–4036–2]

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; where appropriate, it includes the actual data collection instrument.

DATES: Comments must be submitted on or before December 30, 1991.

FOR FURTHER INFORMATION CONTACT: Sandy Farmer at EPA (202) 260–2740.

SUPPLEMENTARY INFORMATION:

Office of Solid Waste and Emergency Response

Title: Capacity Requirements for Land Disposed Wastes Exhibiting the Toxicity Characteristics (ICR No. 1605). This ICR requests approval for a new collection.

Abstract: EPA's Office of solid Waste (OSW) plans to administer a questionnaire form to commercial and noncommercial hazardous waste facilities who currently dispose newly identified toxicity characteristics (TC) wastes in land-based units. These wastes are identified as those having the hazardous waste codes D018 through D043 in the regulations at 40 CFR part 261. EPA will use the information collected to determine whether there is available treatment capacity when it proposes land disposal restrictions treatment standards for these wastes under 40 CFR part 268 in May 1992.

The questionnaire requests information from facilities on the volumes of TC wastes being disposed of in land-based units (i.e., landfills, land treatment units, surface impoundments, waste piles, and deepwells) under their management and the characteristics of the waste streams. Type of information requested includes: (1) General facility information; (2) treatment and recovery systems currently used or which potentially could be used to manage newly-identified organic TC wastes; (3) land disposal units used to manage organic TC wastes; and (4) newly-identified organic TC waste streams managed in on-site land disposal units, including both waste streams generated on-site and received from off-site. This information will assist the Agency in determining the specific volumes of TC wastes currently being disposed and assessing the demand for commercial treatment/recovery systems due to the land disposal restrictions of newly-identified organic TC wastes.

Burden Statement: The public reporting burden for this collection is estimated to average 15 hours per response and includes all aspects of the information collection including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Respondents: Land disposal facilities that dispose newly identified toxicity characteristic wastes.

Estimated Number of Respondents: 90.

Estimated Number of Responses Per Respondent: 1.

Estimated Total Annual Burden on Respondents: 1,329 hours.

Frequency of Collection: One-time.

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 Jonathan Gledhill, Office of Management and Budget, Office of Information and Regulatory Affairs, 725 17th St., NW., Washington, DC 20503.

Dated: November 21, 1991.

Paul Lapsley,

Director, Regulatory Management Division.

[FR Doc. 91-28662 Filed 11-27-91; 8:45 am]

BILLING CODE 6560-50-M

[ER-FRL-4036-7]

Environmental Impact Statements; Availability

Responsible Agency: Office of Federal Activities, General Information (202) 260-5073 or (202) 260-5075.

Availability of Environmental Impact Statements Filed November 18, 1991 Through November 23, 1991 Pursuant to 40 CFR 1506.9.

EIS No. 910414, DRAFT EIS, FHW, VA, East Roanoke Circumferential Corridor Construction, connecting I-81 northeast of Roanoke to U.S. 220 southeast of Roanoke, Funding, COE Section 10 and 404 Permits, U.S. CGD Permit, Town of Vinton, Roanoke, Botetouri, Bedford, and Franklin Counties, VA, Due: January 13, 1992, Contact: James Tumlin (804) 771-2371.

EIS No. 910415, FINAL EIS, MMS, 1992 Central and Western Gulf of Mexico Outer Continental Shelf (OCS) Oil and Gas Sales 139 and 141, Lease Offering, Due: December 30, 1991, Contact: James F. Bennett (703) 787-1671.

EIS No. 910416, FINAL EIS, COE, GA, SC, Savannah Harbor Comprehensive Study and Harbor Deepening, Updated and New Information, Implementation, Chatham County, GA and Jasper County, SC, Due: December 30, 1991, Contact: David Crosby (912) 944-5781.

EIS No. 910417, DRAFT EIS, FHW, CA, Benicia-Martinez Bridge System Project, Construction/Reconstruction, Portions of I-680, I-780 and I-80 Corridors, Funding, U.S. CGD Bridge Permit and COE Section 10 and 404 Permits, Contra Costa and Solano Counties, CA, Due: January 13, 1992, Contact: Leonard Brown (916) 551-1307.

EIS No. 910418, SECOND FINAL SUPPLE, COE, FL, Manatee County Shore Protection Project, Beach Protection Extension and Groins Construction, Updated Modifications, Manatee County, FL, Due: December 30, 1991, Contact: Gerald L. Atmar (904) 791-2615.

EIS No. 910419, DRAFT EIS, NPS, NV, Lake Mead National Recreation Area, Lakeshore Road/NV-166 Reconstruction, Funding, Clark County, NV, Due: January 30, 1992, Contact: Alan O'Neill (702) 293-8920.

EIS No. 910420, DRAFT EIS, USA, MS, Camp Shelby Continued Military Training Activities, Use of National Forest Lands, Special Use Permit, Desoto National Forest, Forrest, George and Perry Counties, MS, Due: January 13, 1992, Contact: Major Robert A. Lee (601) 973-6228.

EIS No. 910421, FINAL EIS, USA, NM, White Sands Missile Range Aerial Cable Test Capability Facility, Construction, Integration and Development, Jim Site or Fairview Mountain Site Selection, Socorro, Lincoln, Otero, and Sierra Counties, NM, Due: December 30, 1991, Contact: Humberto Royo (505) 678-5867.

EIS No. 910422, DRAFT EIS, FHW, Ca, Ca-87/Guadalupe Parkway Upgrading, between Julian Street and US 101 in the City of San Jose, Funding and Section 404 Permit, Santa Clara County, CA, Due: January 21, 1992, Contact: Glenn Clinton (916) 551-1314.

EIS No. 910423, FINAL EIS, AFS, CA, Gillibrand Soledad Canyon Mining Operations Management Plan, Implementation, Angeles National Forest, Los Angeles County, CA, Due: December 20, 1991, Contact: Charles McDonald (818) 574-5257.

Amended Notices

EIS No. 910377, DRAFT EIS, AFS, UT, North Slope Timber Sale and Road Construction/Construction, Implementation, Dixie National Forest, Teasdale Ranger District, Wayne County, UT, Due: December 31, 1991, Contact: Marvin R. Turner (801) 425-3702.

Published FR 11-25-91—Review period extended.

EIS No. 910405, FINAL EIS, USN, MS, AL, EMPRESS II (Electromagnetic Pulse Radiation Environment Simulator for Ships) Operation, Gulf of Mexico and Berthing Site Selection, Mobile, AL; Gulfport, MS or Pascagoula, MS, Due: December 16, 1991, Contact: Ltc. Robert Deeme (703) 602-3333.

Published 11-15-91—Change in Agency Contact.

Dated: November 25, 1991.

William D. Dickerson,

Deputy Director Office of Federal Activities

[FR Doc. 91-28696 Filed 11-27-91; 8:45 am]

BILLING CODE 6560-50-M

[ER-FRL-4036-8]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared November 11, 1991 through November 15, 1991 pursuant to the Environmental Review Process (ERP), under Section 309 of the Clean Air Act and Section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 382-5076.

An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated April 05, 1991 (56 FR 14096).

Draft EISs

ERP No. D-COE-E36169-FL Rating EC2, Central and Southern Florida Flood Control Project Restoration of the Upper Kissimmee River Basin, through the Headwater Revitalization Project and the Lower Kissimmee River Basin, through the Level II Backfilling Plan, Implementation, Osceola, Glades, Highlands, Polk, Okeechobee and Orange Counties, FL.

Summary: EPA generally supports the findings and proposed modification. This restoration plan is a unique integration of engineering and environmental technology and is very environmentally desirable.

ERP No. D-COE-K36102-CA Rating EC2, Los Angeles County Drainage Area Flood Control System Improvements, Implementation, Los Angeles County, CA.

Summary: EPA believes the draft EIA lacks information concerning potential air emissions from project construction operations, impacts to wetlands, and potential impacts associated with dredging and disposing of as yet untested sediments from the channel. The DEIS presented a good overview of the proposal but lacked specificity in many areas where detailed information would have been helpful in assessing impacts and developing impact mitigation strategies.

ERP No. DS-COE-G39026-AR Rating LO, Lakes Greeson, Ouachita, and DeGray Operation and Maintenance, Updated Information, Lake Greeson/Little Missouri River Water Quality

Improvement and Fishery Enhancements, Pike County, AR.

Summary: EPA feels that the work to be done would be minor and temporary, with the expected benefits exceeding any anticipated impacts.

ERP No. DS-COE-K34006-CA Rating EC2, New San Clemente Project, Dam and Reservoir Construction, Monterey Peninsula Water Supply Management, Updated Information and Additional Alternatives, 404 Permit, Carmel River, Monterey County, CA.

Summary: EPA has environmental concerns regarding potential project impacts to water quality, fisheries, riparian habitat and air quality. The project applicants have made considerable effort to select an alternative that will promote the restoration and preservation of natural resources such as fisheries. EPA requests the project applicants work closely with Federal and State natural resource agencies.

Final EISs

ERP No. F-BLM-K61101-AZ, Safford District Resource Management Plan, Implementation, Graham, Greenlee, Cochise, Pinal Pima and Gila Counties, AZ.

Summary: Review of the Final EIS was not deemed necessary. No formal letter was sent to the agency.

ERP No. F-BLM-K67012-CA, Hayden Hill Open Pit Heap Leach Gold and Silver Mine Project, Construction and Operation, Mining Plan of Operations, Ancillary Right-of Ways and Well Permits Approval, Lassen County, CA.

Summary: EPA noted that baseline water quality information was not included in the FEIS and requested that it be provided this information when it becomes available. EPA continued to recommend the placement of vadose zone monitoring devices beneath the waste rock pile.

ERP No. F-BLM-K70006-CA, Bishop Resource Area, Resource Management Plan, Implementation, Bakesfield District, Mono and Inyo Counties, CA.

Summary: Review of the Final EIS was not deemed necessary. No formal letter was sent to the agency.

ERP No. F-FHW-K40157-CA, CA-1 Improvement, Carmel River Bridge to CA-1/Pacific Grove (Route 68) Interchange, Funding Section 404 Permit, Monterey County, CA.

Summary: EPA expressed concerns regarding conformity under the Clean Air Act and the level of detail of a site-specific plan to compensate for the unavoidable loss of wetlands habitat. EPA requested that these issues be addressed in the Record of Decision.

ERP No. F-FHW-K40181-CA, I-880 Cypress Replacement, I-980 Interchange to I-80/I-580/I-880 Cypress Structure, Funding and Section 404 Permit, City of Oakland, Alameda County, CA.

Summary: EPA expressed concerns regarding the air level analysis and the conformity determination. EPA will work with FHWA to reduce the issues before the Record of Decision is issued.

ERP No. F-FHW-L40164-WA, Riverside Parkway/Bothell Bypass Construction, Funding, Section 10 and 404 Permits, City of Bothell, King County, WA.

Summary: Review of the Final EIS has been completed and the project found to be satisfactory. No formal letter was sent to the agency.

ERP No. F-FRC-G03017-00, Oklahoma-Arkansas Natural Gas Pipeline Project, Construction, Operation and Transportation Section 10 and 404 Permits, NPDES Permit, Several Counties in MS, OK and AR.

Summary: Review of the Final EIS has been completed and the project found to be satisfactory. No formal letter was sent to the agency.

Dated: November 25, 1991.

William D. Dickerson,

Deputy Director, Office of Federal Activities.

[FR Doc. 91-28697 Filed 11-27-91; 8:45 am]

BILLING CODE 6560-50-M

[FRL-4037-2]

Management Advisory Group to the Assistant Administrator for Water; Open Meeting

Under section (1)(a)(2) of Public Law 92-423, "The Federal Advisory Committee Act," notice is hereby given that a meeting of the Management Advisory Group (MAG) to the Assistant Administrator for Water will be held at 8:30 p.m. December 9, 10, and 11, 1991 at the Maison Dupuy Hotel, 1001 Toulouse Street, New Orleans, Louisiana.

The purpose of this meeting will be to seek the MAG's advice and comments on issues pertaining to water quality and water resource protection. The agenda includes development of recommendations on combined sewer overflows and environmental education, discussion of strategies to address nonpoint sources nation-wide and approaches to control storm water.

The meeting will be open to the public. The MAG encourages the hearing of outside statements and will allocate a portion of its meeting time for public participation. Oral statements will be limited to ten minutes. It is preferred that there be one presenter for each statement. Any outside parties interested in presenting an oral statement should petition the MAG by telephone at (202) 382-3881. The petition should include the topic of the proposed statement and the petitioner's telephone number and should be received by the MAG before December 6, 1991.

Any person who wishes to file a written statement can do so before or after a MAG meeting. Written statements received prior to the meeting will be distributed to the members before any final discussion or vote is completed. Statements received after a meeting will become part of the permanent meeting file and will be forwarded to the MAG members for their information.

Any member of the public wishing to attend the MAG meeting, present an oral statement, or submit a written statement, should contact Ms. Michelle Hiller, Designated Federal Official, U.S. Environmental Protection Agency, Office of the Assistant Administrator for Water, 401 M Street, SW., WH-556, Washington, DC 20460, or at (202) 382-3881.

Dated: November 21, 1991.

Robert H. Wayland III,

Acting Deputy Assistant Administrator for Water.

[FR Doc. 91-28818 Filed 11-27-91; 8:45 am]

BILLING CODE 6560-50-M

[FRL-4037-1]

Science Advisory Board; Ecological Monitoring Subcommittee; Open Meeting

Under Public Law 92-463, notice is hereby given of a change in the starting time and location of a public meeting of the Science Advisory Board (SAB).

The meeting of the Ecological Monitoring Subcommittee previously announced on October 21, 1991 (FR 56(203):52548) was scheduled to begin at 8:30 a.m. on December 4, 1991 at the Howard Johnson National Airport Hotel. The meeting will now begin at 8 a.m. on December 4, 1991 in the EPA Administrator's Conference Room on the 11th Floor of the West Tower at EPA Headquarters, 401 M St., SW., Washington, DC. The location has been changed to allow some of the scheduled presenters to participate through a videoconference. The purpose of the meeting (to review a plan for assessment of monitoring data) and the contacts for information are the same as those announced in the earlier notice. The second day of the meeting, December 5, 1991 will be held at the

Howard Johnson National Airport Hotel as previously announced.

Dated: November 25, 1991.

Donald G. Barnes,

Director, Science Advisory Board.

[FR Doc. 91-28817 Filed 11-27-91; 8:45 am]

BILLING CODE 6560-50-M

[FRL-4036-3]

Gulf of Mexico Program Policy Review Board; Meeting

AGENCY: U.S. Environmental Protection Agency (EPA).

ACTION: Notice of meeting of the Policy Review Board of the Gulf of Mexico Program.

SUMMARY: The Gulf of Mexico Program Policy Review Board will hold a meeting on December 12, 1991, at the Royal d'Iberville Hotel, 1980 Beach Blvd., Biloxi, MS.

FOR FURTHER INFORMATION CONTACT: Mr. William Whitson, Gulf of Mexico Program Office, Building 1103, John C. Stennis Space Center, Stennis Space Center, MS 39529-6000, at (601) 688-3726, FTS 494-3726.

SUPPLEMENTARY INFORMATION: A meeting of the Policy Review Board (PRB) of the Gulf of Mexico Program will be held on December 12, 1991, at the Royal d'Iberville hotel in Biloxi, MS starting at 8:30 a.m. and ending at 2:30 p.m. Agenda items will include reports to the Committee on 1992 Year of the Gulf planning, future PRB meeting schedules, PRB organizational structure, subcommittee reappointments, Citizen Advisory Committee resolutions and current Action Plans status. The meeting is open to the public.

Patrick M. Tobin,

Deputy Regional Administrator.

[FR Doc. 91-28665 Filed 11-27-91; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-62110; FRL-4001-9]

Accredited Training Programs Under The Asbestos Hazard Emergency Response Act (AHERA); National Directory of AHERA Accredited Courses (NDAAC)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability.

SUMMARY: Effective November 29, 1991, the EPA is announcing the availability of its National Directory of AHERA Accredited Courses (NDAAC). This publication, updated quarterly, provides information to the public about training providers and courses approved for accreditation purposes pursuant to the Asbestos Hazard Emergency Response Act (AHERA). As a nationwide listing of approved asbestos training programs and courses, it replaces the listing which had formerly been published quarterly by EPA in the **Federal Register**. The new national directory, as well as a variety of special reports, may be ordered through the NDAAC Clearinghouse.

ADDRESSES: Parties interested in receiving a brochure which describes the national directory and provides ordering information should contact: NDAAC Clearinghouse, c/o ATLIS Federal Services, 6011 Executive Blvd., Rockville, MD 20852, Telephone: (301) 984-1929.

FOR FURTHER INFORMATION CONTACT: David Kling, Acting Director, Environmental Assistance Division (TS-799), Office of Toxic Substances, Environmental Protection Agency, rm. E-543B, 401 M St., SW., Washington, DC 20460, (202) 554-1404, TDD: (202) 554-0551.

SUPPLEMENTARY INFORMATION: Pursuant to AHERA, contractors who inspect or prepare management plans, or design or conduct response actions with respect to friable asbestos-containing materials in schools, are required to obtain accreditation by completing prescribed training requirements. EPA therefore maintains a current national listing of AHERA accredited courses and approved training providers so that this information will be readily available to assist the public in accessing these training programs and obtaining the necessary accreditation. The information is also maintained so that the Agency and approved State accreditation and licensing programs will have a reliable means of identifying and verifying the approval status of training courses and organizations.

Previously, EPA had published this listing in the **Federal Register** on a quarterly basis. The last **Federal Register** listing required by law was published on August 30, 1991 (56 FR 43064). EPA recognized the need to continue publication of this document even though the legislative mandate had expired. The NDAAC fulfills the public need for this information while at the same time, it reduces EPA's cost and improves the service's capabilities.

Dated: November 21, 1991.

Joseph S. Carra,

Acting Director, Office of Toxic Substances.

[FR Doc 91-28487 Filed 11-27-91; 8:45 am]

BILLING CODE 6560-50-F

FEDERAL COMMUNICATIONS COMMISSION

Applications for Consolidated Proceeding

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant, city and State	File No.	MM Docket No.
A. Frank K. Spain; Temecula, Ca.	BPH-900119MN	91-309
B. Temecula Valley Broadcasting; Temecula, Ca.	BPH-900122ML	
C. Los Amigos Media, A Limited Partnership; Temecula, Ca.	BPH-900122MM	
D. Kimler Broadcasting, Inc.; Temecula, Ca.	BPH-900122MN	
E. Artistic Airwave Broadcasters; Temecula, Ca.	BPH-900122MP	
F. The AnnGie Corporation; Temecula, Ca.	BPH-900122MU	
G. Laura Wilkinson Herron; Temecula, Ca.	BPH-900122MY	
H. Avid Communications, Inc.; Temecula, Ca.	BPH-900122NF	
I. Natalie Lederer Rogers; Temecula, Ca.	BPH-900122NN	
J. Temecula Communications, a California Limited Partnership; Temecula, Ca.	BPH-900122NS	
K. New Town Communications, Inc.; Temecula, Ca.	BPH-900122NR (Dismissed Herein)	
L. MCI Broadcasting, Limited Partnership; Temecula, Ca.	BPH-900122MO (Dismissed Herein)	
M. Alexsii Corporation; Temecula, Ca.	BPH-900122NQ (Dismissed Herein)	
N. Temecula Broadcasters, Inc.; Temecula, Ca.	BPH-900122NM (Dismissed Herein)	
O. Valley View Broadcasting Corporation; Temecula, Ca.	BPH-900122NW (Dismissed Herein)	
P. B & M Broadcasting, Inc.; Temecula, Ca.	BPH-900122NY (Dismissed Herein)	
Q. FM Data Broadcasting, Inc.; Temecula, Ca.	BPH-900122MS	
R. Temecula Broadcasting Company; Temecula, Ca.	BPH-900119MM (Dismissed Herein)	

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The text of each of these issues has been

standardized and is set forth in its entirety under the corresponding headings at 51 FR 19347, May 29, 1986. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue Heading and Applicant(s)

1. Environmental: A, B, C, D, F, G, H, I, J
2. Air Hazard: F
3. Comparative: A–J
4. Ultimate: A–J

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street NW., Washington, DC. The complete text may also be purchased from the Commission's duplicating contractor, Downtown Copy Center, 1114 21st Street, NW, Washington, DC 20036 (Telephone No. (202) 452–1422).

W. Jan Gay,

Assistant Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 91–28708 Filed 11–27–91; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

Advisory Committee for the National Urban Search and Rescue System; Open Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub.L. 92–463) (5 U.S.C. app 1 *et. seq.*), announcement is made of the following committee meeting.

Name: Advisory Committee for the National Urban Search and Rescue System.

Dates of Meeting: December 13–14, 1991.

Place: Fair Oaks Holiday Inn, (Next to the Fair Oaks Mall, Route 50 and I–66), 11787 Lee Jackson Highway, Fairfax, Virginia 22033.

Time:

December 13—8:30 a.m. to 5 p.m.

December 14—8:30 a.m. to noon

Proposed Agenda: The Advisory Committee will: (1) Discuss the Technical Review Panel determinations on the Urban Search and Rescue Task Force applications and the selection of Task Forces receiving FEMA grant awards; (2) review the Operations Systems Description; (3) review and accept six standard operating protocols for inclusion in the National Urban Search and Rescue System Description Manual; (4) review the progress of the Training Sub-Committee; (5) receive a briefing on Operating facilities as they relate to Federal response to disasters; (6) discussion of FEMA Response exercises; (7) receive briefings by FEMA's Office of General Counsel and Office of Personnel to orient the new Advisory Committee members; and (8) review other Urban Search and Rescue-related activities.

The meeting will be open to the public with approximately 10 seats available on a first-come, first-served basis. Members of the general public who plan to attend the meeting should contact Mrs. Kimberly S. Caulfield Vasconez, FEMA, Operations Planning and Response Branch, 202–646–4335.

Minutes of the meeting will be prepared and will be available for public viewing in Operations Planning and Response Branch (SL–OE–FR–OP), Federal Emergency Management Agency, 500 C Street, SW., room 609, Washington, DC 20472. Copies of the minutes will be available upon request 30 days after the final day of the meeting.

Dated: November 26, 1991.

Wallace E. Stickney,

Director, Federal Emergency Management Agency.

[FR Doc. 91–28780 Filed 11–27–91; 8:45 am]

BILLING CODE 6718–01–M

FEDERAL MARITIME COMMISSION

Agreement(s) Filed; Columbus Line, et al.

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 Street, 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.: 203–011334–002.

Title: Columbus/Alianca Agreement.

Parties: Hamburg-Sudamerikanische Dampfschiffahrts-Gesellschaft Eggert & Amsinck, Columbus Line; Empresa de Navegacao Alianca S/A.

Synopsis: The proposed amendment restates the Agreement to incorporate previous changes.

Dated: November 22, 1991.

By Order of the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 91–28579 Filed 11–27–91; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

Employee Thrift Advisory Council; Open Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), a notice is hereby given of the following committee meeting:

Name: Employee Thrift Advisory Council.

Time: 10 a.m.

Date: December 11, 1991.

Place: 5th Floor, Conference Room, 805 Fifteenth Street, NW., Washington, DC.

Status: Open.

Matters to be Considered: Approval of the minutes of the June 19, 1991, meeting; report of the Executive Director on the status of the Thrift Savings Plan; May 15–July 31 Open Season results; September 1991 Thrift Savings Plan demographics report; and new business.

Any interested person may attend, appear before, or file statements with the Council. For further information contact John J. O'Meara, Committee Management Officer, on (202) 523–6367.

Dated: November 22, 1991.

Francis X. Cavanaugh,

Executive Director, Federal Retirement Thrift Investment Board.

[FR Doc. 91–28585 Filed 11–27–91; 8:45 am]

BILLING CODE 6760–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Call for Papers and Meetings on Innovative State Child Welfare Demonstrations and the Evaluation of These Programs

AGENCY HOLDING THE MEETING: Administration on Children, Youth, and Families, ACF.

TIMES AND DATES: 9 a.m.–5 p.m., February 5, 1992, 9 a.m.–5 p.m., February 6, 1992.

PLACE: Capitol Holiday Inn, 550 C Street, SW, Washington, DC, 20024.

STATUS: The meeting is closed to public observation. Members of the public may submit papers on three different topics: (1) "Demonstration and Evaluation of State Family Preservation Efforts", (2)

"Demonstration and Evaluation of State Family Reunification Efforts" and (3) "Demonstration and Evaluation of State Termination of Parental Rights Efforts." Papers are due on the 15th of January. The papers will be reviewed by a panel and final selections will be made by the Commissioner of the Administration on Children, Youth and Families. The top five applicants will be invited to participate in the meeting. Travel expenses and honoraria will be paid.

MATTERS TO BE CONSIDERED: At this meeting the Administration on Children, Youth and Families will lead a discussion to explore new and innovative interventions and evaluation designs on the topics listed above, which could be used to improve and evaluate State Child Welfare Services Systems. The meeting will focus on the content of the five papers selected from those submitted. These papers will cover proposed demonstrations and their companion evaluation plans for three topics: (1) "State Family Preservation Efforts", (2) "State Family Reunification Efforts" and (3) "State Termination of Parental Rights Efforts." Participants whose papers are selected will present their papers, and participate in open-ended discussions with a review board of Federal experts in the field of Child Welfare. Each paper should be in the form of a synopsis and should be typed double-spaced on a single-side of an 8½" × 11" plain white paper with 1" margins on all sides. The length of the application synopsis should not exceed 10 pages. Application synopses will be reviewed by a panel of at least three reviewers, primarily experts within the Federal Government, using the three criteria outlined below.

1. Approach to the Demonstration (40 points)

The extent to which the application outlines an original and practical plan for the subject area selected; provides supporting documentation; identifies the potential barriers to the proposed innovation, giving acceptable reasons for taking this approach as opposed to others; and discusses a reasonable schedule of accomplishments and targets for the reforms.

2. Approach to the Evaluation (40 points)

The extent to which the application outlines a sound and workable evaluation plan for the subject area selected; identifies the kinds of data to be collected and maintained; and discusses the criteria to be used to evaluate the results of any proposed reforms.

3. Staff Background and Organization's Experience (20 points)

The extent to which the application describes the background of the principal investigator and key staff (including name, address, training, educational background and other relevant experience) and the relevance and adequacy of their experience and the experience of their organization in conducting large scale evaluation efforts.

Once selected, the five presenters will be expected to develop their topic more fully (30 pages) for presentation at the meeting. The experts that will comprise the review board will give significant comment and guidance to the presenters. The Administration on Children, Youth and Families plans to use the documents prepared for this meeting, along with the comments of the review panel, to prepare an issuance to stimulate States to submit innovative approaches to conduct demonstrations to improve their Child Welfare Systems.

It should be noted that this call for papers is not a solicitation for a grant and no monies will be awarded to any applicant resulting from this announcement. However, presenters selected for this meeting may be at a competitive advantage, due to the review panel comments and guidance received, when organizations are selected to evaluate State Child Welfare Systems.

CONTACT PERSON FOR MORE INFORMATION: Mrs. Margaret Baker, Commissioner's Office, Administration on Children, Youth and Families, 330 C Street, SW, room 2026, Switzer Building, Washington, DC 20201, (202) 245–0347.

Dated: November 15, 1991.

Wade F. Horn, Ph.D.,

Commissioner, Administration on Children, Youth and Families.

[FR Doc. 91–28551 Filed 11–27–91; 8:45 am]

BILLING CODE 4130–01–M

Food and Drug Administration

Ivermectin Injection in Foxes; Availability of Data

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of target animal safety and effectiveness data to be used in support of a new animal drug application (NADA) or supplemental NADA for the use of ivermectin injection in foxes. The data, contained in Public Master File (PMF) 5307, were compiled under Interregional Research Project No. 4 (IR–4), a national agricultural program for obtaining clearances for use of agricultural products for minor special uses.

ADDRESSES: Submit NADA's or supplemental NADA's to the Document Control Unit (HFV–199), Center for Veterinary Medicine, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Naba K. Das, Center for Veterinary Medicine (HFV–133), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–295–8659.

SUPPLEMENTARY INFORMATION: Ivermectin injection for use in foxes is a new animal drug under section 201(w) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 321(w)). As a new animal drug, ivermectin is subject to section 512 of the act (21 U.S.C. 360(b) requiring that its use in foxes be the subject of an approved NADA or supplemental NADA. Foxes are a minor species under 21 CFR 514.1(d). The IR–4 Project, Northcentral Region, Michigan State University, East Lansing, MI 48824, has provided data and information demonstrating safety and effectiveness in ranch-raised foxes for subcutaneous use of ivermectin injection for the control of ear mites (*Otodectes cynotis*).

The data and information are contained in PMF 5307. Sponsors of NADA's or supplemental NADA's may, without further authorization, reference the PMF to support approval under 21 CFR 514.1(d). An NADA or supplemental NADA must include, in addition to a reference to the PMF, animal drug labeling and other information needed for approval, such as manufacturing methods, facilities and controls, and information addressing the potential environmental impacts (including occupational) of the manufacturing process. Persons desiring more information concerning the PMF or requirements for approval of an NADA may contact Naba K. Das (address above).

In accordance with the freedom of information provisions of part 20 (21 CFR part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information in this PMF submitted to support approval of this application may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, room 1–23, 12420 Parklawn Dr., Rockville, MD 20857, between 9 a.m. to 4 p.m., Monday through Friday.

Dated: October 21, 1991.

Gerald B. Guest,

Director, Center for Veterinary Medicine.

[FR Doc. 91-28607 Filed 11-27-91; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 91F-0413]

Eastman Chemical Co.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Eastman Chemical Co. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of 1-hexene as a monomer for polymer resins used as adhesives for articles or components of articles that contact food.

FOR FURTHER INFORMATION CONTACT: Mitchell Cheeseman, Center for Food Safety and Applied Nutrition (HFF-335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (section 409(b)(5) (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 1B4292) has been filed by Eastman Chemical Co., P.O. Box 511, Kingsport, TN 37662. The petition proposes to amend the food additive regulations in § 175.105 Adhesives (21 CFR 175.105) to provide for the safe use of 1-hexene as a monomer for polymer resins used as adhesives for articles or components of articles that contact food.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c).

Dated: November 18, 1991.

Douglas L. Archer,

Deputy Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 91-28605 Filed 11-27-91; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 91F-0423]

ICI Americas, Inc.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that ICI Americas, Inc., has filed a petition proposing that the food additive regulations be amended to provide for the safe use of *N,N*-bis(2-hydroxyethyl)alkyl($C_{13}-C_{15}$)amine as an antistatic agent in the manufacture of olefin polymer articles intended to contact food.

FOR FURTHER INFORMATION CONTACT: Vir Anand, Center for Food Safety and Applied Nutrition (HFF-335), Food and Drug Administration, 200 C St., SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5) (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 2B4297) has been filed by ICI Americas, Inc., Concord Pike and Murphy Rd., Wilmington, DE 19897. The petition proposes to amend the food additive regulations in § 178.3130 *Antistatic and/or antifogging agents in food-packaging materials* (21 CFR 178.3130) to provide for the safe use of *N,N*-bis(2-hydroxyethyl)alkyl($C_{13}-C_{15}$)amine as an antistatic agent in the manufacture of olefin polymer articles intended to contact food.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c).

Dated: November 18, 1991.

Douglas L. Archer,

Deputy Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 91-28602 Filed 11-27-91; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 91F-0424]

Sherex Chemical Co., Inc.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Sherex Chemical Co., Inc., has filed a petition proposing that the food additive regulations be amended to provide for the safe use of imidazolium compounds, 2-(C_{17} and C_{17} unsaturated alkyl)-1-[2-(C_{18} and C_{18} unsaturated amido) ethyl]-4, 5-dihydro-1-methyl, methyl sulfates as a wet strength agent in paper products intended to contact food.

FOR FURTHER INFORMATION CONTACT: Vir Anand, Center for Food Safety and Applied Nutrition (HFF-335), Food and Drug Administration, 200 C St., SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (section 409(b)(5) (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 1B4282) has been filed by Serex Chemical Co., Inc., P.O. Box 6464, Dublin, OH 43017. The petition proposes to amend the food additive regulations to provide for the safe use of imidazolium compounds, 2-(C_{17} and C_{17} unsaturated alkyl)-1-[2-(C_{18} and C_{18} unsaturated amido) ethyl]-4, 5-dihydro-1-methyl, methyl sulfates as a wet strength agent in paper products intended to contact food.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c).

Dated: November 18, 1991.

Douglas L. Archer,

Deputy Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 91-28606 Filed 11-27-91; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 91N-0428]

Draft of "Points To Consider In Human Somatic Cell Therapy and Gene Therapy;" Availibility

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a draft points to consider (PTC) document entitled "Points to Consider in Human Somatic Cell Therapy and Gene Therapy." The draft PTC document is intended for manufacturers, sponsors, and investigators of human somatic cell therapy and gene therapy products. The draft PTC document discusses topics that should be considered in the development of such products.

DATES: Submit written comments on the draft PTC by January 28, 1992.

ADDRESSES: Submit written requests for single copies of the draft PTC to the Congressional, Consumer, and International Affairs Branch (HFB–142), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, except that written requests delivered by carriers other than the U.S. Postal Service should be submitted to the Congressional, Consumer, and International Affairs Branch (HFB–142, Food and Drug Administration, suite 109, Metro Park North 3, 7564 Standish Pl., Rockville, MD 20855. Send two self-addressed, adhesive labels to assist that office in processing your requests. Submit written comments on the draft PTC document to the Dockets Management Branch (HFA–305), Food and Drug Administration, room 1–23, 12420 Parklawn Dr., Rockville, MD 20857. Requests and comments should be identified with the docket number found in brackets in the heading of this document. Copies of the draft PTC document and received comments are available for public examination in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Ann Reed Gaines, Center for Biologics Evaluation and Research (HFB–132), Food and Drug Administration, 8800 Rockville Pike, Bethesda, MD 20892, 301–295–8188.

SUPPLEMENTARY INFORMATION: Human somatic cell therapy is the administration of autologous, allogeneic, or xenogeneic living cells that have been propagated, expanded, selected, pharmacologically treated, or otherwise biologically altered. The cells are processed or modified ex vivo; however, the therapeutic, diagnostic, or preventive effect of somatic cell therapy products is exerted in vivo. Examples of human somatic cell therapy products currently under investigation include lymphokine-activated killer cells, used to destroy tumor tissue in the treatment of cancer, and encapsulated pancreatic islet cells, used to supply insulin in the treatment of diabetes.

Human gene therapy involves the modification of the genetic material of living cells. Cells may be modified either ex vivo or in vivo; however, the therapeutic or prophylactic effect of human gene therapy products is exerted in vivo. An example of a human gene therapy product currently under investigation is a product for the treatment of adenosine deaminase (ADA) deficiency, in which the ADA enzyme, necessary for the normal functioning of the immune system, is lacking. The gene therapy product being investigated consists of cells that have been genetically modified to produce ADA.

FDA has determined that current issues to be considered in the development of human somatic cell therapy or gene therapy products should be summarized and made available to manufacturers, investigators, and sponsors. FDA is thus announcing the availability of a draft entitled "Points to Consider in Human Somatic Cell Therapy and Gene Therapy." The draft PTC was prepared by the Center for Biologics Evaluation and Research, FDA, and is dated August 1991. The draft PTC is intended to facilitate development of human somatic cell therapy and gene therapy products by providing guidance on various biological, clinical, and manufacturing topics specific to these products. Among the topics discussed in the draft PTC are characterization of cell populations, preclinical safety testing, lot-to-lot manufacturing control testing, and clinical trial considerations.

As with other PTC documents, FDA does not intend this draft PTC document to be all-inclusive and cautions that not all information may be applicable to all situations. The draft PTC document is intended to provide information and does not set forth requirements. The methods and procedures cited in the draft PTC document are suggestions; FDA anticipates that manufacturers, investigators, and sponsors may develop alternative methods and procedures. FDA further anticipates revising the draft PTC periodically, in response to comments received or to reflect advancements in somatic cell and gene therapies and products. Comments on this draft will be on file in the Dockets Management Branch under the docket number found in brackets in the heading of this document.

Dated: November 22, 1991.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 91–28604 Filed 11–27–91; 8:45 am]

BILLING CODE 4160–01–M

Health Care Financing Administration

[BPO–95–GNC]

Medicare Program; Standard Claim Forms for Part B Claims Completed and Submitted by Physicians, Suppliers and Other Persons

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: General notice with comment period.

SUMMARY: This notice announces that effective April 1, 1992, Medicare carriers will no longer accept nonstandard claims. These are claims accompanied by attachments, in lieu of the biller entering required information in designated blocks of prescribed claims forms. This change is intended to eliminate costly and inefficient claims processing practices for Medicare carriers.

DATES: The provisions of this notice are effective for claims submitted on or after April 1, 1992.

COMMENT PERIOD: Written comments will be considered if we receive them at the appropriate address, as provided below, no later than 5 pm. on January 28, 1992.

ADDRESS: Address comments in writing to: Health Care Financing Administration, Department of Health and Human Services, Attention: BPO–95–GNC, P.O. Box 26676, Baltimore, Maryland 21207.

If you prefer, you may deliver your written comments to one of the following locations:

Room 309–G, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, DC. 20201, or

Room 132, East High Rise Building, 6325 Security Boulevard, Baltimore, Maryland 21207.

Due to staffing and resources limitations, we cannot accept audio, visual or facsimile (FAX) copies of comments. In commenting, please refer to BPO–95–GNC.

Written comments will be available for public inspections as they are received, beginning approximately three weeks after publication, in room 309–G of the Department's offices at 200 Independence Avenue, SW., Washington, DC. 20201, on Monday through Friday of each week from 8:30 am. to 5 p.m. (phone: (202) 245–7890).

FOR FURTHER INFORMATION CONTACT: Max Buffington, (301) 966–6968.

SUPPLEMENTARY INFORMATION:

I. Background

The Medicare Supplementary Medical Insurance (SMI) program is the voluntary Medicare Part B program that pays all or part of the costs for physicians' services, outpatient hospital services, home health services, services furnished by rural health clinics, ambulatory surgical centers, and comprehensive outpatient rehabilitation facilities, and certain other medical and other health services not covered by hospital insurance (Medicare Part A). The SMI program is available, upon payment of a premium, to individuals

who are entitled to hospital insurance and to others who are residents of the United States who have attained age 65 and are citizens, or aliens who were lawfully admitted for permanent residence and have resided in the United States for five consecutive years.

Under section 1842(a) of the Social Security Act (the Act), we are authorized to enter into contracts with carriers to fulfill various functions in the administration of Part B of the Medicare program. Beneficiaries, physicians, and suppliers of services submit claims to these carriers. When claims are submitted by beneficiaries, physicians, and suppliers of services, carriers are responsible for: (1) Determining the eligibility status of a beneficiary; (2) determining whether the services on the submitted claims are covered under Medicare, and, if so, the correct payment amounts; and (3) making correct payment to the beneficiary, physician, or supplier of services, as appropriate.

Our regulations at 42 CFR part 424, subpart C—Claims for Payment, set forth the requirements, procedures and time limits for claiming Medicare payments. The prescribed forms used to submit Part B claims for payment determination are listed at § 424.32.

Physicians and suppliers (other than ambulance suppliers) use the HCFA–1500 form to claim assigned benefits. When benefits are assigned, there is an agreement between a physician or supplier of services and the enrollee under which the enrollee, in effect, transfers to the physician or supplier of services his right to payments for covered services specified on the assigned claim. In return, the physician or supplier of services agrees to accept the reasonable charge (or other approved amount) determined by the carrier as the full charge for the item or service. Accepting assignment precludes the physician or supplier from charging the enrollee more than the deductible and co-insurance based upon the Medicare approved charge (i.e., the reasonable charge or fee schedule amount approved by the carrier).

In addition, physicians and suppliers use the HCFA–1500 form to submit unassigned claims on behalf of Medicare enrollees as required by section 1848(g)(4) of the Act, for payment of covered medical services. Ambulance suppliers use the HCFA–1491 form to claim assigned benefits and to submit unassigned claims under section 1848(g)(4) of the Act for payment of covered ambulance services.

Organizations requesting Part B payment for medical services under the "indirect payment procedure" use the HCFA–1490U form. Under this procedure a formal agreement with HCFA is executed by a supplemental insurer. Physicians and suppliers bill the supplemental insurer rather than Medicare under this procedure, even though Medicare is the primary insurer. After the supplemental insurer pays the service provider, it submits a claim to Medicare for reimbursement (see 42 CFR 426.66). The HCFA–1490U form serves as the standard claim form used by supplemental insurance organizations to claim Medicare payment under a formal agreement with HCFA.

Section 1848(g)(4) of the Act applies to services furnished on or after September 1, 1990, by physicians, suppliers, and other persons that provide services under a reasonable charge or a fee schedule basis. Under this section, a physician, supplier, or other person must complete and submit a claim for services on a standard claim form specified by the Secretary to the carrier on behalf of a beneficiary. Moreover, they may not charge the beneficiary for completing and submitting a form.

Nationally, we estimate that 8 to 10 percent of all Medicare Part B paper claims from physicians and suppliers include unnecessary information attachments rather than the required data in designated blocks of prescribed claim forms. We refer to such claims as non-standard claims. A standard claim is one that is: (1) submitted on a claim form prescribed by the Secretary, and (2) not accompanied by unnecessary attachments (i.e., attachments that are used to convey information that the billing individual or entity can readily enter in designated blocks of the prescribed claim form).

Currently, we allow carriers to determine whether they will accept non-standard claims for processing. Some carriers accept only standard claims. Some accept non-standard claims, but may restrict which information is allowed to be included. Others accept non-standard claims without restrictions.

Non-standard claims create added administrative burdens for Medicare carriers. The additional burdens include: Removing staples from claims with attachments for microfilming operations; manually batching non-standard claims with attachments; spending extra time to microfilm claim attachments used to transmit information that can otherwise be entered on the claim form itself; consuming additional film to microfilm unnecessary claim attachments; manually sorting, associating, and reassembling microfilmed attachments and claim forms; and increased storage, retrieval and document reproduction costs for unnecessary claim attachments.

These burdens generate additional carriers costs, which are borne by the Medicare program.

Carrier productivity, claims processing timeliness and end of line processing quality also are affected by the carrier's policy and volume of non-standard claims. We consider each of these areas in our annual evaluations of carrier performance. Overall performance is considered in decisions we make concerning expansion of a carrier's workload or service area or nonrenewal or termination of contracts.

Major operational concerns associated with carrier processing of claims with unnecessary attachments include:

- When data are not entered in designated blocks of prescribed claim forms, carrier processors must expend additional time examining a wide variety of claim attachments to locate and enter required information.
- Carriers estimate it takes claims examiners 30 to 50 percent longer to find and enter required data not entered in designated blocks of prescribed claim forms. For example, one carrier has an established processing goal of 100 claims per hour for claims without attachments compared to 52 claims per hour for claims with attachments. Another carrier has a productivity goal of 66 per hour for claims without attachments versus 32 per hour for claims with attachments.
- Claim attachments and microfilm copies are sometimes not legible.
- Pre-printed claim attachments (i.e., superbills) do not usually include procedure code modifiers. This can result in over-and under-payments where factors material to correct payment are not evident to claims processors.
- Pre-printed forms (i.e., superbills) used by some physicians and suppliers as claim attachments become outdated as yearly updates add, delete, and revise codes in CPT–4 and HCPCS.
- Pre-printed claim attachments may lack essential referring/ordering physician information, if applicable.
- Carriers believe they experience higher error rates, as measured by quality assurance programs, for claims with unnecessary attachments due to some of the factors mentioned previously.
- Development costs for non-standard claims are higher due to many of the factors mentioned previously.
- Non-standard claims are more likely to be appealed because of errors which arise from the need for carriers to

interpret information on claim attachments.

Although we recognized that acceptance of non-standard claims had drawbacks, by allowing carrier discretion regarding the acceptance of non-standard unassigned claims, we felt a significant benefit accrued to program beneficiaries. This is because prior to September 1, 1990, beneficiaries were responsible for submitting their own unassigned claims. However, prior to September 1, 1990, some nonparticipating physicians and suppliers voluntarily filed non-standard unassigned Part B claims as a service to their Medicare patients. This voluntary practice by some physicians and suppliers relieved beneficiaries of the Part B claim filing burden long before the enactment of section 1848(g)(4) of the Act, as enacted by section 6102 of the Omnibus Budget Reconciliation Act of 1989 (OBRA 89), Pub. L. 101–239. That amendment, enacted on December 10,1989, required all physicians and suppliers to file claims for Part B services furnished to Medicare beneficiaries on or after September 1, 1990.

Although there was substantial voluntary compliance by physicians and suppliers prior to September 1, 1990, some of the claims submitted were non-standard. Had HCFA tried to enforce a standard claim form policy prior to September 1, 1990, physicians and suppliers who were already voluntarily submitting unassigned non-standard claims as a service to their patients might have opted to discontinue doing so and this would have increased the claim filing burdens experienced by program beneficiaries prior to the enactment of section 1848(g) (4). This section provided HCFA with the justification for effectively enforcing a standard claim form policy.

Although physicians and suppliers who accept assignment are required to file Part B claims and this practice has been in existence for many years, we did not wish to implement a national policy prohibiting carrier acceptance of non-standard assigned claims while we treated unassigned claims differently.

As noted above, section 6102 of OBRA 89 amended title XVIII of the Act by adding a new section 1848(g)(4)(A) requiring all physicians and suppliers to file claims for Part B services furnished to Medicare beneficiaries on or after September 1, 1990. Claims must be submitted within 1 year from the date of a service for which payment is made on a reasonable charge or fee schedule basis. A physician, supplier, or other person (or an employer or facility in the cases specified in section 1842(b)(6)(A) of the Act) must complete a claim for covered services on a standard form specified by the Secretary and send it to the carrier on behalf of a beneficiary. For assigned claims not submitted within this time period, payment to the service provider will be reduced by 10 percent. Section 1848(g)(4)(A) also specifies that a physician, supplier, or other person may not impose any charge for completing and submitting a claim form.

Section 6102 of OBRA 89 also added a new section 1848(g)(4)(B) to the Act to establish penalties that apply to physicians, suppliers or other persons who knowingly, willfully and repeatedly fail to comply with the law.

II. Provisions of the Notice

This notice implements a standard claim policy in order to reduce program administration inefficiencies and related costs.

Effective April 1, 1992, Medicare carriers will no longer accept claim attachments for information that physicians and suppliers may enter in designated blocks of prescribed claim forms. Incomplete claim forms will be returned to the billing individual or entity for proper completion and resubmission. The claim submission requirement in section 1848(g)(4)(A) of the Act is not satisfied until a standard, prescribed claim form is properly completed and submitted by the physician, supplier or authorized billing entity and received for processing by the servicing carrier. Claims submitted electronically meet the statutory requirement that claims be submitted "on" a standard claim form prescribed by the Secretary when they are submitted in a format acceptable to the carrier and HCFA.

Carriers will accept claim attachments only for information and evidence that cannot be readily entered in designated blocks of standard, prescribed claim forms (e.g., medical evidence, certifications of medical necessity, other certifications or claim attachments required by law, regulation or HCFA instructions, etc.). Section 3002 of the Medicare Carriers Manual identifies the standard claim forms and the forms are specified in our regulations at 42 CFR 424.32.

III. Regulatory Impact Statement

A. Executive Order 12291

Executive Order 12291 (E.O. 12291) requires us to prepare and publish an initial regulatory impact analysis for any notice that meets one of the E.O. criteria for a "major rule"; that is, that would be likely to result in:

- An annual effect on the economy of $100 million or more;
- A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or
- Significant adverse effects on competition, employment, investment productivity, innovation, or on the ability of the United States based enterprises to compete with Foreign-based enterprises in domestic or export markets.

This notice does not meet the $100 million criterion nor do we believe that it meets the other E.O. 12291 criteria. Therefore, this notice is not a major rule under E.O. 12291, and regulatory impact analysis is not required.

B. Regulatory Flexibility Act

We generally prepare an initial regulatory flexibility analysis that is consistent with the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 through 612), unless the Secretary certifies that a notice would not have a significant economic impact on a substantial number of small entities. For purposes of the RFA, we treat all carriers, physicians and suppliers of services as small entities. We examined this notice as to the potential effects on physicians and suppliers of services. Previously, by accepting nonstandard claims, carriers allowed physicians and suppliers to avoid standardizing their administrative practices and merely to submit attachments in lieu of completing designated blocks on prescribed claim forms. This process undercut advantages of developing standardized claim forms and placed an added form review burden on carriers. This notice implements a standard claim policy required by section 1848(g) of the Act in order to reduce program administration inefficiencies and related costs.

Also, section 1102(b) of the Act requires the Secretary to prepare a regulatory impact analysis for any notice that may have a significant impact on the operations of a substantial number of small rural hospitals. This analysis must conform to the provisions of section 604 of the RFA. For purpose of section 1102(b) of the Act, we define a small rural hospital as a hospital that is located outside a metropolitan statistical area and has fewer than 50 beds. We are not preparing a rural hospital impact statement since we have determined and the Secretary certifies that this final notice will not have a significant economic impact on the operations of a substantial number of small rural hospitals.

VI. Response to Public Comments

Because of the large number of items of correspondence we normally receive on a notice, we are unable to acknowledge or respond to them individually. However, we will consider all comments that we receive by the date and time specified in the **COMMENT PERIOD** section of this notice, and respond to comments in any final notice that we may issue.

(Catalog of Federal Domestic Assistance Program No. 93.773, Medicare Hospital Insurance and No. 93.774, Supplementary Medical Insurance)

Dated: July 19, 1991.

Gail R. Wilensky,

Administrator, Health Care Financing Administration.

[FR Doc. 91-28554 Filed 11-27-91; 8:45 am]

BILLING CODE 4120-91-M

Health Resources and Services Administration

Filing of Annual Report of Federal Advisory Committee

Notice is hereby given that pursuant to section 13 of Public Law 92-463, the Annual Report for the following Health Resources and Service Administration's Federal Advisory Committee has been filed with the Library of Congress: National Advisory Council on Health Professions Education.

Copies are available to the public for inspection at the Library of Congress Newspaper and Current Periodical Reading Room, room 1026, Thomas Jefferson Building, Second Street and Independence Avenue SE., Washington, DC, or weekdays between 9 a.m. and 4:30 p.m. at the Department of Health and Human Services, Department Library, HHS North Building, room G-619, 330 Independence Avenue SW., Washington, DC, telephone (202) 619-0791. Copies may be obtained from: Ms. Wilma Johnson, Executive Secretary, National Advisory Council on Health Professions Education, room 8C-22, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443-6880.

Dated: November 21, 1991.

Jackie E. Baum,

Advisory Committee Management Officer, HRSA.

[FR Doc. 91-28539 Filed 11-27-91; 8:45 am]

BILLING CODE 4160-15-M

Advisory Council; Meeting

In accordance with section 10(a) (2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following National Advisory body scheduled to meet during the month of December 1991:

Name: National Advisory Council on Health Professions Education.

Date and Time: December 12-13, 1991, 9 a.m.

Place: Holiday Inn—Crowne Plaza, Regency Room, 1750 Rockville Pike, Rockville, Maryland 20852.

Open on December 12, 9 a.m. to 5 p.m.

Closed for remainder of meeting.

Purpose: The Council advises the Secretary with respect to the administration of programs of financial assistance for the health professions and makes recommendations based on its review of applications requesting such assistance. This also involves advice in the preparation of regulations with respect to policy matters.

Agenda: The open portion of the meeting will cover welcome and opening remarks, report of the Administrator on recent developments in the Agency; an update on developments and activities within the Bureau of Health Professions; a presentation on Health Administration discipline; and several other presentations and issues, i.e., Update of Fiscal Year 1992 Funding Factors; Health Start Initiatives; a report on the Fiscal Year 1992 budget and legislation.

The meeting will be closed on December 13 for the review of applications for Preventive Medicine Residency Training; Area Health Education Centers; Residency Training in General Internal Medicine and General Pediatrics; Family Medicine Faculty Development and Family Medicine Residencies. The closing is in accordance with the provisions set forth in section 552b(c)(6), title 5 U.S.C. Code, and the Determination by the Administrator, Health Resources and Services Administration, pursuant to Public Law 92-463.

Anyone requiring information regarding the subject Council should contact Ms. Wilma J. Johnson, Executive Secretary, National Advisory Council on Health Professions Education, room 8C-26, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301)443-6880.

Agenda Items are subject to change as priorities dictate.

Dated: November 22, 1991.

Jackie E. Baum,

Advisory Committee Management Officer, HRSA.

[FR Doc. 91-28538 Filed 11-27-91; 8:45 am]

BILLING CODE 4160-15-M

National Vaccine Injury Compensation Program List of Petitions Received

AGENCY: Public Health Service, HHS.

ACTION: Notice.

SUMMARY: The Public Health Service (PHS) is publishing this notice of petitions received under the National Vaccine Injury Compensation Program ("the Program"), as required by section 2112(b)(2) of the PHS Act, as amended. While the Secretary of Health and Human Services is named as the respondent in all proceedings brought by the filing of petitions for compensation under the Program, the United States Claims Court is charged by statute with responsibility for considering and acting upon the petitions.

FOR FURTHER INFORMATION CONTACT: For information about requirements for filing petitions, and the Program generally, contact the Clerk, United States Claims Court, 717 Madison Place NW., Washington, DC 20005, (202) 633-7257. For information on the Public Health Service's role in the Program, contact the Administrator, Vaccine Injury Compensation Program, 6001 Montrose Road, room 702, Rockville, MD 20852, (301) 443-6593.

SUPPLEMENTARY INFORMATION: The Program provides a system of no-fault compensation for certain individuals who have been injured by specified childhood vaccines. Subtitle 2 of title XXI of the PHS Act, 42 U.S.C. 300aa-10 *et seq*, provides that those seeking compensation are to file a petition with the U.S. Claims Court and to serve a copy of the petition on the Secretary of Health and Human Services, who is named as the respondent in each proceeding. The Secretary has delegated his responsibility under the Program to PHS. The Claims Court is directed by statute to appoint special masters who take evidence, conduct hearings as appropriate, and make initial decisions as to eligibility for, and amount of, compensation.

A petition may be filed with respect to injuries, disabilities, illnesses, conditions, and deaths resulting from vaccines described in the Vaccine Injury Table set forth at section 2114 of the PHS Act. This Table lists for each covered childhood vaccine the conditions which will lead to compensation and, for each condition, the time period for occurrence of the first symptom or manifestation of onset or of significant aggravation after vaccine administration. Compensation may also be awarded for conditions not listed in the Table and for conditions that are manifested after the time periods specified in the Table, but only if the petitioner shows that the condition was caused by one of the listed vaccines.

Section 2112(b)(2) of the PHS Act, 42 U.S.C. 300aa-12(b)(2), requires that the Secretary publish in the **Federal Register** a notice of each petition filed. Set forth below is a partial list of petitions received by PHS on September 28, 1990.

Section 2112(b)(2) also provides that the special master "shall afford all interested persons an opportunity to submit relevant, written information" relating to the following:

1. The existence of evidence "that there is not a preponderance of the evidence that the illness, disability, injury, condition, or death described in the petition is due to factors unrelated to the administration of the vaccine described in the petition," and

2. Any allegation in a petition that the petitioner either: (a) "Sustained, or had significantly aggravated, any illness, disability, injury, or condition not set forth in the Vaccine Injury Table (see section 2114 of the PHS Act) but which was caused by" one of the vaccines referred to in the table, or

(b)"Sustained, or had significantly aggravated, any illness, disability, injury, or condition set forth in the Vaccine Injury Table the first symptom or manifestation of the onset or significant aggravation of which did not occur within the time period set forth in the table but which was caused by a vaccine" referred to in the table.

This notice will also serve as the special master's invitation to all interested persons to submit written information relevant to the issues described above in the case of the petitions listed below. Any person choosing to do so should file an original and three (3) copies of the information with the Clerk of the U.S. Claims Court at the address listed above (under the heading "For Further Information Contact"), with a copy to PHS addressed to Director, Bureau of Health Professions, 5600 Fishers Lane, room 8–05, Rockville, MD 20857. The Court's caption (Petitioner's Name v. Secretary of Health and Human Services) and the docket number assigned to the petition should be used as the caption for the written submission.

Chapter 35 of title 44, United States Code, related to paperwork reduction, does not apply to information required for purposes of carrying out the Program.

List of Petitions

1. Cheryl Ashe-Cline on behalf of Melissa Ashe, Mattoon, Illinois, Claims Court Number 90–1823 V
2. Joel Alesi on behalf of Gina Alesi, Hollywood, Florida, Claims Court Number 90–1824 V
3. Joan Stein on behalf of Carrie Stein, Oskaloosa, Iowa, Claims Court Number 90–1825 V
4. William Dykstra on behalf of Bradley Dykstra, Rensselaer, Indiana, Claims Court Number 90–1826 V
5. Lloyd Paul Feazell on behalf of Katherine Feazell, Alexandria, Louisiana, Claims Court Number 90–1827 V
6. Dewey Harrison on behalf of Daniel Harrison, Dallas, Texas, Claims Court Number 90–1828 V
7. Ellen Cohen, Santa Monica, California, Claims Court Number 90–1829 V
8. Cecile Tilger on behalf of John Tilger, San Antonio, Texas, Claims Court Number 90–1830 V
9. Tommy Richardson on behalf of Sandra Richardson, Fort Worth, Texas, Claims Court Number 90–1831 V
10. Ray and Joyce Cooper on behalf of Molly Cooper, Deceased, Panama City, Florida, Claims Court Number 90–1832 V
11. Anton Alton on behalf of Leea Alton, Barrington, Illinois, Claims Court Number 90–1833 V
12. Mary Davidson and Anthony Mancuso on behalf of Michael Mancuso, St. Paul, Minnesota, Claims Court Number 90–1834 V
13. Donald Bigelow on behalf of Jason Bigelow, Hamilton, Montana, Claims Court Number 90–1835 V
14. Terry Stahl on behalf of Vincent Stahl, Kissimmee, Florida, Claims Court Number 90–1836 V
15. Christine Neilson on behalf of Robert Neilson, Deceased, Melbourne, Florida, Claims Court Number 90–1837 V
16. Audrey James on behalf of Richard James, Brooklyn, New York, Claims Court Number 90–1838 V
17. Patsy Olson on behalf of Kent Olson, Deceased, Spearfish, South Dakota, Claims Court Number 90–1839 V
18. Danny Dotson, Ypsilanti, Michigan, Claims Court Number 90–1840 V
19. Kurt Flaig, Gackle, North Dakota, Claims Court Number 90–1841 V
20. Betty Harsy on behalf of Lynnette Harsy, Peoria, Illinois, Claims Court Number 90–1842 V
21. Julia Glazer on behalf of Jeffrey Glazer, Southfield, Michigan, Claims Court Number 90–1843 V
22. Alana Hubbard on behalf of Meredith Hubbard, Columbia, Tennessee, Claims Court Number 90–1844 V
23. Kenneth and Laura Haertter on behalf of Kenne Haertter, Bensalem, Pennsylvania, Claims Court Number 90–1845 V
24. Gregory Marino on behalf of Daniela Marino, Deceased, Brooklyn, New York, Claims Court Number 90–1846 V
25. Vickie Callahan on behalf of Daniel Callahan, St. Louis, Missouri, Claims Court Number 90–1847 V
26. John Salaita, Blacksburg, Virginia, Claims Court Number 90–1848 V
27. Elton and Sally Bailiss on behalf of Sherry Bailiss, San Diego, California, Claims Court Number 90–1849 V
28. Yvonne Stanley on behalf of Nathanial Stanley, Belfry, Kentucky, Claims Court Number 90–1850 V
29. Stanley Earnhardt on behalf of Jennifer Earnhardt, Tulsa, Oklahoma, Claims Court Number 90–1851 V
30. William Burbage on behalf of Gregory Burbage, Philadelphia, Pennsylvania, Claims Court Number 90–1852 V
31. Ronald and Theresa Mangone on behalf of Kevin Mangone, Levittown, Pennsylvania, Claims Court Number 90–1853 V
32. Susan and Thomas Matousek on behalf of Matthew Matousek, Barrington, Illinois, Claims Court Number 90–1854 V
33. Ruby Helton on behalf of Jason Helton, Birmingham, Alabama, Claims Court Number 90–1855 V
34. Lawrence Ensign on behalf of Gregory Ensign, Durango, Colorado, Claims Court Number 90–1856 V
35. John and Ann Waynick on behalf of Chelsea Waynick, Deceased, Nashville, Tennessee, Claims Court Number 90–1857 V
36. Dianne Gowing on behalf of Shelly McCullough, Swanton, Ohio, Claims Court Number 90–1858 V
37. Thomas Stemmer, Elyria, Ohio, Claims Court Number 90–1859 V
38. William Stanton, Hammond, Indiana, Claims Court Number 90–1860 V
39. Terry Greathouse on behalf of Jeremy Greathouse, Fairview Park, Ohio, Claims Court Number 90–1861 V
40. Louis Obiol on behalf of Veronica Obiol, Metairie, Louisiana, Claims Court Number 90–1862 V
41. Dena Dotson on behalf of Amonda Dotson, Tampa, Florida, Claims Court Number 90–1863 V
42. Margaret Nelson on behalf of Cletus Nelson, Mt. Prospect, Illinois, Claims Court Number 90–1864 V
43. Harry Aitken on behalf of Nancy Aitken, Bayside, New York, Claims Court Number 90–1865 V
44. Consuelo Ureno, El Paso, Texas, Claims Court Number 90–1866 V
45. William A. Becker on behalf of William S. Becker, Manassas, Virginia, Claims Court Number 90–1867 V
46. Anna Gomez on behalf of Marisol Gomez, Corona, New York, Claims Court Number 90–1868 V
47. Donna David on behalf of Kellie David, Landover, Maryland, Claims Court Number 90–1869 V

48. John Stone, Chicago, Illinois, Claims Court Number 90–1870 V
49. Mark Dorie, Dallas, Texas, Claims Court Number 90–1871 V
50. Mindy Blatt on behalf of Stephanie Blatt, Deceased, Southampton, Pennsylvania, Claims Court Number 90–1872 V
51. Troy Culbertson on behalf of Carly Culbertson, Des Moines, Iowa, Claims Court Number 90–1873 V
52. William Loncar on behalf of Michael Loncar, West Seneca, New York, Claims Court Number 90–1874 V
53. Zino Lappas on behalf of Kerrie Lappas, Deceased, Jersey City, New Jersey, Claims Court Number 90–1875 V
54. William and Linda Zaccardi on behalf of William Zaccardi, Jr., Deceased, Oak Brook, Illinois, Claims Court Number 90–1876 V
55. Juliane Aprea on behalf of Jeremy Erhart, Deceased, Old Bethpage, New York, Claims Court Number 90–1877 V
56. Lutricia Ware on behalf of Kenneth Ware, Decatur, Georgia, Claims Court Number 90–1878 V
57. Peter Frangahis on behalf of Mary Frangahis, Vineland, New Jersey, Claims Court Number 90–1879 V
58. Robby and Judith Wheeler on behalf of Joel Wheeler, St. Petersburg, Florida, Claims Court Number 90–1880 V
59. Janet Anderson on behalf of Jeremy Anderson, Deceased, Hamburg, New York, Claims Court Number 90–1881 V
60. Patricia MacVicar on behalf of Bonnie MacVicar, Lackawanna, New York, Claims Court Number 90–1882 V
61. Philip and Fay Hunt on behalf of Craig Hunt, Tampa, Florida, Claims Court Number 90–1883 V
62. Joe Colunga III on behalf of Stephen Colunga, Harlingen, Texas, Claims Court Number 90–1884 V
63. David Snyder on behalf of Kyle Snyder, Indianapolis, Indiana, Claims Court Number 90–1885 V
64. Shimon and Ruth Cimbal on behalf of Isaac Cimbal, Brooklyn, New York, Claims Court Number 90–1886 V
65. Leslye Furniss on behalf of Leah Furniss, Fort Wayne, Indiana, Claims Court Number 90–1887 V
66. Jimmy and Julie McDaniel on behalf of Matthew McDaniel, Elk City, Oklahoma, Claims Court Number 90–1888 V
67. Azzam Abdallah on behalf of Jameil Abdallah, Roscholle, Illinois, Claims Court Number 90–1889 V
68. Charles and Julia Ostrout on behalf of Kaitlin Ostrout, Houston, Texas, Claims Court Number 90–1890 V
69. Paul Curhan, West Newton, Massachusetts, Claims Court Number 90–1891 V
70. Robert and Donna James on behalf of Robert M. James, Deceased, Poway, California, Claims Court Number 90–1892 V
71. Ann Kokoszynski and Barbara Sarkady on behalf of Micheal Kokoszynski, Chicago, Illinois, Claims Court Number 90–1893 V
72. Daniel Corbin on behalf of Colleen Corbin, Davenport, Iowa, Claims Court Number 90–1894 V
73. Max Stark on behalf of Stephen Stark, Beaumont, Texas, Claims Court Number 90–1895 V
74. Pamela Sticklen, Middletown, Ohio, Claims Court Number 90–1896 V
75. George Shuff, Scarbro, West Virginia, Claims Court Number 90–1897 V
76. Geraldine Watson on behalf of Amy Watson, Johnson City, Tennessee, Claims Court Number 90–1898 V
77. James Lonergan, Drexel Hill, Pennsylvania, Claims Court Number 90–1899 V
78. Daniel White on behalf of Tyler White, Cleveland, Ohio, Claims Court Number 90–1900 V
79. Luthericia Fanning on behalf of Leonard Shultz, Deceased, Joplin, Missouri, Claims Court Number 90–1901 V
80. Barbara Quatsoe on behalf of Velvet Weins, Kaukauna, Wisconsin, Claims Court Number 90–1902 V
81. Jolene Jackson on behalf of Jason Seager, Lyons, New York, Claims Court Number 90–1903 V
82. Charles Anderson on behalf of Doreen Anderson, Manor, Pennsylvania, Claims Court Number 90–1904 V
83. Linda Berreau on behalf of Christine Engwer, Deceased, Minneapolis, Minnesota, Claims Court Number 90–1905 V
84. George and Susan Johnson III on behalf of George Johnson IV, Westford, Massachusetts, Claims Court Number 90–1906 V
85. Thomas Dial on behalf of John Dial, Effingham, Illinois, Claims Court Number 90–1907 V
86. Norma and Harold Reed on behalf of Lon Reed, Marysville, Ohio, Claims Court Number 90–1908 V
87. Darryl Kern on behalf of Jessie Kern, Deceased, Carbondale, Illinois, Claims Court Number 90–1909 V
88. Kim O'Leary on behalf of Ryan O'Leary, Deceased, Erie, Pennsylvania, Claims Court Number 90–1910 V
89. William Stoffel on behalf of Nadine Stoffel, Fond du Lac, Wisconsin, Claims Court Number 90–1911 V
90. Jay Lowe on behalf of Richard Lowe, Pocatello, Idaho, Claims Court Number 90–1912 V
91. Deborah Gentry, Middletown, Ohio, Claims Court Number 90–1913 V
92. Gary and Deborah Mohn on behalf of Tara Mohn, Deceased, Cincinnati, Ohio, Claims Court Number 90–1914 V
93. Maria Mensing on behalf of Karri Rakers, Breese, Illinois, Claims Court Number 90–1915 V
94. Stephanie Riveaux on behalf of Lisa Riveaux, Far Rockaway, New York, Claims Court Number 90–1916 V
95. James McManus on behalf of Susan McManus, Camden, South Carolina, Claims Court Number 90–1917 V
96. Thomas Birhmann, Evanston, Illinois, Claims Court Number 90–1918 V
97. Thomas Schutlz on behalf of Jessica Schultz, West Seneca, New York, Claims Court Number 90–1919 V
98. Patrick and Marylyn Nicholson on behalf of William Nicholson, Garfield Heights, Ohio, Claims Court Number 90–1920 V
99. Betty Landon on behalf of Christian Landon, Gadsden, Alabama, Claims Court Number 90–1921 V
100. William Roberts on behalf of Brian Roberts, Olney, Maryland, Claims Court Number 90–1922 V
101. Michael Trauscht on behalf of Ryan Trauscht, Flagstaff, Arizona, Claims Court Number 90–1923 V
102. Andy Vanover on behalf of Andrea Vanover, Deceased, Hyden, Kentucky, Claims Court Number 90–1924 V
103. Hal Farley, Kingsburg, California, Claims Court Number 90–1925 V
104. Barbara McHugh, Lexington, Kentucky, Claims Court Number 90–1926 V
105. Helen Idol, High Point, North Carolina, Claims Court Number 90–1927 V
106. Rebecca Hawk on behalf of Amy Hawk, Springfield, Illinois, Claims Court Number 90–1928 V
107. George Fleming on behalf of Christoper Fleming, Montgomery, Alabama, Claims Court Number 90–1929 V
108. Lazer and Ziporah Milstein on behalf of Betzalel Milstein, Deceased, Suffern, New York, Claims Court Number 90–1930 V
109. Edward Babineau on behalf of Catherine Babineau, Deceased, Fitchburg, Massachusetts, Claims Court Number 90–1931 V
110. Charles and Glynnis Limpar on behalf of Christopher Limpar, Pittsburgh, Pennsylvania, Claims Court Number 90–1932
111. Greg and Sandy Bartel on behalf of Scott Bartel, Spokane, Washington, Claims Court Number 90–1933 V
112. Lori Pryor on behalf of Amanda Pryor, Tampa, Florida, Claims Court Number 90–1934 V

113. Craig Miller on behalf of Frank Miller, Summit, New Jersey, Claims Court Number 90–1935 V
114. Joseph Khoury on behalf of Rima Khoury, Washington, DC, Claims Court Number 90–1936 V
115. Robert and Rita Pennix on behalf of Bobby Pennix, Middletown, Ohio, Claims Court Number 90–1937 V
116. Ronald and Janice Pickos on behalf of Noelle Pickos, Kenosha, Wisconsin, Claims Court Number 90–1938 V
117. Daniel and Rebecca Blake on behalf of Timothy Blake, Tahlequah, Oklahoma, Claims Court Number 90–1939 V
118. Judy Rogers on behalf of Misty Rogers, Muskogee, Oklahoma, Claims Court Number 90–1940 V
119. Barry and Nancy Brauman on behalf of Marc Brauman, Deceased, Flushing, New York, Claims Court Number 90–1941 V
120. Richard Homuth, Olean, New York, Claims Court Number 90–1942 V
121. Jerry Hallam on behalf of Bradley Hallam, Williamson, West Virginia, Claims Court Number 90–1943 V
122. Edgar Morrison on behalf of Miranda Morrison, Patchogue, New York, Claims Court Number 90–1944 V
123. Annette Chaisson on behalf of David Chaisson, Chicago, Illinois, Claims Court Number 90–1945 V
124. Roger Johnson on behalf of Holly Johnson, Faribault, Minnesota, Claims Court Number 90–1946 V
125. Christine Siefkin, Richland, Washington, Claims Court Number 90–1947 V
126. Deanna McAllister on behalf of Ivan Siegler, Deceased, Bradenton, Florida, Claims Court Number 90–1948 V
127. Mark Bailey on behalf of Christopher Bailey, Portsmouth, Ohio, Claims Court Number 90–1949 V
128. Timothy E. Ervin on behalf of Timothy W. Ervin, Deceased, Shawnee Mission, Kansas, Claims Court Number 90–1950 V
129. Shelly Truesdell, Visalia, California, Claims Court Number 90–1951 V
130. Robert Saxe on behalf of Michelle Saxe, Norton AFB, California, Claims Court Number 90–1952 V
131. Robert Porter on behalf of Victoria Porter, Rockledge, Florida, Claims Court Number 90–1953 V
132. Kenneth Wilson on behalf of Trevor Wilson, Hagerstown, Maryland, Claims Court Number 90–1954 V
133. Aron Schlau on behalf of April Schlau, Tampa, Florida, Claims Court Number 90–1956 V
134. Lynn Oliver, Middletown, Ohio, Claims Court Number 90–1957 V
135. William Knudsen on behalf of Mitchell Knudsen, Deceased, Portsmouth, Virginia, Claims Court Number 90–1958 V
136. Mary Epley on behalf of Aaron Epley, Hopkinsville, Kentucky, Claims Court Number 90–1959 V
137. Jeff Paul on behalf of Julie Paul, Dayton, Ohio, Claims Court Number 90–1960 V
138. Richard Schadt on behalf of Matthew Schadt, Brooklyn Park, Minnesota, Claims Court Number 90–1961 V
139. Steve Bell on behalf of Stephanie Bell, Deceased, Dallas, Texas, Claims Court Number 90–1962 V
140. Judith Glomb on behalf of Bernadette Glomb, Deceased, Chester, Pennsylvania, Claims Court Number 90–1963 V
141. Richard Estey on behalf of Megan Estey, Winter Park, Florida, Claims Court Number 90–1964 V
142. Gertrude Davis on behalf of Sarah Hayes, Los Angeles, California, Claims Court Number 90–1965 V
143. Gaspar and Caroline Benenati on behalf of Christopher Benenati, Rockville Centre, New York, Claims Court Number 90–1966 V
144. Gary Frantz on behalf of Terry Frantz, Erie, Illinois, Claims Court Number 90–1967 V
145. Susan Cole on behalf of Anna Cole, Madison, Wisconsin, Claims Court Number 90–1968 V
146. Robert Holl on behalf of Megan Holl, North Canton, Ohio, Claims Court Number 90–1969 V
147. Kevin Jackson on behalf of Emily Jackson, Bradenton, Florida, Claims Court Number 90–1970 V
148. Sandy Jackson, Dallas, Texas, Claims Court Number 90–1971 V
149. Yvonne Anderson on behalf of Brett Anderson, Niagara Falls, New York, Claims Court Number 90–1972 V
150. Catherine Schar on behalf of Mary Schar, Salem, Oregon, Claims Court Number 90–1973 V
151. Robert Jensen on behalf of Kara Jensen, Deceased, Lowell, Indiana, Claims Court Number 90–1974 V
152. Joanie McLarney, Pensacola, Florida, Claims Court Number 90–1975 V
153. Lutricia Pittman on behalf of Justin Walker, Bronx, New York, Claims Court Number 90–1976 V
154. Beverly Jenkins on behalf of Katherine Jenkins, Honesdale, Pennsylvania, Claims Court Number 90–1977 V
155. Jeffrey Hacker on behalf of Kelley Hacker, Fairbury, Illinois, Claims Court Number 90–1978 V
156. Clinton Patten on behalf of Shane Patten, Deceased, Orem, Utah, Claims Court Number 90–1979 V
157. Geoffrey Goldsmith, Seattle, Washington, Claims Court Number 90–1980 V
158. Valerie Rhodes on behalf of Michael Rhodes, Huntingdon Valley, Pennsylvania, Claims Court Number 90–1981 V
159. Alice Yates on behalf of Daniel Yates, Deceased, Camden, New Jersey, Claims Court Number 90–1982 V
160. Robert Webster on behalf of Bryan Webster, Plymouth, Massachusetts, Claims Court Number 90–1983 V
161. David Montanari on behalf of Monica Montanari, Natrona Heights, Pennsylvania, Claims Court Number 90–1984 V
162. Margaret Kelly on behalf of Joshua Kelly, Oak Lawn, Illinois, Claims Court Number 90–1985 V
163. Eva Gallucci on behalf of Edward Gallucci, Hialeah, Florida, Claims Court Number 90–1986 V
164. David Rose on behalf of Jeremiah Rose, Tulsa, Oklahoma, Claims Court Number 90–1987 V
165. Renee Siegel on behalf of Nicole Siegel, Deceased, Riverside, California, Claims Court Number 90–1988 V
166. Renee Marie Siegel on behalf of Jon David Siegel, Deceased, Lackland AFB, Texas, Claims Court Number 90–1989 V
167. Barbara Price, Sherman Oaks, California, Claims Court Number 90–1990 V
168. Raymond Fenlon, Bethesda, Maryland, Claims Court Number 90–1991 V
169. David Fleshner on behalf of Toni Fleshner, Deceased, Tempe, Arizona, Claims Court Number 90–1992 V
170. Nicoletta Spinelli on behalf of William Spinelli, Bronx, New York, Claims Court Number 90–1993 V
171. Mary McArthur on behalf of Brad McArthur, Steelton, Pennsylvania, Claims Court Number 90–1994 V
172. Frederick Roedl on behalf of Brian Roedl, Peoria, Illinois, Claims Court Number 90–1995 V
173. Debra Sullivan, Arlington, Virginia, Claims Court Number 90–1996 V
174. Richard Edwards on behalf of William Johnson, Rome, New York, Claims Court Number 90–1997 V
175. Ronald Epstein on behalf of Justin Epstein, Franklin Square, New York, Claims Court Number 90–1998 V
176. Howard Glicken on behalf of Samuel Glicken, Denver, Colorado, Claims Court Number 90–1999 V
177. Deborah Reifsteck, Washington, DC, Claims Court Number 90–2000 V
178. Shelley Rohrbaugh on behalf of Ashley Evans, Deceased, Keyser,

West Virginia, Claims Court Number 90-2001 V
179. Daniel O'Brien on behalf of Thomas O'Brien, Columbus, Ohio, Claims Court Number 90-2002 V
180. Douglas Johnson on behalf of Audrey Johnson, Minneapolis, Minnesota, Claims Court Number 90-2003 V
181. Benjamin Chaney on behalf of Ann Chaney, Roselle, Illinois, Claims Court Number 90-2004 V
182. Larry Abbott on behalf of Jeremy Abbott, Jasper, Alabama, Claims Court Number 90-2005 V
183. John and Martha Umbreit on behalf of Jennifer Sheets, Kingman, Arizona, Claims Court Number 90-2006 V
184. Margarita Lopez on behalf of Randy Lopez, Phoenix, Arizona, Claims Court Number 90-2007 V
185. Stephen Thompson, Huntington, West Virginia, Claims Court Number 90-2008 V
186. Ronald Shafer on behalf of William Shafer, Deceased, Detroit, Michigan, Claims Court Number 90-2009 V
187. James Estes on behalf of Rachel Estes, Stewartstown, Pennsylvania, Claims Court Number 90-2010 V
188. Gloria Smith on behalf of Arthur Smith, Brooklyn, New York, Claims Court Number 90-2012 V
189. Ellen Lyuste on behalf of Jennifer Lyuste, Deceased, Queens, New York, Claims Court Number 90-2013 V
190. James McDermott, Jr., on behalf of James McDermott, III, Silver Spring, Maryland, Claims Court Number 90-2014 V
191. Donny Epps on behalf of Ralph Epps, Athens, Georgia, Claims Court Number 90-2015 V
192. Jan Hodsdon, Columbus, Ohio, Claims Court Number 90-2016 V
193. Kenneth Pepin on behalf of Todd Pepin, Deceased, Kansas City, Missouri, Claims Court Number 90-2017 V
194. Andrew Lemak on behalf of Mary Lemak, Deceased, Duquesne, Pennsylvania, Claims Court Number 90-2018 V
195. Michael Jeter on behalf of Marjorie Jeter, Lubbock, Texas, Claims Court Number 90-2019 V
196. Clara McCaslin on behalf of Perry McCaslin, Henderson, Kentucky, Claims Court Number 90-2020 V
197. Marsha Thomas on behalf of Michael Thomas, Austin, Texas, Claims Court Number 90-2021 V
198. Marsha Thomas on behalf of Kristen Thomas, Austin, Texas, Claims Court Number 90-2022 V
199. Larry Dinwiddie on behalf of Katherine Dinwiddie, Pasadena, Texas, Claims Court Number 90-2023 V
200. Tommy Miller on behalf of Sasha Miller, Yadkinville, North Carolina, Claims Court Number 90-2024 V.

Dated: November 22, 1991.

John H. Kelso,

Acting Administrator.

[FR Doc. 91-28540 Filed 11-27-91; 8:45 am]

BILLING CODE 4160-15-M

Social Security Administration

Supplemental Security Income Modernization Project; Rescheduled Meeting

AGENCY: Social Security Administration, HHS.

ACTION: Notice of rescheduled meeting.

SUMMARY: Notice is hereby given that the meeting of the Supplemental Security Income (SSI) Modernization Project (the Project) that was to be held at the Social Security Administration Headquarters, 6401 Security Boulevard, Baltimore, MD 21235 on November 18 and 19, 1991, has been rescheduled. The meeting will be held in Baltimore, but has been rescheduled for January 9 and 10, 1992. This notice supersedes the original notice of this meeting published on October 15, 1991 at 56 FR 51721.

DATES: January 9-10, 1992, 8:30 a.m. to 5 p.m.

ADDRESSES: Social Security Administration Headquarters, room G-D-7 West High Rise Building, 6401 Security Boulevard, Baltimore, MD 21235.

FOR FURTHER INFORMATION CONTACT: SSI Modernization Project Staff, room 300, Altmeyer Building, 6401 Security Boulevard, Baltimore, MD 21235 (410) 965-3571.

SUPPLEMENTARY INFORMATION: The meeting of the SSI Modernization Project has been rescheduled. This notice supersedes the original notice of this meeting published on October 15, 1991 at 56 FR 51721.

The Social Security Administration (SSA) is undertaking a comprehensive examination of the SSI program, reviewing its fundamental structure and purpose. The purpose of the Project is to determine if the SSI program is meeting and will continue to meet the needs of the population it is intended to serve in an efficient and caring manner, recognizing the constraints in the current fiscal climate.

The first phase of this Project is intended to create a dialogue that provides a full examination of how well the SSI program serves the needy, aged, blind, and disabled.

To begin this dialogue, the Commissioner has involved 23 people who are experts in the SSI program and/or related public policy areas. The experts include a wide range of representatives of the aged, blind, and disabled from private and nonprofit organizations and Federal and State government as well as former SSA staff. Dr. Arthur S. Flemming, former Secretary of Health, Education and Welfare, will chair the meeting. The purpose of this initial dialogue is to exchange ideas and existing information about the program. This exchange will facilitate the sharing of ideas among attendees' constituencies, including advocacy groups, and state and local government and academicians. The outcome will be a more informed public that has an interest in bringing individually produced innovative ideas for change in the SSI program to the Modernization Project.

This is the tenth in a series of meetings that have been held throughout the country. The meeting will be open to the public to the extent that space is available.

The experts will review and discuss the public comments that were received on the paper, "Summary of Options Identified by the Public In Connection with the Supplemental Security Income Modernization Project". This document was published in the **Federal Register** on July 31, 1991 (56 FR 36640).

A summary of the meeting will be available at no charge. The transcript of the meeting will be available at cost. Summaries and transcripts may be ordered from the Project Staff. The transcript and all written submissions will become part of the record of these meetings.

Dated: November 21, 1991.

Peter Spencer,

Director, SSI Modernization Project Staff.

[FR Doc. 91-28653 Filed 11-27-91; 8:45 am]

BILLING CODE 4190-29-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Administration

[Docket No. N-91-3350; FR-2731-5-03]

Submission of Proposed Information Collection to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below

has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

ADDRESS: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and should be sent to: Jennie Main, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, Southwest, Washington, DC 20410, telephone (202) 755–6050. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Mr. Cristy.

SUPPLEMENTAL INFORMATION: The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. chapter 35). It is also requested that OMB complete its review within twenty days.

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the description of the need for the information and its proposed use; (4) the agency form number, if applicable; (5) what members of the public will be affected by the proposal; (6) how frequently information submissions will be required; (7) an estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (8) whether the proposal is new or an extension, reinstatement, or revision of an information collection requirement; and (9) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Authority: Section 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Section 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: November 15, 1991.

Arnold J. Haiman,

Director, Office of Ethics.

Notice of Submission of Proposed Information Collection to OMB

Proposal: Accountability in the Provision of HUD Assistance (FR–2731).

Office: Office of Ethics, HUD.

Description of the need for the information and its proposed use: Section 102 of the HUD Reform Act of 1989 requires the Department to make available to the public certain information to ensure greater integrity and accountability of assistance administered by HUD. This legislation requires that HUD collect information from applicants regarding other assistance received for the same programs as well as information on the investors in those programs. The collected information will be made available to the public upon request.

Form number: HUD–2880.

Respondents: All applicants for assistance from HUD for a specific project or activity, if the applicant meets or exceeds a threshold of $200,000 for the receipt of covered assistance during the fiscal year in which the application is submitted. The applicant must also make the disclosure if it requests assistance from HUD for a specific housing project that involves assistance from other governmental sources.

Frequency of submission: On occasion.

Reporting burden:

	No. of respondents	×	Frequency of response	×	Hours/ response	=	Burden hours
Initial applications	13,539		1		2.5		33,848
Updates	3,385		1		1.0		3,385

Total estimated burden hours: 37,233.

Status: Revision.

Contact: David S. Cristy, HUD, (202) 755–6050, Jennie Main, OMB, (202) 395–6880.

Dated: November 15, 1991.

SUPPORTING STATEMENT—1989 HUD REFORM ACT, SECTION 102 IMPLEMENTATION

A. Justification

1. Explain the Circumstances that Make the Collection of Information Necessary

This is a revision to the existing clearance for form HUD-2880, OMB approval number 2500-0101 (exp. 12/31/91). While this form has OMB approval, it has never been placed in service, due to other delays in the implementation of section 102 of the HUD Reform Act. This revision includes four substantive changes, which, in retrospect, will improve the level of information collected and significantly simplify the form. The estimate for hours per response has decreased from 4.2 hours to 2.2 hours; however, a program-by-program review indicates that the estimated number of respondents has increased significantly. The four changes are:

First, Part II of the form was changed to "Threshold Determinations—Applicants Only." This addition simplifies the form for applicants receiving less than the threshold amount of $200,000. If the applicant will receive less than the threshold amount, he/she need only sign the certifications and not fill out the rest of the form. This change will also make the form easier to understand.

Second, Part III was changed to "Other Government Assistance Provided/Requested" (previously Part II). A certification that no other government assistance than that shown in part III was added. The certification is required in order to enforce the regulation.

Third, Part IV, "Interested Parties" (previously Part III) was changed to include a certification that the information is true. The certification is required in order to enforce the regulation.

Fourth, Part V, "Report on Expected Sources and Uses of Funds" (previously Part IV), was changed to exclude the three columns "Amount Requested," "Amount Approved," and "Amount Received" under Source, and "Obligated," "Allocated," and "Projected" under Use. The information required in this part is not consistent for each type of program application; therefore, specific programmatic directions are given in the "Instructions" section of the form.

The Department published a final rule in the **Federal Register** on March 14, 1991, (56 FR 11032), which contains a number of provisions that are designed to ensure greater accountability and integrity in the provision of certain types

of assistance administered by the Department. Specific features include the following:

a. Publication in the **Federal Register** of the availability of assistance under certain HUD programs, as well as the application requirements and procedures and selection criteria to be used in making the assistance available.

b. Public inspection of documentation and other information adequate to indicate the basis upon which both HUD and recipients of HUD assistance provided or denied the assistance to their applicants.

c. Publication in the **Federal Register** of certain competitive funding decisions made by the Department and States and units of local government.

d. Disclosure of applicants seeking certain types of assistance from HUD, and from States and units of local government, of other assistance to be used with respect to the activities to be carried out with the assistance, the financial interests of persons in the activities, and the sources of funds to be made available for the activities and the uses to which the funds are to be put.

e. Certification by HUD that the assistance will not be more than is necessary to make the assisted activity feasible, after taking into account assistance from other government sources, as well as subsequent adjustments to the assistance based on updated disclosures by applicants.

Each applicant who submits an application for assistance within the jurisdiction of the Department to HUD, or to a State or to a unit of general local government, for a specific project or activity must disclose this information whenever the dollar threshold is met. This information must be kept updated during the application review process and while the assistance is being provided.

2. Indicate How, by Whom, and for What Purpose the Information Is To Be Used and the Consequence to Federal Program or Policy Activities If the Collection of Information Was Not Conducted.

This legislation was developed to ensure greater accountability and integrity in the provision of certain types of assistance administered by the Department. Under the legislation, the Department is required to publish in the **Federal Register** the availability of assistance, application requirements and procedures, the selection criteria to be used, and the resulting funding decisions. HUD must also provide for public inspection all documentation and other information which indicate the basis for either providing or denying the assistance being requested.

Applicants for assistance are required to disclose information concerning other governmental assistance they have obtained or is pending for the same project, as well as information about the key individuals involved with the proposed project/activity. This information will assist the Department in having an accurate assessment of the extent of government funding for a project as well as information regarding the key personnel involved. The disclosure requirement would be the only way in which this information could be obtained. This information is essential in complying with the legislative requirements to make improvements in HUD's grants and loan processes.

3. Describe Any Consideration of the Use of Improved Information Technology To Reduce Burden and Any Technical or Legal Obstacles To Reducing Burden

It would be difficult to determine the extent to which applicants for HUD assistance have advanced information technology equipment on hand. Therefore, it would not be appropriate for the Department to mandate the use of a particular technology. The form which has been designed to capture the required data however could easily be computer generated.

4. Describe Efforts To Identify Duplication

This reporting requirement is new to the Department. It is explicitly mandated by Section 102 of the Housing Reform Act of 1989, Public Law 101-235, approved December 15, 1989. However, instructions to Part V "Report on Sources and Uses of Funds" provide that if this report requires information provided elsewhere in the application package, the applicant need not repeat the information, but need only refer to the form and location to incorporate it into the report.

5. Show specifically Why Any Similar Information Already Available Cannot Be Used or Modified for the Purpose Described in 2

This is a new requirement. The information that is being required for disclosure has not been routinely requested previously.

6. If the Collection of Information Involves Small Businesses or Other Small Entities, Describe the Methods Used To Minimize Burden

An applicant for assistance within the jurisdiction of the Department will not be required to make the disclosures if they will not receive an aggregate amount of all forms of such assistance in excess of $200,000 during the Fiscal Year in which the application is submitted. Setting the threshold at this level should exclude small entities from the reporting requirement.

7. Describe the Consequences to Federal Program or Policy Activities If the Collection Were Conducted Less Frequently

This requirement is part of the assistance application process. As such, it is not a periodic report, but instead should be viewed as a one time requirement. It is intended to provide information necessary to the review process.

8. Explain Any Special Circumstances that Require the Collection To Be Conducted in a Manner Inconsistent With the Guidelines in 5 CFR 1320.6

None.

9. Describe Efforts To Consult with Persons Outside the Agency To Obtain Their Views on the Availability of Data

The Department published a proposed rule to implement Section 102 on June 19, 1990 (55 FR 25036). Comments on the proposed rule were received and considered.

10. Describe Any Assurance of Confidentiality Provided To Respondents and the Basis for the Assurance in Statute, Regulation, or Agency Policy

All applications and related documentation will be made available to the public in accordance with the Freedom of Information Act (5 U.S.C. 552) and HUD's implementing regulations at 24 CFR part 15. All Exemptions authorized by § 15.21 apply to the production of material. This includes the exemption for trade secrets or commercial or financial information that are obtained from a person and are privileged or confidential.

11. Provide Additional Justification for Any Questions of a Sensitive Nature

Questions involving financial interest are statutorily mandated.

12. Provide Estimates of Annualized Cost to the Federal Government and to the Respondents

Federal Government

The cost to the government can be broken down as follows:

No. of reviews of disclosed information (Including Updates)	16,924
No. hours to complete a review	.45
Cost for total no. of reviews (@ $30 hr.)	$228,471

Respondent

The cost to respondents to disclose the data HUD is requiring is estimated at $558,492. This number is for the total number of applicants meeting the $200,000 threshold and is based on the following assumptions:

Current hourly wage is estimated at $15 per hour. Each applicant must disclose three types of information: a listing of other government assistance that is expected to be made available for the project, a listing of all interested parties including any developers, contractors, and consultants, and a report of all sources and uses of funds. The time required to prepare this information is estimated at 2.5 hours per initial submission.

No. of disclosures (including updates)	Hours	Rate	Total
16,924	2.2	$15	$558,492

13. Provide Estimates of the Burden of Collection of Information

This is a new requirement. The following matrix provides an estimate of the burden on respondents meeting the threshold necessitated by the disclosure report.

	No. of responses	×	Frequency	×	Hours	=	Burden
Initial Applications	13,539		1		2.5		33,848
Updates	3,385		1		1.0		3,385
Total Estimated Burden Hours							37,233

14. Explain Reasons for Changes in Burden, Including the Need for any Increases

The total estimated burden hours has increased marginally (35,568 to 37,233) since the last submission. While the form has been simplified by allowing applicants who fall below the threshold to certify to that and quit the form, and by removing the three columns of information under Part V, the estimated number of respondents has increased. A program-by-program review of probable applicants revealed significantly more respondents than previously anticipated. However, the total burden-hours increase is less than five percent.

15. Collection of Information To Be Used for Statistical Use

Not applicable.

BILLING CODE 4210-01-M

Applicant/Recipient Disclosure/Update Report

U.S. Department of Housing and Urban Development
Office of Ethics

OMB Approval No. 2500-0000 (exp. 12/31/91)

Instructions. (See Public Reporting Statement and Privacy Act Statement and detailed instructions on page 4.)

Part I Applicant/Recipient Information

Indicate whether this is an Initial Report ☐ **or an Update Report** ☐

1. Applicant/Recipient Name, Address, and Phone (include area code)

Social Security Number or Employer ID Number

2. Project Assisted/ to be Assisted (Project/Activity name and/or number and its location by Street address, City, and State)

3. Assistance Requested/Received	4. HUD Program	5. Amount Requested/Received
		$

Part II. Threshold Determinations -- Applicants Only

1. Are you requesting HUD assistance for a specific project or activity, as provided by 24 CFR Part 12, Subpart C, and have you received, or can you reasonably expect to receive, an aggregate amount of all forms of covered assistance from HUD, States, and units of general local government, in excess of $200,000 during the Federal fiscal year (October 1 through September 30) in which the application is submitted? ☐ Yes ☐ No

   If Yes, you must complete the remainder of this report.

   If No, you must sign the certification below and answer the next question.

   I hereby certify that this information is true. (Signature) _____ Date _____

2. Is this application for a specific housing project that involves other government assistance? ☐ Yes ☐ No

   If Yes, you must complete the remainder of this report.

   If No, you must sigh this certification.

   I hereby certify that this information is true. (Signature) _____ Date _____

If your answers to both questions are No, you do not need to complete Parts III, IV, or V, but you must sign the certification at the end of the report.

Part III. Other Government Assistance Provided/Requested

Department/State/Local Agency Name and Address	Program	Type of Assistance	Amount Requested/Provided

Is there other government assistance that is reportable in this Part and in Part V, but that is reported only in Part V? ☐ Yes ☐ No

If there is no other government assistance, you must certify that this information is true.

I hereby certify that this information is true. (Signature) _____ Date _____

form HUD-2880 (11/18/91)
ref. Sec 102, HRA 1989; PL. 101 - 235

Part IV. Interested Parties

Alphabetical list of all persons with a reportable financial interest in the project or activity (for individuals, give the last name first)	Social Security Number or Employee ID Number	Type of Participation in Project/Activity	Financial Interest in Project/Activity ($ and %)

If there are no persons with a reportable financial interest, you must certify that this information is true.

I hereby certify that this information is true. (Signature)_____ Date_____

Part V. Report on Expected Sources and Uses of Funds

Source

If there are no sources of funds, you must certify that this information is true.

I hereby certify that this information is true. (Signature)_____ Date_____

Use

If there are no uses of funds, you must certify that this information is true.

I hereby certify that this information is true. (Signature)_____ Date_____

Certification

Warning: If you knowingly make a false statement on this form, you may be subject to civil or criminal penalties under Section 1001 of Title 18 of the United States Code. In addition, any person who knowingly and materially violates any required disclosure of information, including intentional non-disclosure, is subject to civil money penalty not to exceed $10,000 for each violation.

I certify that this information is true and complete.

Signature	Date

Public reporting burden for this collection of information is estimated to average 2.5 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Reports Management Officer, Office of Information Policies and Systems, U.S. Department of Housing and Urban Development, Washington, D.C. 20410-3600 and to the Office of Management and Budget, Paperwork Reduction Project (2500-0000), Washington, D.C. 20503. Do not send this completed form to either of these addressees.

Privacy Act Statement. Except for Social Security Numbers (SSNs) and Employer Identification Numbers (EINs), the Department of Housing and Urban Development (HUD) is authorized to collect all the information required by this form under section 102 of the Department of Housing and Urban Development Reform Act of 1989, 42 U.S.C. 3531. Disclosure of SSNs and EINs is optional. The information you provide will enable HUD to carry out its responsibilities under Sections 102(b), (c), and (d) of the Department of Housing and Urban Development Reform Act of 1989, Pub. L. 101-235, approved December 15, 1989. These provisions will help ensure greater accountability and integrity in the provision of certain types of assistance administered by HUD. They will also help ensure that HUD assistance for a specific housing project under Section 102(d) is not more than is necessary to make the project feasible after taking account of other government assistance. HUD will make available to the public all applicant disclosure reports for five years in the case of applications for competitive assistance, and for generally three years in the case of other applications. Update reports will be made available along with the disclosure reports, but in no case for a period generally less than three years. All reports, both initial reports and update reports, will be made available in accordance with the Freedom of Information Act (5 U.S.C. §552) and HUD's implementing regulations at 24 CFR Part 15. HUD will use the information in evaluating individual assistance applications and in performing internal administrative analyses to assist in the management of specific HUD programs. The information will also be used in making the determination under Section 102(d) whether HUD assistance for a specific housing project is more than is necessary to make the project feasible after taking account of other government assistance. The SSN or EIN is used as a unique identifier. You must provide all the required information. Failure to provide any required information may delay the processing of your application, and may result in sanctions and penalties, including imposition of the administrative and civil money penalties specified under 24 CFR §12.34.

Note: This form only covers assistance made available by the Department. States and units of general local government that carry out responsibilities under Sections 102(b) and (c) of the Reform Act must develop their own procedures for complying with the Act.

Instructions (See Note 1 on last page.)

I. Overview. Subpart C of 24 CFR Part 12 provides for (1) initial reports from applicants for HUD assistance and (2) update reports from recipients of HUD assistance. An overview of these requirements follows.

A. Applicant disclosure (initial) reports: General. All applicants for assistance from HUD for a specific project or activity must make a number of disclosures, if the applicant meets a dollar threshold for the receipt of covered assistance during the fiscal year in which the application is submitted. The applicant must also make the disclosures if it requests assistance from HUD for a specific housing project that involves assistance from other governmental sources.

Applicants subject to Subpart C must make the following disclosures:

Assistance from other government sources in connection with the project,

The financial interests of persons in the project,

The sources of funds to be made available for the project, and

The uses to which the funds are to be put.

B. Update reports: General. All recipients of covered assistance must submit update reports to the Department to reflect substantial changes to the initial applicant disclosure reports.

C. Applicant disclosure reports: Specific guidance. The applicant must complete all parts of this disclosure form if **either** of the following **two** circumstances in paragraph 1. or 2., below, applies:

1.a. Nature of Assistance. The applicant submits an application for assistance for a specific project or activity (See Note 2) in which:

HUD makes assistance available to a recipient for a specific project or activity; or

HUD makes assistance available to an entity (other than a State or a unit of general local government), such as a public housing agency (PHA), for a specific project or activity, where the application is required by statute or regulation to be submitted to HUD for any purpose; **and**

b. Dollar Threshold. The applicant has received, or can reasonably expect to receive, an aggregate amount of all forms of assistance (See Note 3) from HUD, States, and units of general local government, in excess of $200,000 during the Federal fiscal year (October 1 through September 30) in which the application is submitted. (See Note 4)

2. The applicant submits an application for assistance for a specific housing project that involves other government assistance. (See Note 5) Note: There is no dollar threshold for this criterion: **any** other government assistance triggers the requirement. (See Note 6)

If the Application meets **neither** of these two criteria, the applicant need only complete Parts I and II of this report, as well as the certification at the end of the report. If the Application meets **either** of these criteria, the applicant must complete the entire report.

The applicant disclosure report must be submitted with the application for the assistance involved.

D. Update reports: Specific guidance. During the period in which an application for covered assistance is pending, or in which the assistance is being provided (as indicated in the relevant grant or other agreement), the applicant must make the following additional disclosures:

1. Any information that should have been disclosed in connection with the application, but that was omitted.

2. Any information that would have been subject to disclosure in connection with the application, but that arose at a later time, including information concerning an interested party that now meets the applicable disclosure threshold referred to in Part IV, below.

3. For changes in previously disclosed other government assistance:

For programs administered by the Assistant Secretary for Community Planning and Development, any change in other government assistance that exceeds the amount of such assistance that was previously disclosed by $250,000 or by 10 percent of the assistance (whichever is lower).

For all other programs, any change in other government assistance that exceeds the amount of such assistance that was previously disclosed.

4. For changes in previously disclosed financial interests, any change in the amount of the financial interest of a person that exceeds the amount of the previously disclosed interests by $50,000 or by 10 percent of such interests (whichever is lower).

5. For changes in previously disclosed sources or uses of funds:

a. For programs administered by the Assistant Secretary for Community Planning and Development:

Any change in a source of funds that exceeds the amount of all previously disclosed sources of funds by $250,000 or by 10 percent of those sources (whichever is lower); and

Any change in a use of funds under paragraph (b)(1)(iii) that exceeds the amount of all previously disclosed uses of funds by $250,000 or by 10 percent of those uses (whichever is lower).

b. For all programs, other than those administered by the Assistant Secretary for Community Planning and Development:

For projects receiving a tax credit under Federal, State, or local law, any change in a source of funds that was previously disclosed.

For all other projects, any change in a source of funds that exceeds the lower of:

The amount previously disclosed for that source of funds by $250,000, or by 10 percent of the amount previously disclosed for that source, whichever is lower; or

The amount previously disclosed for all sources of funds by $250,000, or by 10 percent of the amount previously disclosed for all sources of funds, whichever is lower.

c. For all programs, other than those administered by the Assistant Secretary for Community Planning and Development:

For projects receiving a tax credit under Federal, State, or local law, any change in a use of funds that was previously disclosed.

For all other projects, any change in a use of funds that exceeds the lower of:

The amount previously disclosed for that use of funds by $250,000, or by 10 percent of the amount previously disclosed for that use, whichever is lower; or

The amount previously disclosed for all uses of funds by $250,000, or by 10 percent of the amount previously disclosed for all uses of funds, whichever is lower.

Note: Update reports must be submitted within 30 days of the change requiring the update. The requirement to provide update reports only applies if the application for the underlying assistance was submitted on or after the effective date of Subpart C.

II. Line-by-Line Instructions.

A. Part I. Applicant/Recipient Information.

All applicants for HUD assistance specified in Section I.C.1.a., above, as well as all recipients required to submit an update report under Section I.D., above, must complete the information required by Part I. The applicant/recipient must indicate whether the disclosure is an initial or an update report. Line-by-line guidance for Part I follows:

1. Enter the full name, address, city, State, zip code, and telephone number (including area code) of the applicant/recipient. Where the applicant/recipient is an individual, the last name, first name, and middle initial must be entered. The applicant/recipient's SSN or EIN, as appropriate, should also be entered.

2. Applicants enter the name and full address of the project or activity for which the HUD assistance is sought. Recipients enter the name and full address of the HUD-assisted project or activity to which the update report relates. The most appropriate government identifying number must be used (e.g., RFP No.; IFB No.; grant announcement No.; or contract, grant, or loan No.) Include prefixes.

3. Applicants describe the HUD assistance referred to in Section I.C.1.a. that is being requested. Recipients describe the HUD assistance to which the update report relates.

4. Applicants enter the HUD program name under which the assistance is being requested. Recipients enter the HUD program name under which the assistance, that relates to the update report, was provided.

5. Applicants enter the amount of HUD assistance that is being requested. Recipients enter the amount of HUD assistance that has been provided and to which the update report relates. The amounts are those stated in the application or award documentation. NOTE: In the case of assistance that is provided pursuant to contract over a period of time (such as project-based assistance under section 8 of the United States Housing Act of 1937), the amount of assistance to be reported includes all amounts that are to be provided over the term of the contract, irrespective of when they are to be received.

Note: In the case of Mortgage Insurance under 24 CFR Subtitle B, Chapter II, the mortgagor is responsible for making the applicant disclosures, and the mortgagee is responsible for furnishing the mortgagor's disclosures to the Department. Update reports must be submitted directly to HUD by the mortgagor.

Note: In the case of the Project-Based Certificate program under 24 CFR Part 882, Subpart G, the owner is responsible for making the applicant disclosures, and the PHA is responsible for furnishing the owner's disclosures to HUD. Update reports must be submitted through the PHA by the owner.

B. Part II. Threshold Determinations — Applicants Only

Part II contains information to help the applicant determine whether the remainder of the form must be completed. **Recipients filing Update Reports should not complete this Part.**

1. The first question asks whether the applicant meets the Nature of Assistance and Dollar Threshold requirements set forth in Section I.C.1. above.

If the answer is Yes, the applicant must complete the remainder of the form. If the answer is No, the form asks the applicant to certify that its response is correct, and to complete the next question.

2. The second question asks whether the application is for a specific housing project that involves other government assistance, as described in Section I.C.2. above.

If the answer is Yes, the applicant must complete the remainder of the form. If the answer is No, the form asks the applicant to certify that its response is correct.

If the answer to both questions1 and 2 is No, the applicant need not complete Parts III, IV, or V of the report, but must sign the certification at the end of the form.

C. Part III. Other Government Assistance.

This Part is to be completed by both applicants filing applicant disclosure reports and recipients filing update reports. Applicants must report any other government assistance involved in the project or activity for which assistance is sought. Recipients must report any other government assistance involved in the project or activity, to the extent required under Section I.D.1., 2., or 3., above.

Other government assistance is defined in note 5 on the last page. For purposes of this definition, other government assistance is expected to be made available if, based on an assessment of all the circumstances involved, there is reasonable grounds to anticipate that the assistance will be forthcoming.

Both applicant and recipient disclosures must include all other government assistance involved with the HUD assistance, as well as any other government assistance that was made available before the request, but that has continuing vitality at the time of the request. Examples of this latter category include tax credits that provide for a number of years of tax benefits, and grant assistance that continues to benefit the project at the time of the assistance request.

The following information must be provided:

1. Enter the name and address, city, State, and zip code of the government agency making the assistance available. Include at least one organizational level below the agency name. For example, U.S. Department of Transportation, U.S. Coast Guard; Department of Safety, Highway Patrol.

2. Enter the program name and any relevant identifying numbers, or other means of identification, for the other government assistance.

3. State the type of other government assistance (e.g., loan, grant, loan insurance).

4. Enter the dollar amount of the other government assistance that is, or is expected to be, made available with respect to the project or activities for which the HUD assistance is sought (applicants) or has been provided (recipients).

If the applicant has no other government assistance to disclose, it must certify that this assertion is correct.

To avoid duplication, if there is other government assistance under this Part and Part V, the applicant/recipient should check the appropriate box in this Part and list the information in Part V, clearly designating which sources are other government assistance.

D. Part IV. Interested Parties.

This Part is to be completed by both applicants filing applicant disclosure reports and recipients filing update reports.

Applicants must provide information on:

(1) All developers, contractors, or consultants involved in the application for the assistance or in the planning, development, or implementation of the project or activity; and

(2) Any other person who has a financial interest in the project or activity for which the assistance is sought that exceeds $50,000 or 10 percent of the assistance (whichever is lower).

Recipients must make the additional disclosures refferred to in Section I.D.1.,2., or 4, above.

Note: A financial interest means any financial involvement in the project or activity, including (but not limited to) situations in which an individual or entity has an equity interest in the project or activity, shares in any profit on resale or any distribution of surplus cash or other assets of the project or activity, or receives compensation for any goods or services provided in connection with the project or activity. Residency of an individual in housing for which assistance is being sought is not, by itself, considered a covered financial interest.

The following information must be provided.

1. Enter the full names and addresses of all persons referred to in paragraph (1) or (2) of this Part. If the person is an entity, the listing must include the full name of each officer, director, and principal stockholder of the entity. All names must be listed alphabetically, and the names of individuals must be shown with their last names first.

2. Enter the Social Security Number (SSN) or Employee Identification Number (EIN), as appropriate, for each person listed.

3. Enter the type of participation in the project or activity for each person listed: i.e., the person's specific role in the project (e.g., contractor, consultant, planner, investor).

4. Enter the financial interest in the project or activity for each person listed. The interest must be expressed both as a dollar amount and as a percentage of the amount of the HUD assistance involved.

If the applicant has no persons with financial interests to disclose, it must certify that this assertion is correct.

5. Part V. Report on Sources and Uses of Funds. This Part is to be completed by both applicants filing applicant disclosure reports and recipients filing update reports.

The applicant disclosure report must specify all expected sources of funds — both from HUD and from any other source — that have been, or are to be, made available for the project or activity. Non-HUD sources of funds typically include (but are not limited to) other government assistance referred to in Part III, equity, and amounts from foundations and private contributions. The report must also specify all expected uses to which funds are to be put. All sources and uses of funds must be listed, if, based on an assessment of all the circumstances involved, there are reasonable grounds to anticipate that the source or use will be forthcoming.

Note that if any of the source/use information required by this report has been provided elsewhere in this application package, the applicant need not repeat the information, but need only refer to the form and location to incorporate it into this report. (It is likely that some of the information required by this report has been provided on SF 424A, and on various budget forms accompanying the application.) If this report requires information beyond that provided elsewhere in the application package, the applicant must include in this report all the additional information required.

Recipients must submit an update report for any change in previously disclosed sources and uses of funds as provided in Section I.D.5., above.

General Instructions — sources of funds

Each reportable source of funds must indicate:

a. The name and address, city, State, and zip code of the individual or entity making the assistance available. At least one organizational level below the agency name should be included. For example, U.S. Department of Transportation, U.S. Coast Guard; Department of Safety, Highway Patrol.

b. The program name and any relevant identifying numbers, or other means of identification, for the assistance.

c. The type of assistance (e.g., loan, grant, loan insurance).

Specific instructions — sources of funds.

(1) For programs administered by the Assistant Secretaries for Fair Housing and Equal Opportunity and Policy Development and Research, each source of funds must indicate the total amount of approved, and received; and must be listed in descending order according to the amount indicated.

(2) For programs administered by the Assistant Secretaries for Housing-Federal Housing Commissioner, Community Planning and Development, and Public and Indian Housing, each source of funds must indicate the total amount of funds involved, and must be listed in descending order according to the amount indicated.

(3) If Tax Credits are involved, the report must indicate all syndication proceeds and equity involved.

General instructions—uses of funds.

Each reportable use of funds must clearly identify the purpose to which they are to be put. Reasonable aggregations may be used, such as "total structure" to include a number of structural costs, such as roof, evevators, exterior masonry, etc.

Specific instructions -- uses of funds.

(1) For programs administered by the Assistant Secretaries for Fair Housing and Equal Opportunity and Policy Development and Research, each use of funds must indicate the total amount of funds involved; must be broken down by amount committed, budgeted, and planned; and must be listed in descending order according to the amount indicated.

(ii) For programs administered by the Assistant Secretaries for Housing-Federal Housing Commissioner, Community Planning and Development, and Public and Indian Housing, each use of funds must indicate the total amount of funds involved and must be listed in descending order according to the amount involved.

(iii) If any program administered by the Assistant Secretary for Housing-Federal Housing Commissioner is involved, the report must indicate all uses paid from HUD sources and other sources, including syndication proceeds. Uses paid should include the following amounts.

AMPO
Architect's fee — design
Architect's fee — supervision
Bond premium
Builder's general overhead
Builder's profit
Construction interest
Consultant fee
Contingency Reserve
Cost certification audit fee
FHA examination fee
FHA inspection fee

FHA MIP
Financing fee
FNMA / GNMA fee
General requirements
Insurance
Legal — construction
Legal — organization
Other fees
Purchase price
Supplemental management fund
Taxes
Title and recordingOperating deficit reserve
Resident initiative fund
Syndication expenses
Working capital reserve
Total land improvement
Total structures

Uses paid from syndication must include the following amounts:

Additional acquisition price and expenses
Bridge loan interest
Development fee
Operating deficit reserve
Resident initiative fund
Syndication expenses
Working capital reserve

Footnotes:

1. All citations are to 24 CFR Part 12, which was published in the Federal Register on March 14, 1991 at 56 Fed. Reg. 11032.
2. A list of the covered assistance programs can be found at 24 CFR §12.30, or in the rules or administrative instructions governing the program involved. Note: The list of covered programs will be updated perodically.
3. Assistance means any contract, grant, loan, cooperative agreement, or other form of assistance, including the insurance or guarantee of a loan or mortgage, that is provided with respect to a specific project or activity under a program administered by the Department. The term does not include contracts, such as procurements contracts, that are subject to the Federal Acquisition Regulation (FAR) (48 CFR Chapter 1).
4. See 24 CFR §§12.32 (a)(2) and (3) for detailed guidance on how the threshold is calculated.
5. "Other government assistance" is defined to include any loan, grant, guarantee, insurance, payment, rebate, subsidy, credit, tax benefit, or any other form of direct or indirect assistance from the Federal government (other than that requested from HUD in the application), a State, or a unit of general local government, or any agency or instrumentality thereof, that is, or is expected to be made, available with respect to the project or activities for which the assistance is sought.
6. For further guidance on this criterion, and for a list of covered programs, see 24 CFR §12.50.
7. For purposes of Part 12, a person means an individual (including a consultant, lobbyist, or lawyer); corporation; company; association; authority; firm; partnership; society; State, unit of general local government, or other government entity, or agency thereof (including a public housing agency), Indian tribe; and any other organization or group of people.

[FR Doc. 91-28594 Filed 11-27-91; 8:45 am]
BILLING CODE 4210-01-C

Office of the Assistant Secretary for Administration

[Docket No. N-91-3319]

Privacy Act of 1974; Computer Matching Program; Correction

AGENCY: Office of the Assistant Secretary for Administration, HUD.

ACTION: Notice; correction.

SUMMARY: On September 25, 1991 (56 FR 48571), the Department published a notice in the **Federal Register**, of a computer matching program between HUD and the Small Business Administration (SBA). The purpose of this document is to correct the type of loan referred to under the heading of "Records to be Matched" to indicate that SBA's data contain information on individuals who have defaulted on their "direct" loans instead of "guaranteed" loans.

FOR PRIVACY ACT INFORMATION CONTACT: Jeanette Smith, Acting Departmental Privacy Act Officer, telephone number (202) 708-2374.

FOR INFORMATION FROM RECIPIENT AGENCY CONTACT: Mary Felton, Office of Assistant Secretary for Housing-Federal Housing Commissioner, Department of Housing and Urban Development, 451 7th Street SW., Room 2118, Washington, DC 20410, telephone number (202) 708-1941.

FOR INFORMATION FROM SOURCE AGENCY CONTACT: Walter Intlekofer, Chief, Operations Assistance Branch, Office of Portfolio Management, Small Business Administration, 409 Third Street SW., Washington, DC 20416, telephone number (202) 205-6481. (These are not toll-free telephone numbers.)

SUPPLEMENTARY INFORMATION: Accordingly, FR Doc. 91-23089, published in the **Federal Register** on Wednesday, September 25, 1991 (56 FR 48571), is corrected to read as follows:

On page 48572, third column, under "Records to be Matched," the second paragraph, in the ninth line, change the word "guaranteed" to "direct." This sentence should now read, "***SBA's data contain information on individuals who have defaulted on their direct loans***"

Issued at Washington, DC, November 21, 1991.

Jerry R. Pierce,

Deputy Assistant Secretary for Finance and Management.

[FR Doc. 91-28555 Filed 11-27-91; 8:45 am]

BILLING CODE 4210-01-M

Office of the Assistant Secretary for Community Planning and Development

[Docket No. N-91-1917; FR-2934-N-54]

Federal Property Suitable as Facilities To Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

ADDRESS: For further information, contact James N. Forsberg, room 7262, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410; telephone (202) 708-4300; TDD number for the hearing- and speech-impaired (202) 708-2565 (these telephone numbers are not toll-free), or call the toll-free title V information line at 1-800-927-7588.

SUPPLEMENTARY INFORMATION: In accordance with 24 CFR 581 and section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended, HUD is publishing this Notice to identify Federal buildings and other real property that HUD has reviewed for suitability for use to assist the homeless. The properties were reviewed using information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus Federal property. This Notice is also published in order to comply with the December 12, 1988 Court Order in *National Coalition for the Homeless* v. *Veterans Administration*, No. 88-2503-OG (D.D.C.).

Properties reviewed are listed in this Notice according to the following categories: Suitable/available, suitable/unavailable, suitable/to be excess, and unsuitable. The properties listed in the three suitable categories have been reviewed by the landholding agencies, and each agency has transmitted to HUD: (1) Its intention to make the property available for use to assist the homeless, (2) its intention to declare the property excess to the agency's needs, or (3) a statement of the reasons that the property cannot be declared excess or made available for use as facilities to assist the homeless.

Properties listed as suitable/available will be available exclusively for homeless use for a period of 60 days from the date of this Notice. Homeless assistance providers interested in any such property should send a written expression of interest to HHS, addressed to Judy Breitman, Division of Health Facilities Planning, U.S. Public Health Service, HHS, room 17A-10, 5600 Fishers Lane, Rockville, MD 20857; (301) 443-2265. (This is not a toll-free number.) HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit their written expressions of interest as soon as possible. For complete details concerning the processing of applications, the reader is encouraged to refer to the interim rule governing this program, 56 FR 23789 (May 24, 1991).

For properties listed as suitable/to be excess, that property may, if subsequently accepted as excess by GSA, be made available for use by the homeless in accordance with applicable law, subject to screening for other Federal use. At the appropriate time, HUD will publish the property in a Notice showing it as either suitable/available or suitable/unavailable.

For properties listed as suitable/unavailable, the landholding agency has decided that the property cannot be declared excess or made available for use to assist the homeless, and the property will not be available.

Properties listed as unsuitable will not be made available for any other purpose for 20 days from the date of this Notice. Homeless assistance providers interested in a review by HUD of the determination of unsuitability should call the toll free information line at 1-800-927-7588 for detailed instructions or write a letter to James N. Forsberg at the address listed at the beginning of this Notice. Included in the request for review should be the property address (including zip code), the date of publication in the **Federal Register**, the landholding agency, and the property number.

All properties in this week's Notice are located on Air Force bases that are being closed pursuant to the 1988 Base closure and Realignment Act. The Department of the Air Force is the landholding and disposal agency. For more information regarding particular properties identified in this Notice (*i.e.*, acreage, floor plan, existing sanitary facilities, exact street address), providers should contact: U.S.Air Force: John Carr, Realty Specialist, HQAFBDA/BDR, Pentagon, Washington, DC 20330-5130; (703) 693-0674; (This is not a toll-free number.)

Correction: The notice published on November 22, 1991 listed property numbers 419030009 and 419030010 incorrectly. The properties have been reported excess to GSA.

Dated: November 22, 1991.

Paul Roitman Bardack,

Deputy Assistant Secretary for Economic Development.

Title V, Federal Surplus Property Program Federal Register Report For 11/29/91

California—George Air Force Base

George Air Force Base is located in San Bernardino County, California, 92394–5000. All the properties will be excess to the needs of the Air Force on or about December 31, 1992. Properties shown below as suitable/available will be available at that time. The Air Force has advised HUD that some properties may be available for interim lease for use to assist the homeless prior to that date.

The Base covers 5,340 acres and contains 732 individual properties that have been reviewed by HUD for suitability for use to assist the homeless. The 666 properties that HUD has determined suitable and which are available include various types of housing; office and administrative buildings; recreational, maintenance, and storage facilities; and other more specialized structures.

Suitable/Available Properties

Property Numbers: 199120001–199120420
Type Facility: Housing—420 buildings with a total of 1,636 dwelling units; buildings have 1, 2, 3, 4, 6, or 8 units each; wood/stucco frame construction; possible asbestos
Property Numbers: 199120421–199120467, 199120470–199120473
Type Facility: Office/administration—51 buildings ranging in size from 200 sq. ft. on 1 floor to 56,800 sq. ft. on 3 floors; wood or concrete block construction; several trailers; possible asbestos
Property Numbers: 199120474–199120483, 199120485–199120505
Type Facility: Recreation—21 buildings and 10 parcels of land, including theatre, recreation center, bowling center, gym, library, craft center, shop, youth center, golf course buildings, pools, bathhouses; 7 baseball, softball, and soccer fields; track; golf course; driving range; possible asbestos
Property Numbers: 199120506–199120508, 199120511–199120520, 199120527–199120547
Type Facility: Temporary living quarters, dorms, lodges, and ancillary sheds—34 buildings; 1 and 2 story wood, concrete, and concrete block structures; 4700 sq. ft. to 25000 sq. ft. for living quarters; 380 sq. ft. to 2400 sq. ft. for sheds; possible asbestos
Property Numbers: 199120548–199120587
Type Facility: Aircraft and airport related facilities—40 structures including hangers, shops, tower, terminal, lab, docks, storage, control center, navigation station, runways; sizes up to 86,000 sq. ft.; possible asbestos
Property Numbers: 199120588–199120597, 199120599–199120608
Type Facility: Maintenance and engineering facilities—20 buildings; concrete and wood; 200 sq. ft. to 17,000 sq. ft.; possible asbestos
Property Numbers: 199120609–199120618
Type Facility: Training facilities—10 buildings; education center and 9 classroom buildings; concrete and wood; 1200 sq. ft. to 16,800 sq. ft.; possible asbestos
Property Numbers: 199120619–199120630
Type Facility: Stores and services—12 buildings; 10 stores and 2 gas stations; wood and concrete; 1800 sq. ft. to 30,700 sq. ft.; possible asbestos
Property Numbers: 199120631–199120632
Type Facility: Chapels—2 buildings; 4800 sq. ft. wood; 24,100 sq. ft. concrete; possible asbestos
Property Number: 199120633
Type Facility: Hospital—3 story, concrete block, 147,000 sq. ft.; possible asbestos
Property Numbers: 199120634–199120635
Type Facility: Fire facilities—2 buildings; fire station and command center; possible asbestos
Property Numbers: 199120636–199120638
Type Facility: Audio visual and photo lab—3 buildings; wood and concrete; 1800 sq. ft. to 2300 sq. ft.; possible asbestos
Property Numbers: 199120639–199120645
Type Facility: Vehicle shops—7 buildings; concrete; 74 sq. ft. to 33,000 sq. ft.; possible asbestos
Property Numbers: 199120646–199120655
Type Facility: Misc.—10 buildings; wood and concrete; 1 story; dining halls, mess halls, food service, child care centers; 1800 sq. ft. to 19,000 sq. ft.; possible asbestos
Property Numbers: 199120656–199120666
Type Facility: Communications/electronic—11 buildings; concrete block and wood; 1 story shops and sheds; 108 sq. ft. to 10,200 sq. ft.; possible asbestos
Property Numbers: 199120667–199120678
Type Facility: Warehouses—12 buildings; 1124 sq. ft. to 70,000 sq. ft.; wood, concrete, and concrete block; possible asbestos

Suitable/Unavailable Properties

Property Numbers: 199120468–199120469
Type Facility: Office—2 one story wood structures; possible asbestos
Property Number: 199120484
Type Facility: Recreation—one story wood structure; possible asbestos
Property Numbers: 199120509–199120510, 199120521–199120526
Type Facility: Temporary living quarters—8 one story wood structures; possible asbestos
Property Number: 199120598
Type Facility: Maintenance and engineering—one story wood structure; possible asbestos

Unsuitable Properties

Property Number: 199120679
Type Facility: Small arms
Reason: Within 2000 ft. of flammable or explosive material
Property Numbers: 199120680–199120687
Type Facility: Hazardous storage facilities—8 buildings
Reason: Within 2000 ft. of flammable or explosive material
Property Numbers: 199120688–199120713
Type Facility: Explosives and munitions facilities—26 buildings
Reason: Within 2000 ft. of flammable or explosive materials
Property Numbers: 199120714–199120732
Type Facility: Fuel facilities—19 structures
Reason: Within 2000 ft. of flammable or explosive materials

California—Mather Air Force Base

Mather Air Force Base is located in Sacramento County, California, 95655. The five properties listed below were reported as unutilized in 1990. Approximately 1,400 other properties at the Base will be reviewed for suitability for use to assist the homeless on or about January 1992.

Unsuitable Properties

Property Numbers: 189010606–189010608, 189030001
Type Facility: 4 Buildings, Nos. 3686, 3494, 2566, 1766
Reason: Secured area
Property Number: 189010609
Type Facility: Vacant land
Reason: Secured area

Illinois—Chanute Air Force Base

Chanute Air Force Base is located in Rantoul, Champaign County, Illinois, 61866. The 123 properties listed below were reported excess to the needs of the Air Force in 1990. They are presently vacant and available for application for use to assist the homeless. The remainder of the approximately 800 properties at the Base will be reviewed for suitability for use to assist the homeless on or about January 1992.

Suitable/Available Properties

Property Numbers: 189030224–189030301
Type Facility: Housing (Chapman Courts)—78 2–unit residential buildings; wood frame; termite damage; need major rehab; possible asbestos; possible easement restrictions.
Property Numbers: 189030302–189030312
Type Facility: Housing (Chapman Courts)—11 4–unit residential buildings; wood frame; termite damage; need major rehab; possible asbestos; possible easement restriction.
Property Numbers: 189030313–189030342
Type Facility: Housing (Chapman Courts)—30 1–unit residential buildings; wood frame; termite damage; need major rehab; possible asbestos; possible easement restriction.
Property Number: 189030343
Type Facility: Administrative (Chapman Courts, Bldg. 5) 2707 sq. ft.; 1 story wood frame; termite damage; possible asbestos; needs major rehab; possible easement restriction.
Property Number: 189030344
Type Facility: Warehouse (Bldg. 732)—13336 sq. ft.; 2 story wood frame; needs structural repairs.

Property Number: 189030345
Type Facility: Band facility (Bldg. 118)—3996 sq. ft.; 1 story wood frame; needs structural repairs.
Property Number: 189030346
Type Facility: Cold storage (Bldg. 107)—17118 sq. ft.; 1 story wood frame; needs rehab; potential utilities.

New Hampshire—Pease Air Force Base

Pease Air Force Base is located in Rockingham County, New Hampshire, 03803. The Base covers 4,257 acres and includes a hospital, theatre, bowling alley, 2 chapels, over 2,000 bachelor bed spaces, and 1,200 military multifamily housing units. The New Hampshire Air National Guard is expected to continue operations on a portion of the Base. HUD has reviewed information on 798 properties located at the Base and has found 689 to be suitable for possible use to assist the homeless. All suitable/available properties listed below are vacant.

Suitable/Available Properties

Property Number: 189040320–189040323
Type Facility: 3 open mess and 1 dining hall
Property Number: 189040324
Type Facility: Credit union building
Property Numbers: 189040325 –189040326
Type Facility: 2 bachelor quarters buildings
Property Number: 189040327
Type Facility: Hospital heat plant
Property Number: 189040328
Type Facility: Hospital
Property Number: 189040329
Type Facility: Trailer (hospital office space)
Property Numbers: 189040330–198040322
Type Facility: 3 training facilities
Property Numbers: 189040333–198040334
Type Facility: 2 child care facilities
Property Number: 189040335
Type Facility: Fire station
Property Numbers: 189040059–189040319
Type Facility: 261 4–unit residences
Property Numbers: 189040347, 189040349
Type Facility: 2 sales stores
Property Number: 189040350
Type Facility: Commissary
Property Numbers: 189040351–189040352
Type Facility: 2 chapels
Property Number: 189040383
Type Facility: Single family residence
Property Number: 189040384
Type Facility: Rod and gun club
Property Number: 189040385
Type Facility: Motor pool
Property Numbers: 189040386–189040394
Type Facility: 9 dormitories
Property Numbers: 189040395 –189040404
Type Facility: 10 residences with detached garage
Property Numbers: 189040405–189040467
Type Facility: 63 2–unit residences with detached garage
Property Numbers: 189040468–189040471
Type Facility: 4 6–unit residences with attached garage
Property Numbers: 189040472–189040715
Type Facility: 244 detached housing storage sheds
Property Numbers: 189040720, 189040721, 189040726
Type Facility: 3 communications facilities
Property Numbers: 189040734–189040742
Type Facility: 9 recreational facilities, including library, bowling center, theatre, gymnasium, youth center, bath house, and automotive shop
Property Numbers: 189040743–189040751
Type Facility: 9 small concrete munitions storage buildings
Property Numbers: 189040752–189040771
Type Facility: 20 administrative facilities
Property Numbers: 189040773–189040788 189040790–189040793 189040795–189040805
Type Facility: 31 miscellaneous buildings used for office, administrative, educational, laboratory, traffic check, storage, maintenance, and other purposes
Property Number: 189010534
Type Facility: Bldg. 8, Newington Road
Property Number: 189010535
Type Facility: Temp. lodging facility, Bldg. 94, Rockingham Drive

Unsuitable Properties

Property Number: 189040360
Type Facility: Golf course
Reason: Within airport runway clear zone
Property Number: 189010536
Type Facility: Vehicle fuel station
Reason: Within 2000 ft. of flammable or explosive material
Property Numbers: 189010537, 189010538
Type Facility: Jet fuel pumphouses
Reason: Within 2000 ft. of flammable or explosive material
Property Number: 189010539
Type Facility: Weapons storage area
Reason: Within 2000 ft. of flammable or explosive material
Property Numbers: 189040336–189040346
Type Facility: Family housing, Bldgs. 369–371, 373–375, 377–380, 382
Reason: Within airport runway clear zone
Property Number: 189040348
Type Facility: Service station
Reason: Other
Property Numbers: 189040353–189040359
Type Facility: Bldgs. 398–401, 403, 405, 407
Reason: Within airport runway clear zone
Property Numbers: 189040361–189040373
Type Facility: Industrial facilities
Reason: Within 2000 ft. of flammable or explosive material
Property Numbers: 189040374–189040382, 189040727–189040733
Type Facility: Aircraft operations buildings
Reason: Within 2000 ft. of flammable or explosive material
Property Numbers: 189040716–189040719
Type Facility: Utility plants
Reason: Other
Property Numbers: 189040722–189040725
Type Facility: Communications facilities
Reason: Within 2000 ft. of flammable or explosive material
Property Numbers: 189040772, 189040794
Type Facility: Bus shelters
Reason: Other
Property Number: 189040789
Type Facility: Utility station
Reason: Other
Property Numbers: 189040806, 189040808, 189040825–189040829
Type Facility: Sewage pump stations
Reason: Other
Property Numbers: 189040807, 189040809, 189040814, 189040819–189040820, 189040822–189040824
Type Facility: Pump stations
Reason: Other
Property Numbers: 189040810–189040813, 189040815–189040818, 189040821, 189040830–189040851
Type Facility: Power stations
Reason: Other

Maine—Loring Air Force Base

Suitable/Available Properties

Buildings

Bldgs. 1–16
Family Housing Annex, Loring Air Force Base
U.S. Route #1
Caswell, NE, Aroostook, Zip: 04750–
Federal Register Notice Date: 11/29/91
Property Numbers: 189010590–189010605
Status: Excess
Comment: 1116 sq. ft. each; 1 story frame residence; no utilities; asbestos and radon tests pending; fuel tanks removed; sewage line needs repair.

Colorado—Lowry Air Force Base

Suitable/Available Properties

Land

NTMU—Partial Area
Lowry Air Force Base
Denver, CO, Denver, Zip: 80230–5000
Federal Register Notice Date: 11/29/91
Property Number: 189010254
Status: Excess
Location: West of Aspen Terr. housing area and South of (AFAFC) along the base boundary
Comment: Approximately 20 acres; sloping parts in the area.

[FR Doc. 91–28557 Filed 11–27–91; 8:45 am]
BILLING CODE 4210–29–M

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

[Docket No. N–91–3258; FR–2948–N–02]

Nehemiah Housing Opportunity Grants; Announcement of Funding Awards

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

ACTION: Announcement of funding awards.

SUMMARY: In accordance with section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989, this document notifies the public of funding awards made under the Nehemiah Housing Opportunity Grants Program (NHOP). The purpose of this document is to announce the names and addresses of the award winners and the amount of the awards to be used to enable

nonprofit organizations to provide loans to families purchasing homes that are constructed or substantially rehabilitated in accordance with a HUD-approved program.

FOR FURTHER INFORMATION CONTACT: Morris E. Carter, Director, Single Family Development Division, Office of Insured Single Family Housing, Department of Housing and Urban Development, room 9272, 451 Seventh Street SW., Washington, DC 20410, telephone (202) 708–2700. A telecommunications device for hearing impaired persons (TDD) is available at (202) 708–4594. (These are not toll-free telephone numbers.)

SUPPLEMENTARY INFORMATION: Title VI of the Housing and Community Development Act of 1987 (Pub. L. 100–242, approved February 5, 1988) established the Nehemiah Housing Opportunities Grants Program (NHOP). On May 22, 1989, HUD published a final rule establishing the requirements for NHOP at 54 FR 22248. This final rule became effective on July 13, 1989. Section 289 of the Cranston-Gonzalez National Affordable Housing Act (approved November 28, 1990, Pub. L. 101–625) terminated the Nehemiah program, effective October 1, 1991.

Organizations funded under NHOP will make loans to eligible low to moderate-income families to purchase homes in selected neighborhoods. The program is designed to encourage homeownership by families who otherwise would not be able to afford homeownership; to help rebuild depressed areas of cities and create sound and attractive neighborhoods; and to increase employment opportunities of residents of these neighborhoods.

A loan to a family cannot exceed $15,000 and will be secured by a second mortgage held by HUD on the property. The loans are interest-free and are repayable to HUD upon the sale, lease or other transfer of the property. To be eligible for the program, families must not have an income higher than the median income in the area, and cannot have owned a home during the three years before purchase.

The non-profit organizations will develop the homes, which must be constructed or substantially rehabilitated in accordance with a HUD-approved program. The homes are required to be located in neighborhoods where the median income is 80% or less of the area median income.

On May 20, 1991 (56 FR 23180), the Department announced the availability of $39.1 million in funds, of which $35 million was appropriated for NHOP in the Departments of Veterans Affairs, and Housing and Urban Development, and Independent Agencies Appropriations Act of 1991, (approved November 9, 1989 Pub. L. 101–507), and $4.1 million was carried over from FY 1990. Applications for funding, which were due July 26, 1991, were reviewed and evaluated based on the criteria in the final rule. As a result, HUD has awarded 16 non-profit organizations $20.1 million in 17 grants to be used as loans to eligible low to moderate-income families to purchase homes in selected neighborhoods. Awards have been made only to those applicants who met the threshold requirements of the selection criteria. Therefore, all of the available funds have not been awarded.

In accordance with section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989 (Pub. L. 101–235, approved December 15, 1989), the Department is publishing details concerning the recipients of these awards, as follows:

NEHEMIAH HOUSING OPPORTUNITY GRANTS (1991)

Location	Project name	Applicant	Applicant address	Total	Number of units
Luquillo, PR	Estancias De Brisas, Del Mar I.	Rural Rental Foundation of PR Corporation.	452 Ponce De Leon Avenue, Suite 506, Hato Rey, PR 00919.	$1,695,000	113
Luquillo, PR	Estancias De Brisas, Del Mar I.	Rural Rental Foundation of PR Corporation.	452 Ponce De Leon Avenue, Suite 506, Hato Rey, PR 00919.	615,000	41
Cleveland, OH	Cleveland Nehemiah Program.	New Village Corporation	6516 Detroit Avenue, Suite 5, Cleveland, OH 44102.	900,000	60
Durham, NC	Rolling Hills II	Southeast Durham Development Corp	511 Grant Street, Durham, NC 27701	840,000	56
Camden, NJ	Camden Homeowner Initiative.	Camden Co. Housing Association, Inc	6981 N. Park Drive, East Bldg, Suite 3, Pennsauken, NJ 08109.	540,000	36
Capitol Hgts., MD	Hutchinson Nehemiah Development.	IAC/Enterprise Nehemiah Development, Inc.	810 American City Bldg., Columbia, MD 21044.	2,175,000	150
Baltimore, MD	East Baltimore Nehemiah Development.	HAC/Enterprise Nehemiah Development, Inc.	810 American City Bldg., Columbia, MD 21044.	1,232,500	85
Cincinnati, OH	Cincinnati Housing Partners, Inc.	Cincinnati Housing Partners, Inc	3329 Glenmore Avenue, Cincinnati, OH 45211.	675,000	45
Fort Worth, TX	Liberation Housing	Liberation Community Inc	3540 E. Rosedale, Ft. Worth, TX 76105	600,000	40
Pittsburgh, PA	Crawford Square	Hill Community Development Corporation	2015-2017 Centre Avenue, Pittsburgh, PA 15219.	585,000	39
Columbus, OH	Capitol View Estates	Athens Housing Partnership, Inc	692 N. High Street, Suite 205, Columbus, OH 43215.	840,000	56
Providence, RI	Nehemiah Housing Opportunity Grant.	Omni Development Corp	391 Pine Street, Providence, RI 02903	3,750,000	250
Pontiac, MI	East Park Homes	Oakland Community Housing Corporation	Quality Community Housing Corporation, 149 Branch Street, Pontiac, MI 48341.	1,200,000	80
Tacoma, WA	Hilltop In-fill Housing Program.	Upper Tacoma Renaissance Association	1023 South K. Street, Tacoma, WA 98405.	750,000	50
Muncie, IN	Include Chapter III-B	Industry Neighborhood Council, Inc	1121 E. 7th Street, Muncie, IN 47302	225,000	15
Philadelphia, PA	Poplar Enterprise Nehemiah.	Poplar Enterprise Development Corporation.	325 Chestnut Street, Suite 719, Philadelphia, PA 19106.	3,075,000	205
Milwaukee, WI	Triangle Park Development.	Milwaukee United for Better Housing	4011 West Capitol Drive, Milwaukee, WI 53216.	480,000	32
Total				20,177,500	1,353

Dated: November 21, 1991.

Arthur J. Hill,

Assistant Secretary for Housing-Federal Housing Commissioner.

[FR DOC. 91-28556 FILED 11-27-91; 8:45 am]

BILLING CODE 4210-27-M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[WO-650-4120-24 1A]

Regional Coal Team; Reestablishment

This notice is published in accordance with section 9(a)(2) of the Federal Advisory Committee Act (5 U.S.C. appendix (1982)). Following consultation with the General Services Administration, notice is hereby given that the Secretary of the Interior (Secretary) is reestablishing the Uinta-Southwestern Utah Regional Coal Team (RCT). The RCT is an independent subcommittee of the Federal-State Coal Advisory Board whose charter was renewed by the Secretary on October 30, 1990. As such, the RCT will, in developing its recommendations and advice for the Secretary, guide all phases of the coal activity planning process in its region and will provide advice to the Secretary, through the Director, Bureau of Land Management, on regional coal leasing levels, and on regional coal lease sale schedules and the tracts to be offered.

Further information may be obtained from Dan Wedderburn, (202) 208-3258, Bureau of Land Management (650), U.S. Department of the Interior, 1849 C Street, NW., Washington, DC 20240.

The certification of reestablishment is published below.

Certification

I hereby certify that the reestablishment of the Uinta-Southwestern Utah Regional Coal Team is necessary and in the public interest in connection with the performance of duties imposed on the Department of the Interior by those statutory authorities listed in 43 CFR 3400.0-3 and by Departmental policy for Federal-State cooperation concerning the Federal coal management program.

Dated: September 30, 1991.

Manuel Lujan, Jr.,

Secretary of the Interior.

[FR Doc. 91-28633 Filed 11-27-91; 8:45 am]

BILLING CODE 4310-84-M

Bureau of Land Management

[AZA-25360-A007

Receipt of Conveyance of Mineral Interest Application

Notice is hereby given that pursuant to section 209 of the Act of October 21, 1976, 90 Stat. 2757, Sturm Ruger & Co. has applied for conveyance of the mineral estate described as follows:

Gila and Salt River Base and Meridian, Yavapai County, Arizona

T. 12 N., R. 5 W.,
Sec. 25, All;
Sec. 26, E2;
Sec. 33, All;
Sec. 34, All;
Sec. 35, All;

The mineral interest will be conveyed in whole or in part upon favorable mineral examination.

The purpose is to allow consolidation of surface and subsurface ownership for instances where the reservation of ownership on the mineral interest in the Unite States interferes with or precludes appropriate non-mineral development of the lands and such development would be a more beneficial use of the lands than its mineral development.

Upon publication of this Notice of Segregation in the **Federal Register** as provided in 43 CFR 2720.1-1(b), the mineral interests owned by the United States in the private lands covered by the application shall be segregated to the extent that they will not be subject to appropriation under the mining and mineral leasing laws. The segregative effect of the application shall terminate by publication of an opening order in the **Federal Register** specifying the date and time of opening; upon issuance of a patent or other document of conveyance to such mineral interests, upon final rejection of the application or two years from the date of application, June 27, 1991, whichever occurs first.

FOR FURTHER INFORMATION CONTACT: Vivian M. Reid, Phoenix District Officer, 2015 West Deer Valley Rd., Phoenix, Arizona 85027.

Dated: November 20, 1991.

Henri R. Bisson,

District Manager.

[FR Doc. 91-28625 Filed 11-27-91; 8:45 am]

BILLING CODE 4310-32-M

[OR 47699, OR 47700; OR-080-02-4212-14: GP2-057]

Realty Action; Proposed Modified Competitive Sale

Dated: November 20, 1991.

The following described public lands have been examined and determined to be suitable for transfer out of Federal ownership by modified competitive sale under the authority of sections 203 and 209 of the Federal Land Policy and Management Act of 1976, as amended (90 Stat. 2750; 43 U.S.C. 1713 and 90 Stat. 2757; 43 U.S.C. 1719), at not less than the appraised fair market value:

Willamette Meridian, Oregon

T. 4 S., R. 2 E.,
Sec. 33, Lots 1 and 2.

Lot 1 (OR 47699) contains 0.10 acre and Lot 2 (OR 47700) contains 1.70 acres. Both parcels are located in Clackamas County.

The parcels will not be offered for sale until at least 60 days after publication of this notice in the **Federal Register**. The fair market value of the parcels have not yet been determined. Anyone interested in knowing the amounts may request this information from the address shown below.

The above-described lands are hereby segregated from appropriation under the public land laws, including the mining laws, but not from sale under the above-cited statute, for 270 days or until title transfer is completed or the segregation is terminated by publication in the **Federal Register**, whichever occurs first.

The parcels are difficult and uneconomic to manage as part of the public lands and are not suitable for management by another Federal department or agency. No significant resource values will be affected by this transfer. Because of the parcels' relative small size, lack of access, and susceptibility to flooding, the best use of both parcels is to merge them with an adjoining ownership. Use of modified competitive sale procedures will avoid an inappropriate land ownership pattern. The sale is consistent with the Eastside Management Framework Plan and the public interest will be served by offering this land for sale.

The parcel described as Lot 1 is being offered only to the following three adjoining landowners using modified competitive sale procedures authorized under 43 CFR 2711.3-2: David J. Clark (owner of Tax Lot 406, Map 4 2E 34), James Kenneth Wallace (owner of Tax Lots 700 and 900, Map 4 2E 33), and Ray Olsen (owner of Tax Lot 2600, Map 4 2E 28).

The parcel described as Lot 2 is being offered only to the following three adjoining landowners using modified competitive sale procedures authorized under 43 CFR 2711.3-2: James M. and Betty Irene Sanderson (owners of Tax Lot 500, Map 4 2E 34), Cornelius T. and Laura G. Merrill, (owners of Tax Lot

1100, Map 4 2E 33), and James Kenneth Wallace (owner of Tax Lot 900, Map 4 2E 33).

Sealed written bids, delivered or mailed, must be received by the Bureau of Land Management, Salem District Office, 1717 Fabry Road SE, Salem, Oregon 97306, prior to 11 a.m. on Wednesday, April 22, 1992. A separate written bid must be submitted for each parcel. Each written bid must be accompanied by a certified check, postal money order, bank draft or cashier's check, made payable to USDI—Bureau of Land Management, for not less than the appraised value and shall be enclosed in a sealed envelope clearly marked, in the lower left hand corner, "Bid for Public Land Sale OR _____, April 22, 1992". The written sealed bids will be opened and declared at the sale.

The Terms, Conditions, and Reservations Applicable to the Sale are as Follows

1. The high bidder will be required to submit proof that he is a U.S. citizen and is at least 18 years of age or more.

2. The mineral interests being offered for conveyance have no known mineral value. A bid will also constitute an application for conveyance of the mineral estate, in accordance with section 209 of the Federal Land Policy and Management Act. All qualified bidders must include with their bid a nonrefundable $50.00 filing fee for the conveyance of the mineral estate.

3. The sale will be subject to:

a. Rights-of-way for ditches or canals will be reserved to the United States under 43 U.S.C. 945.

b. The patent will be issued subject to all valid existing rights and reservations of record.

c. A restrictive covenant running with the land, that the land may be used only for farming and ranching purposes but not for farm dwellings or buildings.

If the lands identified in this notice are not sold, they will be offered on a continuing basis until sold or until May 27, 1992. Sealed bids will be accepted at the Salem District Office during regular business hours. To be considered, bids must be received by 11 a.m. on the day of the bid opening.

Detailed information concerning the sale is available for review at the Salem District Office, address above.

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 Clackamas Area Manager, Salem District Office, at the above address. Any diverse comments will be reviewed by the Salem District Manager, who may sustain, vacate, or modify this realty action. In the absence of any adverse comments, this realty action will become the final determination of the Department of the Interior.

Elena C. Daly,

Clackamas Area Manager.

[FR Doc. 91-28626 Filed 11-27-91; 8:45 am]

BILLING CODE 4310-33-M

[CA-940-4214-10; CACA 28855]

California; Notice of Proposed Withdrawal Correction

In notice document 91-24959 beginning of page 52052 in the issue f October 17, 1991, make the following correction: On page 52053 in the first column, line 8 from the top which reads "Sec. 30, lots 4, 8, 9, 10, 15, 16, 17, and 18," is hereby corrected to read "Sec. 30, lots, 4, 8, 9, 10, 15, 16, 17, and N½ lot 18,".

Dated: November 20, 1991.

Nancy J. Alex,

Chief, Lands Section.

[FR Doc. 91-28624 Filed 11-27-91; 8:45 am]

BILLING CODE 4310-40-M

Fish and Wildlife Service

Receipt of Applications for Permits

The following applicants have applied for permits to conduct certain activities with endangered species. This notice is provided pursuant to section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, *et seq.*):

PRT-763484

Applicant: San Antonio Zoological Gardens, San Antonio, TX.

The applicant requests a permit to import two captive-born female black-footed cats (*Felis nigripes*) from the Wassenaar Wildlife Breeding Centre, Wassenaar, Holland, for the purpose of breeding and exhibition.

PRT-763487

Applicant: San Diego Zoological Society, San Diego, CA.

The applicant requests a permit to import two captive-born female tigers (*Panthera tigris*) from the Malacca Zoo, Kuala Lumpur, Malaysia, for breeding purposes.

PRT-763489

Applicant: San Diego Zoological Society, San Diego, CA.

The applicant requests a permit to import blood and tissue samples taken from two male and one female captive-born Baird's tapirs (*Tapirus bairdi*), and blood and tissue samples from four male and three female baird's tapirs, of wild origin, for scientific research. All animals are currently being held at the Summit Zoological Gardens in Panama City and the La Escondida Zoo in David, Panama.

PRT-758148

Applicant: Riverbanks Zoological Park, Columbia, SC.

The applicant requests a permit to export up to seventy-five captive-hatched Rothschild's starlings(=Bali myna) (*Leucopsar rothschildi*) to the Taman Mini Bird Park, Indonesia, for captive propagation and educational purposes. These birds will be captive-hatched at various U.S. zoos. Exportation to occur in multiple shipments over a two year period.

PRT-760761

Applicant: Richard Schubot, Loxahatchie, FL.

The applicant requests a permit to reexport one pair of wild-caught Cuban amazon parrots (*Amazona l. leucocephala*) to Speedwell Bird Sanctuary, Kelowna, B.C., Canada, for enhancement of propagation of the species.

PRT-762908

Applicant: Graham Worthy, Galveston, TX.

The applicant requests a permit to import blubber samples taken from up to 20 salvaged specimens of vaquita (*Phocoena sinus*) for the purpose of scientific research.

PRT-763097

Applicant: Duke University Primate Center, Durham, NC.

The applicant requests a permit to import one male and one female wild-caught Lake Alaotra bamboo lemur (*Hapalemur griseus alaotrensis*) from Jersey Wildlife Preservation Trust for captive propagation purposes. These two specimens are on loan to Jersey Wildlife Preservation Trust from the Madagascan government for captive propagation purposes.

PRT-763321

Applicant: Bear Country U.S.A., Rapid City, SD.

The applicant requests a permit to import three captive-born male woods bison (*Bison bison athabascae*) for display and captive-breeding for enhancement of propagation and survival of the species.

PRT-761678

Applicant: Institute for Herpetological Research, Stanford, CA.

The applicant requests a permit to import 2 male and 3 female Madagascar radiate tortoise (*Geochelone radiata*) of wild origin from the Jersey Wildlife Preservation Trust, United Kingdom for the purpose of enhancement of propagation and survival of the species.

PRT-762752

Applicant: Leland David Jung, Bringham City, UT.

The applicant requests a permit to import a captive hatched American peregrin falcon (*Falco peregrinus anatum*) from John Lejeune, Canada for the purpose of captive propagation.

PRT-760405

Applicant: The Hawthorn Corporation, Grayslake, IL.

The applicant requests a permit to import two males and one female captive-born tigers (*Panthera tigris*) from Germany. These tigers are the progeny of the applicant's own tigers that are currently performing in Germany. The tigers will be imported for purposes of captive breeding and exhibition. In the future, the applicant will export and re-import these animals for the same purposes.

PRT-757000

Applicant: National Institutes of Health, NCI, Frederick, MD.

The applicant requests a permit to import blood, serum, and tissue samples from live captive-held cheetahs (*Acinonyx jubatus*) and from captive-held cheetahs that died in captivity at the Metropolitan Toronto Zoo, Ontario, Canada. Samples will be used for genetic scientific studies.

Documents and other information submitted with these applications are available to the public during normal business hours (7:45 am to 4:15 pm) room 432, 4401 N. Fairfax Dr., Arlington, VA 22203, or by writing to the Director, U.S. Office of Management Authority, P.O. Box 3507, Arlington, Virginia 22203–3507.

Interested persons may comment on any of these applications within 30 days of the date of this publication by submitting written views, arguments, or data to the Director at the above address. Please refer to the appropriate PRT number when submitting comments.

Dated: November 22, 1991.

Maggie Tieger,

Acting Chief, Branch of Permits, U.S. Office of Management Authority.

[FR Doc. 91–28589 Filed 11–27–91; 8:45 am]

BILLING CODE 4310-55-M

National Park Service

Lakeshore Road Reconstruction; Lake Mead National Recreation Area; Availability of Draft Environmental Impact Statement

SUMMARY: In accordance with Section 102 (2) (C) of the National Environmental Policy Act of 1969, Public Law 91–190, the National Park Service has prepared a Draft Environmental Impact Statement (DEIS) on the proposed improvement of Lakeshore Road, Lake Mead National Recreation Area, Clark County, Nevada.

Three alternatives are described and evaluated in the DEIS. Alternative A, no action, would make no improvements to the roadway except for routine maintenance. Alternative B, the proposal, would rehabilitate 8.8 miles of the existing road, relocate a 4.3 mile middle segment of the road closer to the lakeshore, construct six additional lake access roads and overlooks, redesign/channelize intersections and provide bicycle/pedestrian paths. Alternative C would also provide for rehabilitation of 8.8 miles of existing road, but would reconstruct a 3.6 mile section of the middle segment on the existing alignment. It would also provide for one additional lake access road and overlook, and similar to Alternative B, provide for redesign and channelization of intersections and for bicycle/pedestrian paths.

Impact topics analyzed include visual effects, visitor use, soils, water resources, vegetation, and wildlife with special emphasis on potential effects on the federally listed threatened desert tortoise. Socio-economic impacts analyzed include the effects on an existing 40 inch waterline, owned by Basic Magnesium Inc., which underlies the existing road.

SUPPLEMENTARY INFORMATION: Comments on the DEIS should be received no later than January 30, 1992 and should be addressed to: Superintendent, Lake Mead National Recreation Area, 601 Nevada Highway, Boulder City, Nevada 89005. Requests for additional information and/or copies of the DEIS should be directed to this address or telephone number (702) 293–8920.

Copies of the DEIS are available at the park headquarters and at the following libraries: Boulder City Library, Boulder City, NV; Clark County Community College Learning Resource Center, Las Vegas, NV; Clark County Library, Las Vegas, NV; Las Vegas Public Library; Mohave County Library, Kingman, AZ; Sunrise Public Library, Las Vegas, NV; University of Nevada-Las Vegas James R Dickinson Library; and University of Arizona Library, Tucson, AZ. Copies also are available for inspection at the following address: Western Regional Office, National Park Service, Division of Planning, Grants and Environmental Quality, 600 Harrison St., Suite 600, San Francisco, CA 94107–1372.

Dated: November 7, 1991.

Regional Director, Western Region

Stanley T. Albright,

[FR Doc. 91–28560 Filed 11–27–91; 8:45 am]

BILLING CODE 4310-70-M

Chesapeake and Ohio Canal National Historical Park Commission; Meeting

Notice is hereby given in accordance with Federal Advisory Committee Act that a meeting will be held Saturday, December 7, 1991, in Classroom B, at the National Capital Regional Office, 1100 Ohio Drive, SW., Washington, DC 20242

The Commission was established by Public Law 91–664 to meet and consult with the Secretary of the Interior on general policies and specific matters related to the administration and development of the Chesapeake and Ohio Canal National Historical Park.

The members of the Commission are as follows:

Mrs. Sheila Rabb Weidenfeld, Chairman, Washington, DC
Mrs. Dorothy Tappe Grotos, Delaplane, Virginia
Mr. Samuel S.D. Marsh, Bethesda, Maryland
Mr. James F. Scarpelli, Sr., Cumberland, Maryland
Ms. Elise B. Heinz, Arlington, Virginia
Captain Thomas F. Hahn, Shepherdstown, West Virginia
Mr. Rockwood H. Foster, Washington, DC
Mr. Barry A. Passett, Washington, DC
Mrs. Jo Reynolds, Potomac, Maryland
Ms. Nancy C. Long, Glen Echo, Maryland
Mrs. Minny Pohlmann, Dickerson, Maryland
Dr. James H. Gilford, Frederick, Maryland
Mr. Edward K. Miller, Hagerstown, Maryland
Mrs. Sue Ann Sullivan, Williamsport, Maryland
Mr. Terry W. Hepburn, Hancock, Maryland
Mr. Robert L. Ebert, Cumberland, Maryland

Matters to be discussed at this meeting include:

1. Superintendent's Report
2. Old & New business

3. Public comments

The meeting will be open to the public. Any member of the public may file with the Commission a written statement concerning the matters to be discussed. Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact Thomas O. Hobbs, Superintendent, C&O Canal National Historical Park, P.O. Box 4, Sharpsburg, Maryland 21782.

Minutes of the meeting will be available for public inspection six (6) weeks after the meeting at Park Headquarters, Sharpsburg, Maryland.

Dated: November 21, 1991.

Ronald N. Wrye,

Acting, Regional Director, National Capital Region

[FR Doc. 91-28550 Filed 11-27-91; 8:45 am]

BILLING CODE 4310-70-M

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before November 16, 1991. Pursuant to § 60.13 of 36 CFR part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, P.O. Box 37127; Washington, DC 20013-7127. Written comments should be submitted by December 16, 1991.

Carol D. Shull,

Chief of Registration, National Register.

CONNECTICUT

Hartford County

Treadway, Townsend G., House, 100 Oakland St., Bristol, 91001871

IDAHO

Caribou County

Largilliere, Edgar Walter Sr., House, 30 West Second South St., Soda Springs, 91001870

INDIANA

Bartholomew County

Hope Historic District, Roughly bounded by Haw Cr., Grand St., Walnut St. and South St., Hope, 91001864

Hamilton County

Noblesville Commercial Historic District, Roughly bounded by Clinton, 10th, Maple and 8th Sts., Noblesville, 91001862

Potter's Covered Bridge, Allisonville Rd. across the White R., Noblesville vicinity, 91001866

Henry County

New Castle Commercial Historical District, Roughly bounded by Fleming and 11 Sts., Central Ave. and the Norfolk & Western RR tracks, New Castle, 91001868

Jackson County

First Presbyterian Church, 301 N. Walnut St., Seymour, 91001867

Johnson County

Masonic Temple, 135 N. Main St., Franklin, 91001863

Kosciusko County

Zimmer, Justin, House, 2513 E. Center St., Warsaw, 91001865

NEW YORK

Dutchess County

Bloomvale Historic District, Jct. of NY 82, Co. Rd. 13 and E. Branch Wappingers Cr., Pleasant Valley and Washington Townships, Salt Point vicinity, 91001874

Bykenhulle, 21 Bykenhulle Rd., Hopewell Junction vicinity, 91001872

Westchester County

Hastings Prototype House, 546 Farragut Pkwy., Hastings-on-Hudson, 91001873

NORTH CAROLINA

Moore County

Southern Pines Historic Districts, Bounded by Saylor St., New Jersey Ave., Illinois Ave. and Massachusetts Ave. Ext., Southern Pines, 91001875

WISCONSIN

Richland County

Syttende Mai Site, Address Restricted, Richland vicinity, 91001869

[FR Doc. 91-28637 Filed 11-27-91; 8:45 am]

BILLING CODE 4310-70-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 332-317]

Economy-Wide Modeling of the Economic Implications of a FTA With Mexico and a NAFTA With Canada and Mexico

AGENCY: United States International Trade Commission.

ACTION: Institution of investigation, call for papers, scheduling of symposium, and hearing notification.

SUMMARY: Following receipt on July 24, 1991 of a request from the U.S. Trade Representative (USTR), the Commission instituted investigation No. 332-317, Economy-Wide Modeling of the Economic Implications of a FTA with Mexico and a NAFTA with Canada and Mexico, under section 332(g) of the Tariff Act of 1930 (19 U.S.C. 1332(g)). As requested, the investigation will seek to provide an objective critical report, based on a symposium to be held by the Commission, on the technical merits and major findings of economy-wide modeling of the economic implications of a FTA with Mexico and a NAFTA with Mexico and Canada. Particular emphasis will be placed on the technical merits of the analyses. The Commission will confine the investigation to studies that are already underway or have been recently completed. The Commission will offer the opportunity for all economic researchers using economy-wide models to present their findings on the economic impact and benefits of a FTA with Mexico or a NAFTA with Canada and Mexico at the symposium. To promote an objective, critical assessment of this research, economic researchers recognized as experts in their fields will also be contracted with to provide a critical assessment of the technical merits and shortcomings of the methods and data employed in the research. A preliminary report, containing the papers to be discussed at the symposium, will be issued prior to the symposium. The final report will be submitted to USTR approximately three months after the symposium. The final report will consist of: (1) A compilation of the technical papers as submitted in the symposium, together with any revisions or comments the authors may make in response to the critiques received in the symposium; (2) a compilation of the technical critiques of those papers; and (3) a critical summary and overview of the results of the papers.

EFFECTIVE DATE: October 28, 1991.

CALL FOR PAPERS: The Commission encourages all parties currently engaged in economy-wide modeling of the economic effects of a NAFTA to present their work at the symposium. The purpose of the symposium is to examine critically, through peer review by recognized experts, studies recently completed or currently being developed that meet recognized academic standards for state of the art economy-wide policy modelling. Papers presented at the symposium must meet the following criteria:

(1) The research described in the papers must be economy-wide in scope. Economy-wide models include all sectors of the economy, though with varying degrees of disaggregation, and allow for explicit analysis of the complex interactions inherent in comprehensive economic policy changes, such as free trade agreements, even when the focus of such analysis is on a particular sector. Research within the scope of this investigation includes both (i) computable general equilibrium (CGE) trade policy modelling; and (ii)

economy-wide, multi-sector macroeconomic models. The research should take into account the effects of a NAFTA or FTA with Mexico on production, income, trade, employment, and prices.

(2) The papers must be transparent about technical methods employed to obtain the results presented. Papers must provide technical details about the methods employed and data employed to obtain results. This requirement is critical because the purpose of the symposium is to submit the methods and data to peer review.

Because scheduling will be tight, parties interested in presenting papers or participating as discussants should submit a curriculum vitae and description of the relevant research to Joseph Francois (202–205–3223) or Clinton Shiells (202–205–3223), Research Division, Office of Economics, U.S. International Trade Commission, before December 20, 1991. Funding has been made available for reimbursement of travel expenses and per diem, contingent on demonstrated need.

Discussants will be contracted with to provide detailed, written critiques of the papers reviewed. Papers must meet recognized academic standards for state of the art economy-wide policy modelling. It is also required that all papers be technically transparent, and provide technical details about the methods and data employed to obtain results. The final scheduling of papers and discussants will be made by Commission staff and will be published in a subsequent **Federal Register** notice. All papers must be provided to the Commission in a form ready for distribution 45 days prior to the symposium, and must meet the criteria outlined above.

SYMPOSIUM: The symposium will be held on February 24 and 25, 1992, at the U.S. International Trade Commission, 500 E Street, SW., Washington, DC. Members of the public may attend the symposium and there will be an opportunity for brief technical comments on the papers from the audience.

PUBLIC HEARING: Following the symposium, the Commission will hold a public hearing. The hearing will be held approximately 30 days after the symposium. The hearing date will be published in the **Federal Register** notice. The hearing will be held at the U.S. International Trade Commission, 500 E Street, SW., Washington, DC. The symposium is meant to provide a technical assessment of economy-wide modelling of a NAFTA or FTA with Mexico. The purpose of the hearing is to allow the public and discussants additional opportunity to provide technical comments on the papers that have been discussed at the symposium. These papers will be contained in a preliminary report to be issued by the Commission prior to the symposium. Public submissions on the papers contained in the preliminary report should be received prior to the hearing.

FOR FURTHER INFORMATION CONTACT: Edward Carroll (202–205–1819), Office of Public Affairs, U.S. International Trade Commission.

Hearing impaired person may obtain information on this investigation by contacting the Commission's TDD terminal on (202–205–1810).

Issued: November 20, 1991.

By order of the Commission.

Edward G. Carroll,

Acting Secretary.

[FR Doc. 91–28535 Filed 11–27–91; 8:45 am]

BILLING CODE 7020–02–M

[332–316]

Shipbuilding Trade Reform Act of 1991; Likely Economic Effects of Enactment

AGENCY: United States International Trade Commission.

ACTION: Institution of investigation and scheduling of public hearing.

EFFECTIVE DATE: November 19, 1991.

FOR FURTHER INFORMATION CONTACT: Ms. Kathleen Lahey, Office of Industries (202–205–3409), or Mr. Gerald Berg, Office of Economics (202–205–3233), U.S. International Trade Commission, Washington, DC 20436.

Background and Scope of Investigation

On November 19, 1991, the Commission instituted investigation No. 332–316, following receipt on October 30, 1991, of a request from the Committee on Ways and Means of the U.S. House of Representatives for an investigation under section 332(g) of the Tariff Act of 1930 (19 U.S.C. 1332(g)) concerning the likely economic effects of enactment of H.R. 2056, the Shipbuilding Trade and Reform Act of 1991, as amended by the Committee on Ways and Means.

As requested by the Committee, the Commission will seek to provide in its report:

(1) An overview of the issues being addressed in the OECD shipbuilding negotiations, and a comparison of the differences between the approach being taken in the negotiations and the approach of H.R. 2056, as amended;

(2) An overview of conditions in the U.S. shipbuilding and repair industry, including an assessment of government assistance provided, either directly or indirectly, to this industry under U.S. law;

(3) An overview of conditions in the U.S. carrier industry, including an assessment of government assistance provided, either directly or indirectly, to this industry under U.S. law; and

(4) An evaluation and comparison of the likely economic effects of H.R. 2056, as amended, with the likely economic effects of an international agreement to eliminate unfair trading practices (modeled after the current OECD discussions), on those sectors affected by the elimination of unfair trading practices in shipbuilding, including the shipbuilding and repair industry, the carrier industry, U.S. ports, and U.S. exporters and importers.

As requested by the Committee, the Commission intends to submit its report no later than April 27, 1992.

Public Hearing

A public hearing in connection with this investigation will be held in the Commission Hearing Room, 500 E Street, SW, Washington, DC 20436, beginning at 9:30 a.m. on January 24, 1992. All persons will have the right to appear by counsel or in person, to present testimony, and to be heard. Requests to appear at the public hearing should be filed with the Secretary, United States International Trade commission, 500 E Street, SW., Washington, DC, 20436, no later than noon, January 6, 1992. Persons testifying at the hearing are encouraged to file prehearing briefs or statements; the deadline for filing such briefs or statements (a signed original and 14 copies) is January 6, 1992; and the deadline for filing posthearing briefs or statements is February 4, 1992. Any confidential business information included in such briefs or statements must be filed in accordance with the procedures outlined in the next paragraph.

Written Submissions

In lieu of or in addition to participating in the hearing, interested persons are invited to submit written statements concerning the matters to be addressed in the report. Commercial or financial information that a party desires the Commission to treat as confidential must be submitted on separate sheets of paper, each clearly marked "Confidential Business Information" at the top. (Generally, submission of separate confidential and public versions of the submission would be appropriate.) All submissions requesting confidential treatment must conform with the requirements of § 201.6

of the Commission's Rules of Practice and Procedure (19 CFR 201.6). All written submissions, except for confidential business information, will be made available in the Office of the Secretary of the commission for inspection by interested persons. To be assured of consideration by the Commission, written statements and posthearing briefs should be submitted to the Commission at the earliest practical date and should be received no later than February 4, 1992. All submissions should be addressed to the Secretary to the Commission at the Commission's Office in Washington, DC.

Hearing-impaired persons are advised that information on this investigation can be obtained by contacting the Commission's TDD terminal on 202–205–2648.

Issued: November 20, 1991.

By order of the Commission.

Edward G. Carroll,

Acting Secretary.

[FR Doc. 91–28536 Filed 11–27–91, 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 731–TA–538 (Preliminary)

Sulfanilic Acid From the People's Republic of China

Determination

On the basis of the record [1] developed in the subject investigation, the Commission determines, pursuant to section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)), that there is a reasonable indication that an industry in the United States is materially injured [2] or threatened with material injury [3] by reason of imports from the People's Republic of China of sulfanilic acid and sodium sulfanilate, provided for in subheading 2921.42.24 and 2921.42.70 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than value (LTFV).

Background

On October 3, 1991, a petition was filed with the Commission and the Department of Commerce by R-M Industries, Inc., Fort Mill, SC, alleging that an industry in the United States is materially injured or threatened with material injury by reason of LTFV imports of sulfanilic acid from the People's Republic of China. Accordingly, effective October 3, 1991, the Commission instituted antidumping investigation No. 731–TA–538 (Preliminary).

Notice of the institution of the Commission's investigation and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of October 10, 1991 (56 FR 51236). The conference was held in Washington DC, on October 24, 1991, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determination in this investigation to the Secretary of Commerce on November 18, 1991. The views of the Commission are contained in USITC Publication 2457 (November 1991), entitled "Sulfanilic Acid from the People's Republic of China: Determination of Commission in Investigation No. 731–TA–538 (Preliminary) Under the Tariff Act of 1930, Together With the Information Obtained in the Investigation."

Issued: November 19, 1991.

By Order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 91–28537 Filed 11–27–91;8:45am

BILLING CODE 7020–02–M

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[1] The record is defined in 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

[2] Acting Chairman Brunsdale and Commissioner Lodwick determine that there is a reasonable indication that an industry in the United States is materially injured by reason of the subject of the imports from the People's Republic of China.

[3] Commissioner Rohr and Commissioner Newquist determine that there is a reasonable indication that an industry in the United States is threatened with material injury by the subject imports.

INTERSTATE COMMERCE COMMISSION

Notice of Intent To Engage in Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b).

1. Parent corporation and address of principal office: Kennedy Manufacturing Company, 520 East Sycamore Street, Van Wert, Ohio 45891.

2. Wholly owned subsidiary which will participate in the operations, and State of incorporation. Markhon Incorporated, 200 Bond Street, Wabash, Indiana 46992.

Incorporated in the State of Indiana.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 91–28634 Filed 11–27–91; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF JUSTICE

Lodging a Final Judgment by Consent Under the Clean Air Act

Notice is hereby given that on November 15, 1991, a proposed consent decree in *United States* v. *Economy Muffler & Tire Center, Inc.*, was lodged with the United States District Court for the Eastern District of Virginia. The suit was brought pursuant to sections 203(a)(3)(B) and 205 of the Clean Air Act, 42 U.S.C. 7522(a)(3)(B) and 7524. The suit sought civil penalties for the defendant's removal and rendering inoperative catalytic converters in violation of section 203(a)(3)(B). In addition to providing for payment of civil penalties, the consent decree requires the defendant to take certain steps to remedy the violations at issue.

The Department of Justice will receive comments relating to the proposed consent decree for a period of thirty days from the date of publication of this notice. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, Department of Justice, Washington, DC, 20530, and should refer to *United States* v. *Economy Muffler & Tire Center, Inc.*, (E.D. Va.) and DOJ Ref. No. 90–5–2–1–1506. The proposed consent decree may be examined at the office of the United States Attorney, suite 1800, Main Street centre, Richmond, Virginia; or at the Environmental Enforcement Section Document Center, 601 Pennsylvania Avenue Building, NW., Washington, DC 20004 (202–347–2072). A copy of the proposed consent decree may be obtained in person or by mail from the Environmental Enforcement Section Document Center, 601 Pennsylvania Avenue, NW., Box 1097, Washington, DC 20004. In requesting a copy please enclose a check in the amount of $2.50 (25 cents per page reproduction costs) payable to "Consent Decree Library".

John C. Cruden,

Chief, Environmental Enforcement Section, Environment and Natural Resources Division

[FR Doc. 91–28546 Filed 11–27–91;8:45 am]

BILLING CODE 4410–01–M

Antitrust Division

Notice Pursuant to the National Cooperative Research Act of 1984—Petroleum Environmental Research Forum

Notice is hereby given that, on October 16, 1991, pursuant to section 6(a) of the National Cooperative Research Act of 1984, 15 U.S.C. 4301, *et seq.* ("the Act"), the participants in the Petroleum Environmental Research Forum ("PERF") Project No. 89–09, titled "Spent Caustic Management," filed written notifications simultaneously with the Attorney General and with the Federal Trade Commission disclosing a change in the project membership. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

Specifically, the notifications stated that the following additional parties have become participants in Project No. 89–09:

Chevron Research & Technology Co., Richmond, California 94802

Conoco Inc., Ponca City, Oklahoma 74602

Mobil R&D Corporation, Pennington, New Jersey 08534

Total Petroleum Inc., Alma, Michigan 48801

No other changes have been made in either the membership or the planned activities of PERF Project No. 89–09.

On June 17, 1991, the participants of PERF Project No. 89–09 filed their original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on July 17, 1991 (56 FR 32593).

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 91–28547 Filed 11–27–91; 8:45 am]

BILLING CODE 4410–01–M

Bureau of Prisons

Intent to Prepare a Draft Environmental Impact Statement (DEIS) for the Construction of a Federal Correctional Complex in Yazoo, City, MS

AGENCY: .U.S. Department of Justice; Federal Bureau of Prisons.

ACTION: Notice of intent to prepare a draft environmental impact statement (DEIS).

SUMMARY:

Proposed Action

The United States Department of Justice, Federal Bureau of Prisons has determined that additional institutions are needed in its system. The Bureau of Prisons will evaluate four proposed sites located in Yazoo City, Mississippi for construction of these facilities:

The proposed sites are:

A. A 1,560.5 acre site located approximately 3.5 miles north northwest of Yazoo City on the west side of the Yazoo river. It is bounded on the east by federally owned property along the shore of the Yazoo river and bisected in a northeast to southwest direction by Carter Road.

B. A 2,136 acre site is located approximately 3.5 miles southwest of Yazoo City. It is bounded on the east by MS 3, and northeast by Short Creek and the Yazoo river on the north. Eagle Bend Road and a southern natural gas company gas pipeline bisect the site.

c. A 2,161.8 acre site is located adjacent to the western limits of Yazoo City. It is bounded on the north and west by federally owned property along the shore of the Yazoo River and on the east by the Yazoo City limits and MS 3 which runs in a north to south direction. Right of way adequate for expansion of MS 3 to a four lane divided highway has been acquired. A Texas Eastern Transmission Company gas pipeline runs in a southwest to northeast direction through the center of the site. A small parcel of property, located within the site is occupied by Texas Eastern Transmission Company's gas compressor station. This parcel is not included as part of the site.

D. A 2,106.2 acre site is located adjacent to the northwestern limits of Yazoo City. It is bounded on the west by federally owned property along the shore of the Yazoo River and on the south by the Yazoo City limits. An abandoned railbed, formerly owned by the Illinois Central Gulf Railroad, runs through the eastern portion of the site in a northwest to southeast direction. An overhead electric transmission line runs through the southwestern portion of the site in a northwest to southeast direction. The Christian Grove Church and Cemetery, located in the middle of the site and the Antioch Church and Cemetary located in the southeast corner of the site, are not part of the site. Although no longer in operation, approximately 10 acres of the site has previously been used as the Yazoo County Landfill.

The Federal Bureau of Prisons proposes to construct up to 2,750 bed Federal Correctional Complex, that will be completed in phases. The Bureau of Prisons has been studying a number of options and locations near Yazoo City appear to merit further study.

It is anticipated that all of the four proposed sites are of sufficient size to provide space for housing, programs, services and support areas as well as administration, staff training and parking.

Process

In the process of evaluating the four sites, several aspects will receive detailed examination including: Utilities, traffic patterns, noise levels, visual intrusion, threatened and endangered species, cultural resources and socio-economic impacts.

Alternatives

In developing the DEIS, the options of no action and alternative sites for the proposed facility will be fully and thoroughly examined.

Scoping Process

During the preparation of the DEIS, there will be numerous opportunities for public involvement in order to determine the issues to be examined. A Public Information Meeting will be held December 10, at 7 p.m. and a Scoping Meeting will be held at 7 p.m. on December 12, 1991. Both meetings will be conducted at the Yazoo City High School Auditorium. The meeting will be well publicized and will be held at a time which will make it possible for the public and interested agencies or organizations to attend. In addition, a number of public information meetings will be held by representatives of the Bureau of Prisons with interested citizens, officials and community leaders.

DEIS Preparation

Public notice will be given concerning the availability of the DEIS for public review and comment.

ADDRESSES: Questions concerning the proposed action and the DEIS can be directed to: Debra J. Hood, Site Selection and Environmental Review Specialist, Federal Bureau of Prisons, Administration Division, 320 First St. NW., Washington, DC 20534, (202) 514–6462.

Dated: November 22, 1991.

Patricia K. Sledge,

Chief, Site Selection and Environmental Review.

[FR Doc. 91–28670 Filed 11–27–91; 8:45 am]

BILLING CODE 4410–05–M

Drug Enforcement Administration

Quotas for Controlled Substances in Schedules I and II

AGENCY: Drug Enforcement Administration (DEA), Justice.

ACTION: Notice of established 1992 aggregate production quotas.

SUMMARY: This notice establishes 1992 aggregate production quotas for controlled substances in Schedules I and II of the Controlled Substances Act (CSA).

DATES: This order is effective upon publication.

FOR FURTHER INFORMATION CONTACT: Howard McClain, Jr., Chief, Drug & Chemical Evaluation Section, Drug Enforcement Administration, Washington, DC 20537, Telephone: (202) 307–7183.

SUPPLEMENTARY INFORMATION: Section 306 of the CSA (21 U.S.C. 826) requires that the Attorney General establish aggregate production quotas for all controlled substances in Schedules I and II each year. This responsibility has been delegated to the Administrator of the DEA by section 0.100 of title 28 of the Code of Federal Regulations.

On Thursday, August 8, 1991, a notice of the proposed 1992 aggregate production quotas for certain controlled substances in Schedules I and II was published in the **Federal Register** (56 FR 37723). All interested parties were invited to comment on or object to those proposed aggregate production quotas on or before September 9, 1991. Relative to methylphenidate, Ciba-Geigy Corporation commented that the proposed 1992 aggregate production quota of 2,147 kg. is insufficient to provide for the estimated medical, scientific, research and industrial needs for the United States; lawful export requirements; and the establishment and maintenance of reserve stocks. Ciba-Geigy's comment was based on their initial 1991 manufacturing quota, 1990 year-end inventory and projected 1991 sales. Ciba-Geigy's 1991 manufacturing quota has been increased which will increase their 1991 year-end inventory, thus, reducing their 1992 quota requirements.

At this time, the DEA has determined that no increase is necessary for the 1992 aggregate production quota for methylphenidate. No other comments and no requests for a hearing were received.

Pursuant to sections (3)(c)(3) and 3(e)(2)(C) of Executive Order 12291, the Director of the Office of Management and Budget has been consulted with respect to these proceedings.

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

The Administrator hereby certifies that this matter will have no significant impact upon small entities within the meaning and intent of the Regulatory Flexibility Act, 5 U.S.C. 601, et seq. The establishment of annual aggregate production quotas for Schedules I and II controlled substances is mandated by international commitments of the United States. Such quotas impact predominantly upon major manufacturers of the affected controlled substances.

Therefore, under the authority vested in the Attorney General by section 306 of the CSA (21 U.S.C. 826) and delegated to the Administrator of the DEA by § 0.100 of title 28 of the Code of Federal Regulations, the Administrator of the DEA hereby orders that the 1992 aggregate production quotas for Schedules I and II controlled substances, expressed as grams of anhydrous acid or base, be established as follows:

Basic Class of Established 1992 Quotas

Schedule I:	
2,5-Dimethoxyamphetamine	13,500,000
Lysergic acid diethylamide	9
3, 4-Methylenedioxyamphetamine	2
3, 4-Methylenedioxymethamphetamine	2
Tetrahydrocannabinols	18,000
Psilocyn	5
Psilocybin	5
4-Methylaminorex	2
Methaqualone	2
N-Hydroxy-3, 4-methylenedioxyamphetamine	2
Schedule II:	
Alfentanil	6,300
Amobarbital	358,000
Amphetamine	285,000
Cocaine	699,000
Codeine (for sale)	63,726,000
Codeine (for conversion)	6,477,000
Desoxyephedrine 1,043.000 grams of levodesoxyephedrine for use in a non-controlled, nonprescription product and 25,000 grams for methamphetamine	1,068,000
Dextropropoxyphene	89,065,000
Dihydrocodeine	589,000
Diphenoxylate	695,000
Ecgonine (for conversion)	650,000
Fentanyl	48,500
Glutethimide	0
Hydrocodone	3,891,000
Hydromorphone	222,000
Levorphanol	10,000
Meperidine	8,533,000
Methadone	2,181,000
Methadone Intermediate (4-Cyano-2-dimethylamino-4, 4-diphenylbutane)	2,726,000
Methamphetamine (for conversion)	724,000
Methylphenidate	2,147,000
Mixed Alkaloids of Opium	0
Morphine (for sale)	4,937,000
Morphine (for conversion)	74,753,000
Opium (tinctures, extracts, etc. expressed in terms of USP powdered opium)	1,034,000
Oxycodone (for sale	2,757,000
Oxycodone (for conversion)	6,300
Oxymophone	2,500
Pentobarbital	15,178,000
Phencyclidine	5
Phenylacetone (for conversion)	956,000
Secobarbital	650,000
Sufentanil	450
Thebaine	8,450,000

The DEA will review and revise, as necessary, the above established quotas early in 1992, taking into consideration actual 1991 sales and actual December 31, 1991, inventories as well as other information which might be available to the DEA.

Dated: November 6, 1991.

Robert C. Bonner,

Administrator of Drug Enforcement.

[FR Doc. 91–28581 Filed 11–27–91; 8:45 am]

BILLING CODE 4410–09–M

Manufacturer of Controlled Substances Application

Pursuant to § 1301.43(a) of title 21 of the Code of Federal Regulations (CFR), this is notice that on September 9, 1991, CIBA-GEIGY Corporation, Pharmaceuticals Division, Regulatory Compliance, 556 Morris Avenue, Summit, New Jersey 07901, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the Schedule II controlled substance methylphenidate (1724).

Any other such applicant and any person who is presently registered with DEA to manufacture such substances may file comments or objections to the issuance of the above application and may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, DC 20537, Attention: DEA Federal Register Representative (CCR), and must be filed no later than December 30, 1991.

Dated: November 14, 1991.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 91-28584 Filed 11-27-91; 8:45 am]

BILLING CODE 4410-09-M

Importation of Controlled Substances; Application

Pursuant to section 1008 of the Controlled Substances Import and Export Act (21 U.S.C. 958(i)), the Attorney General shall, prior to issuing a registration under this section to a bulk manufacturer of a controlled substance in Schedules I or II and prior to issuing a regulation under section 1002(a) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Therefore, in accordance with § 1311.42 of title 21, Code of Federal Regulations (CFR), notice is hereby given that on July 17, 1991, Knight Seed Company, Inc., 151 W. 126th Street, Burnsville, Minnesota 55337, made application to the Drug Enforcement Administration to be registered as an importer of Marihuana (3760) a basic class of controlled substance in Schedule I. This application is exclusively for the importation of marijuana seed which will be rendered non-viable and used as bird feed.

Any manufacturer holding or applying for, registration as a bulk manufacturer of this basic class of controlled substance may file written comments on or objections to the application described above and may, at the same time, file a written request for a hearing on such application in accordance with 21 CFR 1301.54 in such form as prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, DC 20537, Attention: DEA Federal Register Representative (CCR), and must be filed no later than December 30, 1991.

This procedure is to be conducted simultaneously with and independent of the procedures described in 21 CFR 1311.42(b), (c), (d), (e) and (f). As noted in a previous notice at 40 FR 43745-46 (September 23, 1975), all applicants for registration to import basic class of any controlled substance in Schedule I or II are and will continue to be required to demonstrate to the Deputy Assistant Administrator of the Drug Enforcement Administration that the requirements for such registration pursuant to 21 U.S.C. 958(a), 21 U.S.C. 823(a), and 21 CFR 1311.42(a), (b), (c), (d), (e) and (f) are satisfied.

Dated: November 14, 1991.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 91-28583 Filed 11-27-91; 8:45 am]

BILLING CODE 4410-09-M

Importer of Controlled Substances; Registration

By Notice dated May 31, 1991, and published in the **Federal Register** on June 19, 1991, (56FR28176), Sigma Chemical Company, 3500 Dekalb Street, St. Louis, Missouri 56118, made application to the Drug Enforcement Administration to be registered as an importer of the basic classes of controlled substances listed below:

Drug	Schedule
Etorphine (Except HCl) (9056)	I
Heroin (9200)	I
Mescaline (7381)	I
1-Methyl-4-Phenyl-4-propionoxypiperidine (MPPP) (9661).	I
Difenoxin (9168)	I
Pyrrolidine analog of phencyclidine (7458).	I
Fenethylline (1503)	I
Morphine-N-Oxide (9307)	I
4-methozyamphetamine (7411)	I
3,4-methylenedioxyamphetamine (MDA) (7400).	I
3,4-methylenedioxymethamphetamine (MDMA) (7405).	I
Alpha-methylfentanyl (9814)	I
3-Methylfentanyl (9813)	I
Psilocyn (7438)	I
Diethyltryptamine (7434)	I
Dimethyltryptamine (7435)	I
Marihuana (7360)	I
Ethylamine analog of phencyclidine (7455).	I
4-bromo-2,5-Dimethoxyamphetamine (7391).	I
4-methyl-2,5-dimethoxy-amphetamine (7395).	I
Thiophene analog of phencyclidine (7470).	I
Lysergic acid diethylamide (7315)	I
2,5-dimethoxyamphetamine (DMA) (7396).	I
Psilocybin (7437)	I
Bufotenine (7433)	I
Tetrahydrocannabinols (7370)	I
Ibogaine (7260)	I
Normophine (9313)	I
Thiophene analog of phencyclidine (7470).	I
Tetrahydrocannabinols (7370)	I
Methaqualone (2565)	I
Beta-hydroxyfentanyl (9830)	I
Pentobarbital (2270)	II
Alfentanil (9737)	II
Sufentanil (9740)	II
1-piperidinocylohexanecarbonitrile (PCC) (8603).	II
Oxymorphone (9652)	II
Ethylmorphine (9190)	II
Morphine (9300)	II
Anileridine (9020)	II
Diprenorphine (9058)	II
Secobarbital (2315)	II
Benzoylecgonine (9180)	II
Amphetamine (1100)	II
Cocaine (9041)	II
Codeine (9050)	II
Methamphetamine (1105)	II
Fentanyl (9801)	II
Methadone (9250)	II
Phencyclidine (7471)	II
Dextropropoxyphene, bulk (non-dosage forms) (927).	II
Oxymorphone (9652)	II
Meperidine (pethidine) (9230)	II

No comments or objections have been received. Therefore, pursuant to section 1008(a) of the Controlled Substances Import and Export Act and in accordance with title 21 Code of Federal Regulations 1311.42, the above firm is granted registration as an importer of the basic classes of controlled substances listed above.

Dated: November 14, 1991

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 91-28582 Filed 11-27-91; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits

have been made in accordance with 29 CFR part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR part 1, appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedeas decisions thereto, contain no expiration dates and are effective from their date of notice in the **Federal Register**, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon and Related Acts," shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue, NW., room S-3014, Washington, DC 20210.

New General Wage Determination Decisions

The numbers of the decisions added to the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts" are listed by Volume, State, and page numbers(s).

Volume I:

New York, NY91-21 (Nov. 29, 1991). p. 952a, pp. 952b-952h.

Modifications to General Wage Determination Decisions

The numbers of the decisions listed in the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts" being modified are listed by Volume, State, and page number(s). Dates of publication in the **FEDERAL REGISTER** are in parentheses following the decisions being modified.

Volume I:

Connecticut, CT91-5 (Feb. 22, 1991). p. All.
Georgia, GA91-1 (Feb. 22, 1991). p. 219, 220.
Georgia, GA91-31 (Feb. 22, 1991). p. 285, 288.
Kentucky, KY91-25 (Feb. 22, 1991). p. All
Maryland:
MD91-27 (Feb. 22, 1991) ... p. All.
MD91-28 (Feb. 22, 1991) ... p. All.
MD91-29 (Feb. 22, 1991) ... p. All.
New York, NY91-17 (Feb. 22, 1991). p. 921, pp. 923-924.
Virginia, VA91-73 (Feb. 22, 1991). p. All

Volume II:

Indiana, IN91-3 (Feb. 22, 1991). p. 279, 282.
Iowa IA91-9 (Feb. 22, 1991). p. All.
Louisiana:
LA91-12 (Feb. 22, 1991)..... p. All.
LA91-12 (Feb. 22, 1991)..... p. All.
LA91-14 (Feb. 22, 1991)..... p. All.
Michigan:
MI 91-1 (Feb. 22, 1991)..... p. 441, pp. 442, 444, 451.
MI 91-2 (Feb. 22, 1991)..... p. 461, pp. 462-468.
MI 91-3 (Feb. 22, 1991)..... p. 477, P. 479.
MI 91-4 (Feb. 22, 1991)..... p. 491.
MI 91-5 (Feb. 22, 1991)..... p. 499, pp. 500-503.
MI 91-7 (Feb. 22, 1991)..... p. 515, pp. 516-520.
MI 91-12 (Feb. 22, 1991).... p. 543, pp. 545-547.
Missouri, MO91-2 (Feb. 22, 1991). p. 673-674.
Nebraska:
NE91-1 (Feb. 22, 1991)..... p. All.
NE91-3 (Feb. 22, 1991)..... p. All.
New Mexico:
NM91-1 (Feb. 22, 1991) ..... p. 779, pp. 781-784, 786.
NM91-4 (Feb. 22, 1991) ..... p. 807-808.
Oklahoma, OK91-20 (Feb. 22, 1991). p. 1011-1012.
Texas, TX91-19 (Feb. 22, 1991). p. All.

Volume III:

California, CA91-4 (Feb. 22, 1991). p. 75, pp. 77, 86-89, pp. 108-109.
North Dakota, ND91-2 (Feb. 22, 1991). p. 285, p. 287.
South Dakota:
SD91-1 (Feb. 22, 1991)..... p. All.
SD91-4 (Feb. 22, 1991)..... p. All.

General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts". This publication is available at each of the 50 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the country Subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, (202) 783-3238.

When ordering subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the three separate volumes, arranged by State. Subscriptions include an annual edition (issued on or about January 1) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates will be distributed to subscribers.

Signed at Washington, DC this 22nd day of November 1991.

Alan L. Moss,

Director, Division of Wage Determination.

[FR Doc. 91-28479 Filed 11-27-91; 8:45 am]

BILLING CODE 4510-27-M

Employment and Training Administration

[TA-W-26,349]

The Arrow Co., Andalusia, AL; Cancellation of Certification and Notice of Termination of Investigation

In accordance with section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on November 12, 1991 applicable to all workers of the Arrow Company, Andalusia, Alabama. The notice of certification has not been published in the Federal Register.

The Department, on its own motion, has reopened the investigation and is canceling the subject certification since the workers are already covered under a different certification, Cluett Shirt Group (Alatex), Andalusia, Alabama, TA-W-24,589.

Further, the Department is terminating its investigation for workers who filed under petition TA-W-26,349 since the Andalusia workers are already eligible to apply for adjustment assistance benefits under TA-W-24,589 until August 28, 1992.

Conclusion

Since the workers of the Arrow Shirt Company, Andalusia, Alabama are already covered for trade adjustment assistance benefits under TA-W-24,589, the Department is canceling the subject certification, TA-W-26,349 and terminating the investigation.

Signed at Washington, DC, this 21st day of November 1991.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 91-28595 Filed 11-27-91; 8:45 am]

BILLING CODE 4510-30-M

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under title II, chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address show below, not later than December 9, 1991.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 9, 1991.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210.

Signed at Washington, DC, this 18th day of November 1991.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner (Union/Workers/Firm)	Location	Date received	Date of petition	Petition No.	Articles produced
*Reopened Gen. Automotive Specialty	N. Brunswick, NJ	11/18/91	09/27/91	26,408	Auto Switches.
A.P.V. Crepaco, Inc. (Wrks.)	Lake Mills, WI	11/18/91	10/23/91	26,559	Heat Exchangers, Ice Cream Freezers.
Baxter Healthcare (Wkrs.)	Eaton, OH	11/18/91	11/08/91	26,560	Vinyl Medical Exam Gloves.
Brunswick Corp. (Wkrs.)	Marion, VA	11/18/91	09/30/91	26,561	Military Containers.
Calgon Carbon Corp., Big Sandy Plant (USWA).	Cattlesburg, KY	11/18/91	11/07/91	26,562	Carbon Products.
CO2, Inc. (Wkrs.)	Midland, TX	11/18/91	11/08/91	26,563	Carbon Dioxide.
Down East Footwear Mfg (Co.)	East Corinth, ME	11/18/91	10/31/91	26,564	Boat Shoes, Slippers.
Dyco Petroleum Co (DGM) (Wkrs.)	Tulsa, OK	11/18/91	11/01/91	26,565	Crude Oil and Natural Gas.
Gandalf Business Systems (Wkrs.)	Cherry Hill, NJ	11/18/91	10/31/91	26,566	Printed Circuit Boards.
Hanlin Chemical-WV, inc., Union	Moundsville, WV	11/18/91	11/04/91	26,567	Chlorine-Caustic Soda, Bleach.
Homescraft Manufacturing Co. (Co.)	Newark, NJ	11/18/91	11/05/91	26,568	Wooden Kitchen Cabinets.
Hudson Tool and Die Co. (Wkrs.)	Newark, NJ	11/18/91	10/31/91	26,569	Seamless Meal Cases.
Key Tronic Corp. (Wkrs.)	Spokane, WA	11/18/91	11/04/91	26,570	Electronic Keyboards for PC.
Kirkwood Industries (Wkrs.)	Conway, AR	11/18/91	11/14/91	26,571	Commutator.
Loanne Mfg. Corp. (Co.)	Bloomsburg, PA	11/18/91	08/01/91	26,572	Children's Clothing.
Lynchburg Foundry Co. (Co.)	Radford, VA	11/18/91	11/05/91	26,573	Grey and Ductile Iron Castings.
Mapleleaf, Inc. (Wkrs.)	Hartselle, AL	11/18/91	11/05/91	26,574	Tables and T.V. Stands.
N-H Industries (Wkrs.)	Greenville, TX	11/18/91	10/16/91	26,575	Children's Lingerie and Sleepware.
Ohio Coil Service (Wkrs.)	Newcomerstown, OH	11/18/91	11/01/91	26,576	Replacement Coils for Electric Motors.
Omer L. Fuller Well Servicing Co. (Co.)	Kamay, TX	11/18/91	09/23/91	26,577	Oil Drilling.
Schlumberger Well Services (Wkrs.)	Midland, TX	11/18/91	11/05/91	26,578	Oil, Gas Well Services.
Sharlyn Fashions, Inc., ILGWU	East Newark, NJ	11/18/91	11/04/91	26,579	Children's Dresses.
Stackpole Carbon Co., Union	St. Marys, PA	11/18/91	10/16/91	26,580	Bulk and Molded Graphite, Brush Plates.
Talon, Inc. (IAM)	Meadville, PA	11/18/91	10/25/91	26,581	Slide Fastener (Zippers).
Teledyne Packaging (USWA)	Rochester, PA	11/18/91	10/25/91	26,582	Aluminum and Tin Tube.
Uniroyal Engineered Products, Inc. (URW)	Port Clinton, OH	11/18/91	11/05/91	26,583	Coated Fabrics.
Varityper Co., Union	East Hanover, NJ	11/18/91	10/31/91	26,584	Mfg. and Distribute Office Machines.
Western Atlas International, Inc. (Co.)	Bossier City, LA	11/18/91	11/06/91	26,585	Oilfield Service.

[FR Doc. 91-2856 Filed 11-27-91; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-25, 940]

Midwest Waltham Abrasives Superior Hone, Owosso, MI; Affirmative Determination Regarding Application for Reconsideration

On October 30, 1991, one of the petitioners requested administrative reconsideration of the Department of Labor's Notice of Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance for workers at the subject firm. The Department's Negative Determination was issued on September 30, 1991 and published in the Federal Register on October 9, 1991 (56 FR 50950).

The petitioner claims that the work was integrated with that of another corporate facility of MWA in Owosso whose workers are currently under a certification for trade adjustment assistance, TA-W-26, 276.

Conclusion

After careful review of the application, I conclude that the claim is of sufficient weight to justify reconsideration of the Department of Labor's prior decision. The application is, therefore, granted.

Signed at Washington, DC, this 20th day of November 1991.

Robert O. Deslongchamps,

Director, Office of Legislation & Actuarial Services, Unemployment Insurance Service.

[FR Doc. 91-28598 Filed 11-27-91; 8:45 am]

BILLING CODE 4510-30-M

Review Panel for the Job Training Partnership Act Presidential Awards; Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463 as amended), notice is hereby given of the meetings of the Review Panel for the job Training Partnership Act Presidential Awards. The Review Panel and its working groups will meet during a two-week period to begin December 10, 1991, to provide recommendations to the Secretary on the selection of the Presidential Awards recipients.

TIME AND PLACE: 10:30 a.m., room N4437C, Frances Perkins Building, U.S. Department of Labor, 200 constitution Avenue, NW., Washington, DC 20210.

These meetings will be closed under the authority of section 10(d) of the Federal Advisory Committee Act. The Panel will review and discuss personal information regarding the nominees, disclosure of which woud constitute a clearly unwarranted invasion of privacy.

Due to the schedules of certain participants, we are unable to provide the full 15 days of advance notice of this meeting.

FOR FURTHER INFORMATION, CONTACT: Mr. Hugh Davies, Acting Director, Office of Employment and Training Programs, U.S. Department of Labor, Employment and Training Administration, 200 constitution Avenue, NW., room N4703, Washington, DC 20210 Telephone (202)535-0580.

Signed at Washington, DC, the 22nd day of November 1991.

Roberts T. Jones,

Assistant Secretary of Labor.

[FR Doc. 91-28597 Filed 11-27-91; 8:45 am]

BILLING CODE 4510-30-M

LIBRARY OF CONGRESS

Copyright Office

[Docket No. 90-3A]

Cable Compulsory License: Specialty Station List

AGENCY: Library of Congress, Copyright Office.

ACTION: Final Specialty Station List.

SUMMARY: In proceeding Docket No. RM 87-7D the Copyright Office established a revised list of broadcast television stations that qualify as specialty stations under the former distant signal carriage rules of the Federal Communications Commission (FCC) at 47 CFR 76.5(kk)(1981). A final specialty station list was published in 55 FR 40021 on October 1, 1990. The Office opened a new public proceeding, Docket No. RM 90-3, and invited broadcast stations not included in the final list published October 1, 1990, to submit affidavits should they claim specialty station status. The Office now publishes the updated specialty station list that will be used by the Office to check broadcast station status when cable systems file their semi-annual statements of account under the cable compulsory license of 17 U.S.C. 111.

EFFECTIVE DATE: January 1, 1992.

FOR FURTHER INFORMATION CONTACT: Dorothy Schrader, General Counsel, U.S. Copyright Office, Library of Congress, Washington, DC 20540. Telephone (202) 707-8380.

SUPPLEMENTARY INFORMATION: Under the cable compulsory license, section 111 of the Copyright Act, title 17 U.S. Code, the specialty station status of a broadcast station permits payment of copyright royalties based on a lower rate than may otherwise be applicable Although specialty station status is determined by reference to the former regulations of the Federal Communications Commission at 47 CFR 76.5(kk) 1981), the FCC no longer determines whether a station qualifies as a specialty station or not. The Copyright Office has adopted a procedure for updating the list of specialty stations, since the list remains relevant in connection with the filing of statements of account. On October 1, 1990, the Copyright Office published a final annotated list of specialty stations following procedure established September 18, 1989, at 54 FR 38461. See also 54 FR 38466. Public proceeding Docket No. RM 87-7, which was initiated to assemble an updated specialty station list, yielded several late requests for addition to the list. As part of its efforts to update comprehensively the specialty station list for purposes of calculating royalties under the cable compulsory license, 17 U.S.C. 111, the Office opened a new public proceeding, Docket No. RM 90-3 and invited broadcast stations not included in the final list published October 1, 1990, to submit affidavits should they claim specialty station status.

The Office listed those stations in 56 FR 26165, along with a request that interested parties present factual information should there be objection to identifying any station listed as a specialty station. One set of comments was received, objecting to identification of two stations on the list as specialty stations.

In comments filed July 8, 1991, the Motion Picture Association of America (MPAA) objected to identifying KTFH, Conroe, Texas, as a specialty station, on the bases of: Doubt about ownership qualifications; omission of program listings for KTFH in "a recent TV Guide"; and advertisement rates listed in the 1991 Television & Cable Factbook seemed inconsistent with the rates generally charged by other specialty stations.

In addition, the MPAA stated that its research in the Factbook failed to disclose information verifying that CICA, Toronto, Ontario, listed as an educational station, carried the requisite amount of specialty programming, e.g. foreign language programming, to qualify for specialty station status. Although other Canadian stations desiring specialty station status have listings that specify they are foreign language outlets, there is no clear

indication in the Factbook on what basis CICA claims specialty station status.

The Copyright Office contacted representatives of KTFH and CICA, informing them of the filing of the objections.

In its response, KTFH replied that carries the prescribed percentage of specialty programming (see 47 CFR 76.5(kk)(1981)), and that its putative ownership or its advertising rates in no way affects its status as a specialty station under the relevant FCC regulations. KTFH also provided samples from a major Houston newspaper listing showing its program offerings. These listings disclose that KTFH's programming is predominantly Spanish language programming.

Representatives of CICA were contacted by the Office, but no response was received as the date this notice was prepared.

The Copyright Office updates the specialty station list to provide current, accurate reference information relevant to the filing of statements of account by cable television systems, as required by 17 U.S.C. 111. Inclusion on this list is one indication that carriage of the station by a cable system is not subject to the 3.75% rate for distant signal carriage. The annotated list of stations claiming specialty status includes references noting any public objections to a station's claim. With such an annotated list on the public record, cable systems can make an informed decision as to whether the MPAA or any other party might contest the system's carriage of a particular station on a specialty basis. See also 54 FR 38461–38466.

The Office hereby publishes a final list of specialty stations, effective 1, 1992, for lhe accounting period 1991/2 and thereafter. Affidavits related to specialty station status received after December 3, 1990 are too late for this proceeding. They will be noted by the Office and placed in a public file for whatever legal significance they may possess. The Office will again consider updating the specialty station list in 1994.

Final Annotated List of Specialty Stations: Call Letters and Cities of License

CIVA Abitibi, Quebec
KLUZ Albuquerque, New Mexico
KNAT Albuquerque, New Mexico
K48AM Albuquerque, New Mexico
WKBS Altoona, Pennsylvania
K39AB Bakersfield, California
KDOR Bartlesville, Oklahoma
KITU Beaumont, Texas
WCLJ Bloomington, Indiana
WNYB Buffalo, New York
WRDG Burlington, North Carolina
WDLI Canton, Ohio
CHAU Carlton, Quebec
KWHD Castle Rock, Colorado
WCFC Chicago, Illinois
WSNS Chicago, Illinois
CIVV Chicoutimi, Quebec
CJPM Chicoutimi, Quebec
WCLF Clearwater, Florida
WTGL Cocoa, Florida
*KTFH Conroe, Texas
KVEA Corona, California
KORO Corpus Christi, Texas
KDTX Dallas, Texas
CBXFT Edmonton, Alberta
KINT El Paso, Texas
WSCV Ft. Lauderdale, Florida
WTJP Gadsden, Alabama
KTMD Galveston, Texas
KUVN Garland, Texas
WLXI Greensboro, North Carolina
WPCB Greensburg/Pittsburgh, Pennsylvania
KFTV Hanford/Fresno, California
KLUJ Harlingen, Texas
W13BF Hartford, Connecticut
W47AAD Hartford, Connecticut
KWHH Hilo, Hawaii
KHAI Honolulu, Hawaii
KWHE Honolulu, Hawaii
KETH Houston, Texas
CHOT Hull, Quebec
WHMB Indianapolis, Indiana
CKRS Jonquiere, Quebec
WHKE Kenosha, Wisconsin
WWTO LaSalle, Illinois
WACX Leesburg, Florida
WEJC Lexington, North Carolina
WNJU Linden, New Jersey
KMEX Los Angeles, California
KWHY Los Angeles, California
WTKK Manassas, Virginia
CBGAT Mantane, Quebec
WTCT Marion, Illinois
WHFT Miami, Florida
WLTV Miami, Florida
WMPV Mobile, Alabama
KCSO Modesto, California
CBAFT Moncton, New Brunswick
KSMS Monterey, California
WMCF Montgomery, Alabama
CBFT Montreal, Quebec
CFTM Montreal, Quebec
CFJP Montreal, Quebec
CFTU Montreal, Quebec
CIVM Montreal, Quebec
WHTN Nashville, Tennessee
WSFJ Newark, Ohio
CKRN Noranda-Rouyn, Quebec
KMLM Odessa, Texas
KSBI Oklahoma City, Oklahoma
KTBO Oklahoma City, Oklahoma
WSWS Opelika, Alabama
CBOFT Ottawa, Ontario
WXTV Patterson, New Jersey
WHBR Pensacola, Florida/Mobile, Alabama
W35AB Philadelphia, Pennsylvania
KPAZ Phoenix, Arizona
KTVW Phoenix, Arizona
KVTN Pine Bluff, Arkansas
KNMT Portland, Oregon
WTBY Poughkeepsie, New York
CBVT Quebec City, Quebec
CFCM Quebec City, Quebec
CBKFT Regina, Saskatchewan
KREN Reno, Nevada
WKOI Richmond, Indiana
CJBR Rimouski, Quebec
CFER Rimouski, Quebec
CIVB Rimouski, Quebec
CIMT Riviere-du-Loup, Quebec
CKRT Riviere-du-Loup, Quebec
CFEM Rouyn-Noranda, Quebec
WAQP Saginaw, Michigan
KWEX San Antonio, Texas
KSCI San Bernadino, California
KDTV San Francisco, California
KTSF San Francisco, California
WKAQ San Juan, Puerto Rico
KSTS San Jose, California
KTBN Santa Ana, California
CBST Sept-iles, Quebec
CKSH Sherbrooke, Quebec
CHLT Sherbrooke, Quebec
WHME South Bend, Indiana
CHOY St. Jerome, Quebec
KTAJ St. Joseph, Missouri
KTBW Tacoma, Washington
CBLFT Toronto, Ontario
*CICA Toronto, Ontario
CHEM Trois Rivieres, Quebec
CKTM Trois Rivieres, Quebec
K52AO Tucson, Arizona
KWHB Tulsa, Oklahoma
CBUFT Vancouver, British Columbia
CBEFT Windsor, Ontario
CBWFT Winnipeg, Manitoba

* Designates that a party objected to the station's characterizing itself as a specialty station.

Dated: November 20, 1991.

Ralph Oman,

Register of Copyrights.

[FR Doc. 91–28566 Filed 11–27–91; 8:45 am]

BILLING CODE 1410–08–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 91–102]

NASA Advisory Council Task Force on NASA's Education Programs; 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 the NASA Advisory Council Task Force on NASA's Education Programs.

DATES: December 18, 1991, 9 a.m. to 5 p.m.

ADDRESSES: National Aeronautics and Space Administration, room 6004, Federal Office Building 6, 400 Maryland Avenue, SW., Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Dr. Sylvia D. Fries, Code ADA–2, National Aeronautics and Space Administration, Washington, DC 20546, 202/453–8766.

SUPPLEMENTARY INFORMATION: The NASA Advisory Council was established as an interdisciplinary group to advise senior management on the full range of NASA's programs, policies, and plans. The Task Force on NASA's Education Programs, reporting to the Council, will review the full breadth of NASA's education activities and examine the objectives and strategies of the agency's education program in light of the President's Education Goals. The Task Force is chaired by Mr. Thomas J. Murrin and is composed of 9 members. The meeting will be open to the public up to the seating capacity of the room, which is approximately 30 persons including Task Force members and other participants. Visitors will be requested to sign a visitor's register. It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants.

Type of Meeting: Open.

Agenda:

Wednesday, December 18, 1991

9 a.m.—Discussion with NASA Administrator.

10 a.m.—Discussion with NASA Associate Administrator for Human Resources and Education.

11 a.m.—Review of Issues.

1 p.m.—Report Drafting Session.

5 p.m.—Adjourn.

Dated: November 21, 1991.

Philip D. Waller,

Deputy Director,

Management Operations Division.

[FR Doc. 91–28532 Filed 11–27–91; 8:45 am]

BILLING CODE 7510–01–M

NATIONAL COMMISSION ON MIGRANT EDUCATION

Meeting

ACTION: Notice of meeting.

SUMMARY: the National Commission on Migrant Education will hold its thirteenth meeting on December 15, 1991, for the purpose of conducting a business meeting and holding a hearing. The Commission was established by Public Law 100–297, April 28, 1988.

DATE, TIME, AND PLACE: Sunday, December 15, 1991, from 8 a.m. to 8 p.m. at the Sheraton Harbor Place Hotel, 2500 Edwards Drive, I–75 Exit 25 West, Fort Myers, Florida 33901.

STATUS: Open to the public.

AGENDA: 8:05 a.m.–9:05 a.m.; Presentation of draft report findings by the Administrative Conference of the United States (ACUS). 9:05 a.m.–12:15 p.m.; Hearing: Scheduled witnesses to provide testimony on state and local migrant projects. 1:30 p.m.–5 p.m.; Business session 6:30 p.m.–8 p.m.; Hearing: Opening for public testimony.

Scheduled witnesses are allowed 20 minutes to provide testimony. These witnesses are requested to provide 20 copies of written testimony to the Commission office by December 6, 1991. Individuals who request time to provide testimony during the public session will be allowed 5 minutes. All documents provided to the Commission will be included in the official proceedings.

FOR FURTHER INFORMATION CONTACT: Elizabeth J. Skiles (301) 492–5336, National Commission on Migrant Education, 8120 Woodmont Avenue, Fifth Floor, Bethesda, Maryland 20814

Linda Chavez,

Chairman.

[FR Doc. 91–28654 Filed 11–27–91; 8:45 am]

BILLING CODE 6820–DE–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Humanities Panel Meeting

AGENCY: National Endowment for the Humanities.

ACTION: Notice of meeting.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92–463, as amended), notice is hereby given that the following meeting of the Humanities Panel will be held at the Old Post Office, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

FOR FURTHER INFORMATION CONTACT: David C. Fisher, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, DC 20506; telephone 202/786–0322.

SUPPLEMENTARY INFORMATION: The proposed meeting is for the purpose of panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. Because the proposed meeting will consider information that is likely to disclose: (1) Trade secrets and commercial or financial information obtained from a person and privileged or confidential; or (2) information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee meetings, dated September 9, 1991, I have determined that this meeting will be closed to the public pursuant to subsections (c)(4), and (6) of section 552b of title 5, United States Code.

1. *Date:* December 9, 1991. *Time:* 9 a.m. to 5 p.m. *Room:* 315.

Program: This meeting will review Interpretive Research/Collaborative Projects applications for Linguistics, submitted to the Division of Research Programs, for projects beginning after September 1992.

David C. Fisher,

Advisory Committee Management Officer.

[FR Doc. 91–28559 Filed 11–27–91; 8:45 am]

BILLING CODE 7536–01–M

NATIONAL SCIENCE FOUNDATION

Advisory Panel for Applications of Advanced Technologies, Education and Human Resources; Meeting

The National Science Foundation announces the following meeting:

Name: Advisory Panel for Applications of Advanced Technologies, Education and Human Resources.

Dates and Time: December 15–17, 1991. Sunday the 15th from 6 p.m. to 9 p.m. on Monday the 16th from 8:30 a.m. to 5 p.m. and Tuesday the 17th from 8:30 a.m. to Noon.

Place: Colonial Inn, Conference Room, 48 Monument Square, Concord, MA 01742.

Type of Meeting: Closed.

Contact Person: Dr. Beverly C. Hunter, Program Director, Applications for Advanced Technologies, room 635A, Washington, DC 20550, Phone: (202) 357–7064.

Summary Minutes: May be obtained from the Contact Person at the above address.

Purpose of Meeting: To provide advice and recommendations concerning support for research.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries and personal information concerning

individuals associated with the proposals. These matters are within exceptions (4) and (6) of 5 U.S.C. 552(b)(c), Government in the Sunshine Ace.

Dated: November 11, 1991.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 91-28592 Filed 11-27-91; 8:45 am]

BILLING CODE 7555-01-M

Division of Earth Sciences Council for Continental Scientific Drilling; Meeting

Summary: In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following meeting.

Supplementary Information: The purpose of the meeting is to undertake annual overview of the U.S. Continental Scientific Drilling Program (CSDP) which is being coordinated by the Interagency Coordinating Group for Continental Scientific Drilling (ICG/CSD).

Name: Council for Continental Scientific Drilling.

Date: December 17, and 18, 1991.

Time: 8:30 a.m. to 6 p.m. each day.

Place: Room BA-102C, United States Geological Survey, 922 National Center, Reston VA 22092.

Type of Meeting:

Open to the public. Persons may participate in the meeting as time and space permit.

Agenda: Briefings on accomplishments, current activities, and future plans of the DOE, NSF, and U.S. CSDP program; discussions and determinations of organizational structure, procedures, schedule, and related matters for U.S. CSDP overview by the Council for CSD.

Contact: Dr. James F. Hays, Division Director, Division of Earth Sciences, room 602, National Science Foundation, Washington, DC, (202) 357-7958; and Donald W. Klick, ICG/CSD Executive Secretary, 922 National Center, U.S. Geological Survey, Reston, VA 22092, (703) 648-6346.

Summary Minutes: May be obtained from the Contact Person at the above address.

Dated: November 20, 1991.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 91-28600 Filed 11-27-91; 8:45 am]

BILLING CODE 7555-01-M

Advisory Panel for Engineering Centers Division Committee of Visitors; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following meeting.

Name: Advisory Panel for Engineering Centers Division (ECD).

Dates and Times: December 16, 1991; 8:30 a.m.-5 p.m.

Place: Room 536, 1800 G Street, NW., Washington, DC 20550.

Type of Meeting: Closed.

Contact Person: Dr. Marshall M. Lih, room 1121, National Science Foundation, Washington, DC 20550. Telephone: (202) 357-9707.

Purpose of Meeting: To provide oversight review of the ECD programs.

Agenda: To carry out Committee of Visitors (COV) review including examination of decisions on proposals, reviewer comments, and other privileged materials.

Reason for Closing: The meeting is closed to the public because the Committee is reviewing proposal actions that will include privileged intellectual property and personal information that could harm individuals if they were disclosed. If discussions were open to the public, these matters that are exempt under 5 U.S.C. 552 b.(c) (4) and (6) of the Government in the Sunshine Act would improperly be disclosed.

Dated: November 20, 1991.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 91-28599 Filed 11-27-91; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

Commonwealth Edison Co., Zion Nuclear Power Station, Units 1 and 2; Issuance of Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License Nos. DPR-39 and DPR-48, issued to Commonwealth Edison Company (CECo, the licensee), for operation of the Zion Nuclear Power Station, Units 1 and 2, located in Lake County, Illinois.

Environmental Assessment

Identification of Proposed Action

The proposed amendment would consist of a change to the operating license to extend the expiration date of the operating license to April 6, 2013, for Zion Unit 1 and November 14, 2013, for Zion Unit 2. The change would extend the operation of Zion, Unit 1 by 4 years and 4 months, and Zion Unit 2 by 4 years and 11 months. The proposed license amendment is responsive to the licensee's application dated September 23, 1986, as supplemented December 14, 1987. The commission's staff has prepared an Environmental Assessment of the proposed action, "Zion Units 1 and 2 Environmental Assessment of Proposed Amendment to Facility Operating License Nos. DPR-39 and DPR-48, to 40-year Operating License, Docket Nos. 50-295 and 50-304."

The Need for the Proposed Action

The proposed change to the license is required in order to permit the licensee to operate Zion Station, Units 1 and 2, for 40 years from the date of the issuance of the Operating Licenses as opposed to 40 years from the date of the issuance of the Construction Permits as is currently allowed.

Environmental Impacts of the Proposed Action

The Commission has completed its evaluation of the proposed revision to the Operating Licenses and concludes that the extension of Zion's Operating License Nos. DPR-39 and DPR-48 will not create any new or unreviewed environmental impacts. This is an administrative change that does not involve any physical modifications, and there are no new or unreviewed environmental impacts that were not considered as part of the Final Environmental Statement (FES) Relating to Operation of the Zion Nuclear Generating Plant, Units 1 and 2. Evaluations for the FES considered a 40-year operating life.

The Zion site encompasses about 250 acres of land which includes the beach (about 2000 feet of shoreline) and recreational dunes property bordering Lake Michigan. A large portion of the site has been set aside as a natural habitat for small animals and plants native to the dunes region. The site size and use has not changed.

During construction of the plant there was some erosion of the beach just south of the site at the Illinois Beach State Park, that was caused by a 2000 foot breakwater that was built and used for plant construction. The utility took

steps to retard the erosion during construction and committed to correct the condition after construction. In 1973, approximately 70,000 cubic yards of sand were transported to the beach site to correct the erosion. In addition, sheet piling, shoreline riprap, and stone blocks were put in place to retain sand and encourage sand deposition by wave action and littoral drift. This activity was conducted to reestablish the 1972 beach line to a depth and equivalent volume to what was eroded. In 1984 a monitoring program was established to document the success of the project. Also in 1984, an additional 85,000 cubic yards of sand was added to the Illinois Beach State Park shore line to supplement sand lost because of attrition and the all time high lake level. Monitoring for attrition of sand is being continued.

The station employs once through cooling and the heated water is discharged directly to Lake Michigan. At full power, the total station cooling water flow of 1,530,000 gpm (3410 cfs) is heated about 20 °F. The heated discharge rises and forms a surface plume whose 3 °F excess (above ambient) isotherm is about 920 acres. There has been no change in the Zion Station discharge described in the FES. The heated discharge is in compliance with the conditions of the NPDES Permit (Permit No. IL 0002763, issued November 29, 1974, reviewed September 30, 1985) and all related water quality regulations as set forth in title 35, subtitle C, chapter 1, Water Pollution Rules and Regulations of the Illinois Pollution Control Board.

The FES states: "Juvenile and adult fish entrained by the intake flow will probably be trapped in the forebay and killed by impingement. Although, the 2,600 feet offshore intake location of the nets (which the applicant presently proposes to install surrounding the existing intake structure) will reduce such impingement, the intake flow velocity is very high in comparison with most other plants for which impingement data is available. At the existing intake structure the water flow velocity is calculated to be about 2.4 ft/sec maximum during normal warm weather operation and 3.7 ft/sec maximum during winter operation with deicing of intake structure."

Commonwealth Edison has installed a blocking net around the intake structure during periods of the year when fish activity is the greatest in the near shore waters where the intake structure is located. The net is placed around the intake structure in spring since historic data regarding fish activity in the area has shown that this is the time of year when the greatest number of fish are in the shore waters and are potentially available for impingement. The net remains in the water as a protective barrier around the intake structure until late September, when it is removed. Data collected in 1974 and 1975 prior to and after installation has demonstrated that a net around the intake structure was effective in reducing impingement (Commonwealth Edison Zion 316(b) Demonstration Report, page 13, April 1, 1976). The blocking net is constructed on one inch bar mesh treated with asphalt to reduce the likelihood that fish will become gilled on the net as water enters the station. The net is located 50 feet from the edge of the intake structure intake ports, in all dimensions.

The FES states: a fraction of the aquatic animal life which passes through the station's condenser cooling and service water systems will be killed. All aquatic life which passes through these systems will be subjected to mechanical and thermal (with intermittent chemical) stresses. Similarly, organisms entrained in, attracted to, or otherwise affected by the thermal discharge will be subjected to a complex set of direct and indirect influences, some of which are judged locally adverse. The biological effects of condenser passage and the thermal discharge, however, are not expected to produce major local degradation, and no significant adverse impact on lake populations is anticipated." These effects are expected to remain unchanged as discussed in the FES. The staff evaluation of the effects indicates negligible net impacts on the biological population of the lake for the extended period of operation.

The station employs a mechanical system for condenser cleaning and, as a result, only relatively small quantities of chemicals are required for operation of the service water and non-radioactive liquid waste systems. The controlled, intermittent releases of these chemicals and their dilution with the condenser cooling water result in concentrations sufficiently low that adverse impact on aquatic life is not measurable. The intermittent releases of non-radiological chemicals required for station operation are in compliance with NPDES Permit No. IL 0002763.

The FES estimated that the station would discharge to the environment approximately 10 curies per year of radioactive liquid wastes in addition to about 2000 curies per year of tritium and about 5,700 curies per year of gaseous wastes. These radioactive wastes were judged to have a small impact on the environment and the general public compared to that experienced through natural background radiation. The discharges have been lower than the FES estimates. For example, in 1985 the station discharged 2.03 curies of radioactive liquid waste, 585 curies of tritium and 3,810 curies of gaseous wastes.

The probability of risk of accidental radiation exposure to the population remains at the very low level shown in the FES. Based upon continued operation of Zion using existing liquid and gaseous radwaste treatment systems coupled with the current radiological monitoring program and Technical Specifications, the staff anticipates that liquid and gaseous effluents doses during the requested license extension period will remain a fraction of the 10 CFR part 50, appendix I, limits and will not adversely impact the environment.

The current 1980 population of the local area, 0–5 miles, is estimated to be 39,243, whereas the FES population value for 1970 for the same area was 46,196. The nearest population center, the city of Zion had a 1980 population of 17,783. The FES listed the 1970 population of 17,126. The current 1980 population for the 0–50 mile area as 6,339,000.

The original FES projected the population within 50 miles in the year 2000 to be about 10,000,000, however the current projection for within 50 miles in the year 2015 is only 8,104,300.

While is is recognized that some population increase could occur during the period of the proposed license extension, the increase is not expected to be significant based on current population projections. No significant shift in population density within the emergency planning zone of 50-mile radius of the plan is expected. Nor are there expected changes in site boundary, low population zone, or population center distances.

The FES man-rem estimates for the population within 50 miles of the site was based on the year 2000 population of about 10,000,000. Thus the FES population doses were conservative in comparison to the current 2015 population projection of 8,104,300 people and the population projections for the period of the license extension would not change the overall conclusions of the FES concerning radiological consequences following an accident.

In summary, the effects of the additional 4 years and 4 months of operation of Unit 1 and the additional 4 years 11 months of operation of Unit 2 are bounded by the assessment in the

original FES. Accordingly, the Commission concludes that this proposed action would result in no significant radiological environmental impact, does not affect nonradiological plan effluents, and has no other environmental impact. Therefore, the Commission concludes that there are no significant environmental impacts associated with the proposed amendment.

The notice of consideration of issuance of amendment and opportunity for hearing in connection with this action was published in the Federal Register on November 19, 1986 (51 FR 41849). No request for hearing or petition for leave to intervene was filed following this notice.

Alternative to the Proposed Action

Since the Commission concluded that there are no significant environmental effects that would result from the proposed action, any alternatives with equal or greater environmental impacts need not be evaluated.

The principal alternative would be to deny the requested amendment. This would not reduce environmental impacts of plants of plant operation and would result in reduced operational flexibility.

Alternative Use of Resources

This action does not involve the use of any resources not previously considered in the Final Environmental Statements for the Zion Nuclear Power Station, units 1 and 2, dated December 1972.

Agencies and Persons Consulted

The NRC staff reviewed the licensee's request and did not consult other agencies or persons.

Finding of No Significant Impact

Based upon the foregoing environmental assessment, we conclude that the proposed action will 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 license amendment.

For further details with respect to this action, see the application for amendment dated September 23, 1986, as supplemented December 14, 1987, which are available for public inspection at the Commission's Public Document Room, 2120 L Street, NW., Washington, DC and at the Waukegan Public Library, 128 N. County Street, Waukegan, Illinois 60085.

Dated at Rockville, Maryland, this 19th day of November 1991.

For the Nuclear Regulatory Commission.

Richard J. Barrett,

Director, Project Directorate III-2, Division of Reactor Projects—III/IV/V Office of Nuclear Reactor Regulation.

[FR Doc. 91-28644 Files 11-27-91;8:45 am]

BILLING CODE 7590-01-7

Application for a License To Export Nuclear Material

Pursuant to 10 CFR 110.70(b) "Public notice of receipt of an application", please take notice that the Nuclear Regulatory Commission has received the following application for an export license. Copies of the application are on file in the Nuclear Regulatory Commission's Public Document Room located at 2120 L Street, NW., Washington, DC.

A request for a hearing or petition for leave to intervene may be filed within 30 days after publication of this notice in the Federal Register. Any request for hearing or petition for leave to intervene shall be served by the requestor or petitioner upon the applicant, the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555; the Secretary, U.S. Nuclear Regulatory Commission; and the Executive Secretary, U.S. Department of State, Washington, DC 20520.

In its review of the application for a license to export special nuclear material noticed herein, the Commission does not evaluate the health, safety or environmental effects in the recipient nation of the material to be exported. The information concerning this application follows.

NRC EXPORT LICENSE APPLICATION

Name of applicant, date of appl., date received application No.	Material type	Material (in kilograms)		End use	Country of destination
		Total element	Total isotope		
Transnuclear, Inc., 10/21/91, 10/24/91, XSNM02667.	93.35% enriched uranium	73.164	68.30	Fabrication of target material for production of medical isotopes.	Canada.

Dated this 21st day of November 1991 at Rockville, Maryland.

For the Nuclear Regulatory Commission.

Ronald D. Hauber,

Assistant Director for Exports, Security, and Safety Cooperation International Programs, Office of Governmental and Public Affairs.

[FR Doc. 91-28638 Filed 11-27-91; 8:45 am]

BILLING CODE 7590-01-01-M

[Docket No. 50-293; License No. DPR-35]

Boston Edison Co., Pilgrim Nuclear Power Station; Receipt of Petition for Director's Decision Under 10 CFR 2.206

Notice is hereby given that by Petition received October 31, 1991, Jane Fleming has requested that the Commission take action regarding the Pilgrim Nuclear Power Station. Specifically, Ms. Fleming requested that the Commission reconsider its July 30, 1991, approval of a Task Force recommendation that the NRC not reconsider its reasonable assurance finding regarding emergency preparedness at Pilgrim. She also requested that the Commission set "the 120 day clock." Although she did not cite 10 CFR 50.54(s)(2)(ii), the NRC is interpreting this request to mean, in accordance with this regulation, that the NRC should find that the state of emergency preparedness at Pilgrim does not provide reasonable assurance that adequate protective measures can be taken in the event of a radiological emergency and, if the deficiencies are not corrected within four months of that finding, the Commission should determine whether the reactor shall be shut down until such deficiencies are remedied or whether other enforcement action is appropriate. Ms. Fleming alleged, as bases for this request, that

emergency planning for Pilgrim Station is in violation of 10 CFR 50.47 and is not in accordance with NUREG–0654, "Criteria for Preparation and Evaluation of Emergency Response Plan." She provided the following 10 reasons for her belief that the finding of reasonable assurance should be reversed: (1) Reception center to the north is not adequate, (2) transportation is not adequate, (3) monitoring of school children is not adequate, (4) monitoring of handicapped is not adequate, (5) decontamination of handicapped is non-existent, (6) planning for evacuation of Saquish-Gurnet and Clark's Island is not adequate, (7) interfacing of plans is not adequate, (8) public information is not adequate, (9) direct torus vent interfacing with emergency planning issues is not resolved, and (10) congregate care facilities are not under agreement. She further asserts, among other matters, that the Task Force did not properly achieve the goals set out in its charter, that the Task Force was disbanded before any final recommendation was made, that the Task Force ignored established NRC policy, that the Commission overlooked areas of concern, and that the Commission's approval could not properly have been based on the findings provided by the Task Force.

The request is being treated pursuant to 10 CFR 2.206 of the Commission's regulations. The request has been referred to the Director of Nuclear Reactor Regulation (NRR). As provided by § 2.206, appropriate action will be taken on this request within a reasonable time.

A copy of the Petition is available for inspection at the Commission's public Document Room at 2120 L Street, Lower Level, NW., Washington, DC 20037

Dated at Rockville, Maryland this 21st day of November 1991.

For the Nuclear Regulatory Commission.

Frank J. Miraglia,

Deputy Director, Office of Nuclear Reactor Regulation.

[FR Doc. 91–28650 Filed 11–27–91; 8:45 am]

BILLING CODE 7590–01–M

Intent To Establish Local Public Document Room at the Garfield Heights Branch Library, Garfield Heights, Pertaining to the Chemetron Corporation Decommissioning Sites in Ohio

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of intent to establish a local public document room at the Garfield Heights Branch Library, Garfield Heights, for records pertaining to the Chemetron Corporation decommissioning sites in Ohio.

SUMMARY: Notice is hereby given that the U.S. Nuclear Regulatory Commission (NRC) is intending to establish a Local Public Document Room (LPDR) at the Garfield Heights Branch Library, Garfield Heights, Ohio, for records pertaining to the Chemetron Corporation decommissioning sites, located approximately 3 miles south of Cleveland, Ohio.

DATE: Comment period expires December 30, 1991. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments on or before this date.

ADDRESSES: Written comments may be submitted to Mr. David L. Meyer, Chief, Regulatory Publications Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Copies of comments received may be examined at the NRC Public Document room, 2120 L Street, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Ms. Jona L. Souder, LPDR Program Manager, Freedom of Information Act/ Local Public Document Room Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Telephone 301–492–4344 or Toll-Free 1–800–638–8081.

Among the factors the NRC considers in selecting a location for the collection are:

(1) The willingness and ability of the library to house and maintain the collection;

(2) The physical facilities available, including shelf space, work space, and copying and micrographic equipment;

(3) The willingness and ability of the library staff to assist the public locate records;

(4) The public accessibility of the library, including parking, ground transportation, and hours of operation, particularly evenings and weekend hours;

(5) The accessibility of the library to the handicapped;

(6) The proximity of the library to the Chemetron Corporation decommissioning sites, located 3 miles south of Cleveland, Ohio;

(7) The proximity of the library to existing user groups of the collection, if known.

Public comments are requested on the establishment of the Garfield Heights Branch Library, Garfield Heights, Ohio, as a Local Public Document Room for records pertaining to the Chemetron Corporation decommissioning sites.

Dated at Bethesda, Maryland, this 22 day of November, 1991.

For the U.S. Nuclear Regulatory Commission.

Donnie H. Grimsley,

Director, Division of Freedom of Information and Publications Services, Office of Administration.

[FR Doc. 91–28647 Filed 11–27–91; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–413 and 50–414]

Duke Power Co., et al.; Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License Nos. NPF–35 and NPF–52, issued to the Duke Power Company, et al. (the licensee), for operation of the Catawba Nuclear Station, Units 1 and 2 located in York County, South Carolina.

The proposed amendments would change the parameters for Total Allowable (TA), Z and Sensor Error(s) and the footnotes in Technical Specification (TS) Table 2.2–1 for the Overtemperature-Delta Temperature (OTDT) trip setpoint.

The overtemperature OTDT reactor trip is designed to protect the reactor core from departure from nucleate boiling (DNB) over a range of temperatures and pressures. The setpoint for the OTDT trip is variable depending upon reactor coolant system temperature, pressurizer pressure, and axial flux difference. Due to a potential nonconservatism discovered in the methodology used to calculate the F-Delta I (f(DI)) reset portion of the OTDT trip function, it was determined that the positive side of the axial offset band was non-conservative for Catawba Unit 2. The f(DI) reset portion of the trip function is designed to lower the trip setpoint when axial flux differences exceed predetermined limits. Since the limiting margins to DNB occur as the result of highly skewed power distributions, a slope change to the positive wing on the axial offset band is necessary in order to prevent the DNB limits from being exceeded. Therefore,

an evaluation was performed to determine a new value for the slope of the positive side of the axial offset band which conservatively bounds this operating region. This new slope value will be included as a Catawba Unit 2 specific value in the Technical Specifications. The value for Unit 1 will remain unchanged because it is based on different calculational methodology. These changes will restore the appropriate margin to the minimum DNBR for the Catawba Unit 2 Cycle 5 Reload Analysis.

The licensee has requested that this amendment be processed on an exigent basis pursuant to 10 CFR 50.91(a)(6). The licensee states that their evaluation and that of their vendor, Westinghouse Electric Corporation in this matter, resulted in a determination on October 21, 1991, that the resolution to the issue would require reanalysis and associated changes to the TS. The licensee had shut Unit 2 down on October 18, 1991, for entry into the current reloading outage. The performance of the additional analysis and proposed revision to the TS was completed by Westinghouse and provided to the licensee on November 13, 1991. The licensee's organizational elements then performed their review of the proposed TS changes. The licensee transmitted their application to the NRC on November 20, 1991. Catawba Unit 2 is currently scheduled to start up from refueling on December 14, 1991, and would need the proposed amendment to the TS prior to December 14, 1991, in order to permit entry into MODE 2. This schedule does not provide the requisite time for the publication of the appropriate Notice in the **Federal Register** for the 30 day period pursuant to 10 CFR 50.91(a)(2)(ii). Accordingly, the licensee has requested that this proposed amendment be processed on an exigent basis pursuant to 10 CFR 50.91(a)(6)(vi). The staff has reviewed the schedular information and the actions undertaken by the licensee and finds that failure to process the amendment on an exigent basis would result in the delay in the startup of the unit past the currently scheduled date. Based on the information provided, it appears that the licensee's actions have reflected their best efforts to make a timely application for the needed changes to the TS.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

These proposed changes to the Technical Specifications do not involve a significant increase in the probability or consequences of an accident previously evaluated. Due to a potential nonconservatism discovered in the methodology used to calculate the f(ΔI) reset portion of the OTΔT trip function, it was determined that the positive side of the axial offset band was non-conservative for Catawba Unit 2. The f(ΔI) reset portion of the trip function is designed to lower the trip setpoint when axial flux differences exceed predetermined limits. Since the limiting margins to DNB occur as the result of highly skewed power distributions, a slope change to the positive wing on the axial offset band is necessary in order to prevent the DNB limits from being exceeded. Therefore, an evaluation was performed to determine a new value for the slope of the positive side of the axial offset band which conservatively bounds this operating region. Since this change ensures that the DNB limits are not exceeded the probability or consequences of an accident previously evaluated are not increased.

The changes to the Z and Allowable Value reflect the change in the positive wing of the axial offset band. As discussed in the Technical Justification, included in the Z value is an increase in the uncertainty associated with flux map accuracy. The Total Allowance, Z, and S values also change as a result of using Westinghouse Methodology to calculate the values instead of Duke methodology which was used to calculate the current values. Since these changes ensure that DNB limits are not exceeded, and systems used to mitigate an accident are not affected, the probability or consequences of an accident previously evaluated are not increased.

As discussed above the proposed changes to the Technical Specifications are being made to ensure that DNB limits are not exceeded. Because this change conservatively ensures that DNB limits are not exceeded, and because the operating of other plant systems are not affected, this change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

As discussed in the Technical Justification it has been determined that the positive side of the axial offset band was non-conservative for Catawba Unit 2. This change ensures that the non-conservatism in the Westinghouse Methodology is accounted for, therefore increasing the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The commission is seeking public comments on this proposed determination. Any comments received within fifteen (15) days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Written comments may be submitted by mail to the Regulatory Publications Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room P-223, Phillips Building, 7920 Norfolk Avenue, Bethesda, Maryland, from 7:30 a.m. to 4:15 p.m. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555. The filing of requests for hearing and petitions for leave to intervene is discussed below.

By December 30, 1991, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555 and at the local public document room located at the York County Library, 138 East Black Street, Rock Hill, South Carolina 29730.

If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the

Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If the amendment is issued before the expiration of 30-days, the Commission will make a final determination on the issue of no significant hazards consideration. If a hearing is requested, the final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 15-day notice period. However, should circumstances change during the notice period, such that failure to act in a timely way would result, for example, in debating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the15-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1–(800) 325–6000 (in Missouri 1–(800) 342–6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to David B. Matthews: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Mr. Albert Carr, Duke Power Company, 422 South Church Street, Charlotte, North Carolina 28242, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated November 20, 1991, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555, and at the local public document room, located at the York County Library, 138 East Black Street, Rock Hill, South Carolina 29730.

Dated at Rockville, Maryland, this 21st day of November 1991.

For the Nuclear Regulatory Commission

Robert E. Martin,

Project Manager, Project Directorate, Division of Reactor Projects–Office of Nuclear Reactor Regulation.

[FR Doc. 91–28649 Filed 11–27–91, 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–498 and 50–499]

Houston Lighting & Power Co.; South Texas Project, Units 1 and 2 Exemption

I.

On March 22, 1988, and March 28, 1989, the Commission issued Facility Operating License Nos. NPF–76 and NPF–80 to Houston Lighting & Power Company, et al. (the licensee) for South Texas Project, Unit Nos. 1 and 2, respectively. This license provided, among other things, that the facility is subject to all rules, regulations and orders of the Commission.

II.

Section 50.54(t) of title 10 of the Code of Federal Regulations requires licensees to review their emergency preparedness program (EPP) at least every 12 months by persons who have no direct responsibility for implementation of the emergency preparedness program. This would require the licensee to complete their audit by September 1991.

By letter dated July 19, 1991, supplemented on September 20, 1991, the licensee requested an exemption from 10 CFR 50.54(t) which would defer the completion of the EPP audit until December 1991. The licensee stated that a major enhancement of the EPP was implemented in August 1991, and annual retraining of the emergency response organization was delayed to August 1, 1991, to allow inclusion of the enhanced EPP. The exemption to December 1991 will allow for an evaluation of the enhanced EPP after four months of implementation.

III.

The NRC staff has reviewed the licensee's request for an extension of the South Texas Project, Unit Nos. 1 and 2, EPP audit completion date. Recent NRC inspection reports indicated that the scope and depth of the two previous audits appeared to meet the requirements of 10 CFR 50.54(t). The most recent Systematic Assessment of Licensee Performance (SALP) Report, covering the period from February 1, 1990 through May 3, 1991, indicated that management oversight of the emergency preparedness program was evident by the performance of effective QA audits and that the licensee continued to perform independent audits. The licensee was rated to be in Performance Category 2 for the functional area of Emergency Preparedness. A recommendation was made that the licensee should ensure that improvements and changes to the EPP are fully implemented.

For these reasons, the staff finds that the licensee has demonstrated a good track record of compliance with 10 CFR 50.54(t) audit requirements. A three-month extension of the current audit period would, in this instance, benefit the public by allowing the EPP to come to equilibrium with recently enacted enhancements so that the independent review will address current reality rather than recent history. This will allow and encourage the licensee to identify any problems in the enhanced EPP and to implement corrective action, as appropriate. Therefore, the requested three-month extension to the current twelve-month audit period specified in 10 CFR 50.54(t) is acceptable. At the end of the new current audit period (December 1991), future audit periods should revert back to the normal twelve-month interval, with the next review due on or about December 1992.

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12(a)(1), this exemption is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security. The Commission further determines that special circumstances, as provided in 10 CFR 50.12(a)(2)(v), are present justifying the exemption. The exemption would provide only temporary relief from the applicable regulation in that the licensee has extended the EPP audit to allow for an evaluation of the enhanced EPP after four months of implementation.

IV.

Accordingly, the Commission hereby grants an exemption as described in section III above from 10 CFR 50.54(t) of 10 CFR part 50 to extend the completion date of the EPP audit to December 1991. This exemption is effective until the end of December 1991.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of the Exemption will have no significant impact on the environment (56 FR 57025).

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 21st day of November 1991.

For the Nuclear Regulatory Commission.

Bruce A. Boger,

Director, Division of Reactor Projects III/IV/V, Office of Nuclear Reactor Regulation.

[FR Doc. 91-28648 Filed 11-27-91; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

Meeting of the Panel on Science and Technology and National Security of the President's Council of Advisors on Science and Technology

The Panel on Science and Technology and National Security of the President's Council of Advisors on Science and Technology (PCAST) will meet on December 2-3, 1991. The meeting will begin at 9 in Conference Room 476, Old Executive Office Building, 17th Street and Pennsylvania Avenue, NW., Washington, DC.

The purpose of the Panel is to advise the Council on matters involving science and technology and national security.

Proposed Agenda

1. Briefing of the Panel on problems of national security by the Office of Science and Technology Policy and the National Security Council.

2. Briefing of the Panel on problems of national security by the Department of Defense.

All sessions will be closed to the public.

The briefings on national security issues necessarily will involve discussion of materials that are formally classified in the interest of national defense or for foreign policy reasons. The meeting will be closed to the public pursuant to 5 U.S.C. 522b(c)(1), (2), and (9)(B).

Dated: November 21, 1991.

Ms. Damar W. Hawkins,

Executive Assistant, Office of Science and Technology Policy.

[FR Doc. 91-28562 Filed 11-27-91; 8:45 am]

BILLING CODE 3170-01-M

RESOLUTION TRUST CORPORATION

Statement of Policy on offering Portfolios of Assets for Sale

AGENCY: Resolution Trust Corporation.

ACTION: Notice of adoption.

SUMMARY: This policy enables the Resolution Trust Corporation ("RTC") to negotiate sales of $100 million or more of hard-to-sell assets under either of the following conditions: (1) The specific asset pool, or criteria for identifying an asset pool, has been advertised and proposals have been widely solicited; (2) the present value sales price exceeds the sum of the minimum acceptable sale prices for the individual assets. This policy was originally published on July 10, 1991 (FR 56 31451). This version includes comments submitted by the Oversight Board.

EFFECTIVE DATES: This Policy Statement is effective May 21, 1991.

FOR FURTHER INFORMATION CONTACT: Amy Hersh, Deputy Director Real Estate, RTC (202) 416-4208, or Robert Montagne, REO Marketing Specialist, RTC (202) 416-4255.

SUPPLEMENTARY INFORMATION: The RTC through the National Sales Center, will publicly solicit, evaluate and competitively select purchase offers for portfolios of qualified assets (as defined below), on a pilot basis. Under this pilot program, total sales of up to $8.0 billion (net present value of expected proceeds, not book value) are authorized.

Such transactions may also be initiated by RTC Regional or Consolidated Field Offices, or by SAMDA contractors, in cooperation with the National Sales Center. The National Sales Center will have primary responsibility for structuring the offerings, overseeing the process, and presenting cases for approval.

The assets (either specific assets or classes of assets) to be included in these portfolios will be identified in advance, by either the RTC or the buyer. In the case of asset classes, specific assets will be determined after acceptance of the buyer's proposal, in accordance with criteria established by the RTC.

RTC financing may be offered to qualified purchasers of these portfolios, and such financing may include performance-based cash flow obligations, in addition to other types of financing which have been authorized by the Oversight Board. The RTC will reserve a position to share in any upside asset appreciation upon sale or refinancing, where appropriate. Any RTC financing provided under this pilot will be counted toward the current $7 billion seller financing ceiling established by the Oversight Board.

A fair, open and competitive process is an integral component of this policy. In all cases, the RTC will employ competitive procedures designed to provide fair and consistent treatment of all offerors and maiximize the present value returns from the transactions. To ensure that the process is fully open to scrutiny, the RTC will disclose to the public the details of all completed transactions on a timely basis. Disclosures will be of a nature which encourages investor interest and program evaluation, while preserving necessary buyer and seller confidentialities.

Because these portfolio sales transactions will be complex and will involve significant sums of money, it is imperative that (1) the Government's interests are fully protected, and (2) the BTC conduct the transactions with the best possible financial expertise available. To accomplish these goals, the RTC will retain independent financial advisors, as appropriate, to assist RTC staff in selecting asset portfolios, undertaking due diligence, and evaluating purchase offers. However, all major decisions on competitive selection, transaction terms, and pricing will be made by RTC staff, subject to appropriate levels of RTC approval.

Two marketing processes are envisioned under this pilot program:

1. Competitive Solicitation Program

Based on discerned market preferences, the RTC will assemble portfolios of assets (or define criteria for subsequent asset selection) and solicit purchase offer proposals from the widest practicable target markets. RTC will indicate the payment alternatives it would consider. These alternatives may include the full spectrum of options, ranging from cash to traditional seller financing to performance-based cash flow obligations.

From the proposals received, the RTC will select one or more of the most attractive offers, based on criteria established to determine the economic value of the offers and the qualifications of the buyers.

2. "Widely Marketed" Portfolios Program

The RTC will also consider purchase offers for investor-designed portfolios of qualified, "widely marketed" assets. These portfolios must be sold at prices that exceed the sum of the minimum acceptable sales prices for each of the individual assets in the portfolio under current delegations of authority. Such assets will have been generally available to individual purchasers for a period of at least six months, or unsuccessfully offered through auctions or sealed bid offerings. Under both of the marketing programs described above, the RTC will, with the assistance of financial advisors as appropriate, work with with the buyer(s) to arrive at final contract terms, subject to appropriate RTC management approvals.

Public Notification and Comment

The RTC will provide notice to the public of this new policy and the eligibility requirements for participation in the pilot program. This notification will be advertised in the appropriate print media. Additionally, the RTC will invite formal public comment on the proposed policy through the RTC's Regional Advisory Boards. Comments gathered through the next round of meetings of the Regional Advisory Boards will be summarized and made available to the RTC staff and the Oversight Board, the RTC Board, and the general public.

Implementation Procedures

To assist potential buyers and the public in understanding the pilot program, the Asset and Real Estate Management staff will provide specific implementation procedures and guidelines for both the competitive solicitation and the widely marketed portfolio programs and make them available to prospective purchasers. These procedures and guidelines will include safeguards and controls to be required by the RTC to protect its position as lender in any financed sale under the pilot program. Throughout the course of the pilot program, and as a result of comments provided through the Regional Advisory Boards, these procedures and guidelines will be refined as necessary.

Ongoing Reporting and Evaluation

The RTC will monitor progress and results of the pilot program and report results regularly to the Oversight Board. At the end of the pilot program, the RTC staff will prepare an overall assessment report, including an evaluation of the competitive aspects and alternatives considered during the pilot program, with recommendations for full-scale implementation.

Definition of Terms

For purposes of this policy statement, the following terms will have the meanings given below:

Qualified Assets: REO, non-securitizable loans, and other illiquid assets.

Portfolio Sales: Sales of large volumes (generally $100 million or more) of assets to one buyer.

Qualified Purchasers: Purchasers who have sufficient financial capabilities and, for financed sales, demonstrated experience in owning and operating the particular type of asset(s) included in the portfolio.

Performance-Based Cash Flow Obligations: Obligations secured by the highest lien position available to the RTC where (1) debt service payments are determined by the availability of cash flow, and (2) the RTC participates in operating profits and the upside appreciation upon sale or refinancing.

Widely Marketed Assets: Assets that have been actively marketed for at least six months, or unsuccessfully offered in an auction, sealed bid offering, or other marketing event.

Financial Advisors: Independent, third party advisors who will be retained by the RTC, as appropriate, to assist in program structuring, marketing, proposal evaluation, asset valuation, due diligence, and buyer underwriting and qualification assessment. The role of the financial advisors will be limited to providing recommendations. All specific decisions on buyer selection, transaction terms, and pricing will be the sole responsibility of the RTC.

By order of the Board of Directors on September 10, 1991.

Dated at Washington, DC, this 25th day of November, 1991.

Resolution Trust Corporation.

John M. Buckley, Jr.

Executive Secretary.

[FR Doc. 91-28652 Filed 11-27-91; 8:45 am]

BILLING CODE 6714-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-29967; File No. SR-CBOE-91-41]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the Chicago Board of Options Exchange, Inc. Relating to the Establishment, Maintenance and Enforcement of Written Policies and Procedures Designed To Prevent the Misuse of Material, Nonpublic Information

November 19, 1991.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that the Chicago Board Options Exchange, Inc. ("CBOE" or "Exchange") filed with the Securities and Exchange Commission ("Commission"), on October 28, 1991, the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange, pursuant to rule 19b-4 of the Act, has submitted for approval proposed new rule 1.1(qq), which defines the term "associated person or person associated with a member," and proposed new rule 4.18, which supplements the provisions of section 15(f) of the Act. Proposed rule 4.18 would require each member of the CBOE to establish, maintain, and enforce written policies and procedures reasonably designed to prevent the misuse of material, nonpublic information by such member or persons associated with that member. A description of the proposal is set forth in section II.A. below. The text of the proposed rule change is available at the Office of the Secretary, CBOE, and at the Commission.

II. Self-Regulatory Organizations' Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the CBOE included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The CBOE has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

(1) Purpose

Rule 4.18. Proposed rule 4.18 is intended to supplement section 15(f) of the Act, by requiring that every member of the Exchange establish, maintain, and enforce written policies and procedures reasonably designed to prevent the misuse of material, nonpublic information by such member or any person associated with the member. In addition, rule 4.18 mandates that all members that are required to file SEC Form X-17A-5 ("FOCUS Report") only annually with the Exchange must submit, with their FOCUS Reports, an attestation of compliance with the Rule. Finally, the Proposed Rule establishes standards for complying with the record-keeping requirements of the Rule and the Act, and requires disclosure by members and associated persons to the Exchange's Department of Surveillance of any possible misuse of material, nonpublic information.

The scope of the Rule is co-extensive with that of section 15(f) of the Act. The stated goal—prevention of the misuse of material, nonpublic information—is broad enough to encompass frontrunning, trading on the basis of material corporate inside information, and tipping or misappropriating material corporate inside information. These types of misuse are identified in Interpretation .01, which contains examples of proscribed uses of material, nonpublic information.

Interpretation .02 provides minimum standards for compliance with the record-keeping requirements of the rule. These record-keeping procedures, which must be followed by each member, include advising all associated persons of the general prohibition against the misuse of material, nonpublic information; maintaining evidence that the member and all associated persons have agreed to abide by that prohibition; acquiring, maintaining, and reviewing records of all brokerage accounts held by the member and associated persons; and documenting any business dealings or other circumstances involving the member that might result in the member's receipt of material, nonpublic information.

The standards contained in Interpretation .02 are intended to assist members in developing policies and procedures that will satisfy the record-keeping mandate of the Act and the Rule. Accordingly, adherence to those standards alone will not necessarily constitute compliance with the Act and the Rule for all members. Each member's policies and procedures will be evaluated by the Exchange to determine whether, in the context of such member's business, those procedures are reasonable.

Requiring members that file FOCUS Reports only annually to also file attestations that the requisite procedures have been established, enforced, and maintained will assist the Exchange in evaluating the adequacy of such members' policies and procedures. The Exchange has limited the filing requirement to members filing FOCUS Reports only annually because those members that file FOCUS Reports on a more frequent basis generally are subject to periodic audits by the Exchange. In the course of those audits, the Exchange intends to review the procedures maintained by such members pursuant to rule 4.18.

Interpretation .03 and its accompanying circular describe a set of forms developed by the Exchange, denominated as Form OE-418. Form OE-418 is intended to facilitate compliance with the record-keeping and filing requirements of the Rule by individual members and small member organizations that satisfy certain specified criteria ("qualified members"). Form OE-418 will afford qualified members access to an established, non-burdensome procedure for satisfying the filing and record-keeping requirements of the Rule. Qualified members that file Form OE-418, and attachments, in an accurate and timely manner and comply in all respects with the policies and procedures mandated by those forms will be deemed in compliance with the filing and record-keeping requirements of the Rule.

Qualified members will not be required to devise their own record-keeping procedures or to develop their own form of attestation. Instead, they may rely upon the procedures dictated by Form OE-418. Specifically, Form OE-

418 and attachments require (1) disclosure by the member of potential sources of material, nonpublic information concerning any corporation whose securities are publicly traded; (2) written affirmation by the member that the member understands and will abide by the prohibition against the misuse of material, nonpublic information concerning either a corporation whose securities are publicly traded or imminent transactions in an underlying security; (3) written affirmation by all non-member employees that such persons understand and will abide by the preceding prohibitions; and (4) quarterly reviews of trading in the brokerage accounts of all non-member employees.

The Exchange believes that the procedures prescribed in Form OE–418 are reasonably designed to prevent or identify the misuse of material, nonpublic information by qualified members. Qualified members are those that meet certain size restrictions and satisfy other specified criteria. Those criteria, which are set forth in the circular, are designed to screen out individual members and small member organizations that may have access to material, nonpublic information. Qualified members are not likely to receive material, nonpublic information and, therefore, may rely on the streamlined procedures prescribed in Form OE–418 to satisfy their filing and record-keeping requirements under the Rule.

Moreover, by virtue of their size, qualified members—individual members; individual members employing no more than three non-member employees; and member organizations that comprise no more than three members and employ no more than six non-member employees—can more easily detect the misuse of material, nonpublic information by one of their members or non-member employees. More onerous procedures are neither necessary nor cost-effective for qualified members.

Larger member organizations that are not eligible to rely solely on Form OE–418 may elect to supplement that form and the procedures described therein. Likewise, qualified members may adopt procedures more stringent than those mandated by Form OE–418. Larger member organizations that believe they are eligible to rely solely on Form OE–418 to satisfy their filing and record-keeping requirements will have to file a written explanation in support of that decision.

Rule 1.1(qq). Several rules of the Exchange, including proposed new rule 4.18, refer to associated persons or persons associated with a member. It has been the practice and policy of the Exchange in enforcing such rules, to apply the definition of "person associated with a member or associated person of a member" contained in section 3(a)(21) of the Act. Proposed rule 1.1(qq) adopts that definition.

(2) Basis

The proposed rule change is consistent with section 6(b) of the Act in general and furthers the objectives of section 6(b)(5) in particular in that it prevents fraudulent and manipulative acts and practices and promotes just and equitable principles of trade.

B. Self-Regulatory Organization's Statement on Burden on Competition

The CBOE does not believe that the proposed rule change will impose any inappropriate burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve the proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to File No. SR–CBOE–91–41 and should be submitted by December 20, 1991.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary

[FR Doc. 91–28673 Filed 11–27–91, 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. IC–18410; 811–4608]

DR Equity Fund; Application

November 19, 1991.

AGENCY: Securities and Exchange Commission ("SEC" or "Commission").

ACTION: Notice of Application for Deregistration under the Investment Company Act of 1940 (the "1940 Act").

APPLICANT: DR Equity Fund.

RELEVANT 1940 ACT SECTIONS: Section 8(f).

SUMMARY OF APPLICATION: Applicant seeks an order declaring that it has ceased to be an investment company.

FILING DATE: The application has filed on September 3, 1991.

HEARING OR NOTIFICATION OF HEARING; An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on December 16, 1991, and should be accompanied by proof of service on applicant in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 5th Street, NW., Washington, DC 20549. Applicant, 535 Madison Avenue, New York, New York 10022.

FOR FURTHER INFORMATION CONTACT: James M. Curtis, Staff Attorney, at (202) 504–2406, or Nancy M. Rappa, Branch Chief, at (202) 272–3030 (Office of

Investment Company Regulation, Division of Investment Management).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant, a Massachusetts business trust, is an open-end diversified management investment company. On March 12, 1986, applicant filed a notification of registration pursuant to section 8(a) of the 1940 Act and a registration statement pursuant to section 8(b) of the 1940 Act and under the Securities Act of 1933. The registration statement was declared effective on July 8, 1986, and applicant commenced an initial public offering on July 8, 1986.

2. On May 22, 1991, applicant's board of trustees approved and adopted a Plan of Liquidation and Dissolution (the "Plan") that was thereafter approved by securityholders at a special meeting held on July 18, 1991. As of August 22, 1991, applicant had total net assets of $6,353,002 comprising 601,041 shares outstanding at a net asset value of $10.57 per share. On August 22, 1991, pursuant to the Plan, applicant distributed to its securityholders $10.57 per share.

3. Applicant has no remaining securityholders and does not propose to engage in any business activity other than those necessary for the winding up of its affairs.

4. Liquidation expenses, including accounting, legal, and printing/mailing expenses of approximately $107,000 were borne by applicant, and legal expenses of approximately $9,000 were borne by Dillon, Read & Co. Inc.

5. Applicant intends to file a copy of the trustees' vote to terminate the existence of the applicant with the Commonwealth of Massachusetts as soon as practicable.[1] As of the filing date of the application, applicant retained approximately $24,000 in cash to pay expenses in connection with its liquidation and dissolution has no other assets or liabilities. Applicant is not a party to any litigation or administrative proceeding. Applicant has no other securityholders, and does not propose to engage in any business activities other than those necessary for the winding-up of its affairs.

[1] Per telephone conversation with applicant's counsel on Tuesday, November 5, 1991, the staff of the Division of Investment Management was told that applicant filed a copy of the trustees' vote to terminate the existence of applicant on September 9, 1991, and applicant was liquidated and dissolved as of August 22, 1991.

For the Commission, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 91-28505 Filed 11-27-91; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. IC-18415; 811-3140]

Fox Fund, Inc.; Application

November 21, 1991.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of Application for Deregistration under the Investment Company Act of 1940 (the "Act").

APPLICANT: Fox Fund, Inc.

RELEVANT ACT SECTION: Section 8(f) of the Act.

SUMMARY OF APPLICATION: Applicant seeks an order declaring that it has ceased to be an investment company.

FILING DATE: The application was filed on October 24, 1991.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on December 16, 1991, and should be accompanied by proof of service on the applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 5th Street, NW., Washington, DC 20549. Applicant, One Boston Place, 11th Floor, Boston, MA 02108.

FOR FURTHER INFORMATION CONTACT: Elizabeth G. Osterman, Staff Attorney, at (202) 504-2524, or Barry D. Miller, Branch Chief, at (202) 272-3030 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant is a closed-end non-diversified management company organized as a corporation under the laws of the Commonwealth of Pennsylvania. Applicant filed a Notification of Registration pursuant to section 8(a) of the Act on February 2, 1981. Applicant filed a registration statement pursuant to section 8(b) of the Act on May 1, 1981.

2. At a meeting held on January 18, 1991, applicant's board of directors approved an agreement and plan of reorganization. On May 28, 1991, applicant mailed proxy materials relating to the proposed reorganization to its shareholders. Applicant's shareholders approved the reorganization at a special meeting held on June 20, 1991.

3. On June 21, 1991, pursuant to the agreement and plan of reorganization, applicant transferred all of its assets to SLH Managed Municipals Fund Inc. (the "Acquiror") in exchange for shares of the Acquiror's capital stock and the assumption by the Acquiror of stated liabilities of applicant, and applicant distributed the shares received by it to its shareholders *pro rata*. Each of applicant's shareholders received shares of the Acquiror having an aggregate net asset value equal to the aggregate net asset value of his/her investment in applicant

4. Expenses equal to $66,433 were incurred in connection with the reorganization and consisted of accounting, printing, administrative and certain legal expenses. The expenses were borne by applicant and the Acquiror in accordance with the agreement and plan of reorganzation and were either paid or were reflected through expense accruals incorporated into each fund's respective net asset value calculations at the time of reorganization.

5. As of the date of the application, applicant had no debts or liabilities and was not a party to any litigation or administrative proceeding.

6. Applicant is neither engaged in nor proposes to engage in any business activities other than those necessary for the winding up of its affairs.

For the Commission, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 91-28506 Filed 11-27-91; 8:45 am]

BILLING CODE 8010-01-M

[Release No. IC-18418; File No. 812-7787]

Kemper Investors Life Insurance Company, et al.

November 22, 1991.

AGENCY: Securities and Exchange Commission ("SEC" or the "Commission").

ACTION: Notice of application for exemption under the Investment Company Act of 1940 (the "1940 Act").

APPLICANTS: Kemper Investors Life Insurance Company ("KILICO"), KILICO Variable Annuity Separate Account (the "Variable Account"), and Kemper Financial Services, Inc. ("KFS").

RELEVANT 1940 ACT SECTIONS: Exemption requested under section 6(c) from sections 26(a)(2)(C) and 27(c)(2) of the 1940 Act.

SUMMARY OF APPLICATION: Applicants seek an order to permit the deduction of mortality and expense risk charges from the assets of the Variable Account under certain group variable and market value adjusted deferred annuity contracts.

FILING DATE: The application was filed on September 18, 1991.

HEARING OR NOTIFICATION OF HEARING: If no hearing is ordered, the application will be granted. Any interested person may request a hearing on this application or ask to be notified if a hearing is ordered. Any requests must be received by the Commission by 5:30 p.m. on December 17, 1991. Request a hearing in writing, giving the nature of your interest, the reason for the request, and the issues you contest. Serve the Applicants with the request, either personally or by mail, and also send it to the Secretary of the Commission, along with proof of service by affidavit, or, for lawyers, by certificate. Request notification of the date of a hearing by writing to the Secretary of the Commission.

ADDRESSES: Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Applicants, c/o Robert J. Engling, Esq., Kemper Investors Life Insurance Company, 120 South LaSalle Street, Chicago, Illinois 60603.

FOR FURTHER INFORMATION CONTACT: Wendy Finck Friedlander, Attorney, at (202) 272-3045, or Heidi Stam, Assistant Chief, at (202) 272-2060, Office of Insurance Products (division of Investment Management).

SUPPLEMENTARY INFORMATION: Following is a summary of the application. The complete application is available for a fee from the SEC's Public Reference Branch.

APPLICANTS' REPRESENTATIONS

1. KILICO is a stock life insurance company incorporated in 1947 under the laws of Illinois. The Variable Account is a separate account of KILICO, registered under the 1940 Act as a unit investment trust. The Variable Account is the continuing separate account that resulted from the restructuring of certain management separate accounts pursuant to a plan of reorganization that was the subject of a registration statement on Form N-14. The Variable Account currently is divided into five subaccount ("Subaccounts") that invest in shares of the corresponding portfolios ("Portfolios") of the Kemper Investors (the "Fund"). The registration statement to be filed in connection with this application will reflect the addition of two more proposed Subaccounts.

2. KFS is the investment adviser to each Portfolio of the Fund and is the principal underwriter for the Fund.

3. KILICO will offer a group variable and market value adjusted deferred annuity contract ("Contract") to fund benefits under retirement plans that qualify for favorable income tax treatment under the Internal Revenue Code of 1986, as amended, ("Code"), and under retirement plans that do not qualify for favorable tax treatment under the Code. The Contract will be issued under state group insurance laws and participants in the group ("Owners") will be issued individual certificates ("Certificates").

4. Owners will be permitted to allocate premium payments under the Certificate among one or more Subaccounts of the Variable Account and a non-unitized separate account. Any amount allocated to the non-unitized separate account will earn declared interest that will be subject to a market value adjustment ("MVA Provisions").

5. Amounts held under the Certificate may be transferred between Subaccounts or to certain guarantee periods avialable under the MVA Provisions of the Certificate once every 15 days. KILICO does not charge any fee for effecting transfers under the Certificate but reserves the right to suspend, modify or terminate transfer privileges, subject to state law requirements.

6. Each Owner will have an allocated and severable interest in the group Contract as evidenced by an individual Certificate. KILICO will be responsible for the administration of the Contract and the recordkeeping of the interests of the individual Owners. Each Owner will have a separate guaranteed death benefit under the Certificate.

For a Certificate issued to an Owner prior to attaining age 66, the guaranteed minimum death benefit during the first six contract years will be the amounts accumulated under a Certificate ("Certificate Value"), or the sum of all premium payments (minus withdrawals) accumulated at 5% annually per certificate year, whichever is greater. The guaranteed minimum death benefit at the end of the sixth certificate year is the greater of Certificate Value or the sum of all premiums paid (minus withdrawals) accumulated at 5% annually per certificate year ("Minimum Death Benefit Value"). From the seventh to the twelfth certificate year, the death benefit payable during the accumulation period is the Certificate Value or Minimum Death Benefit Value at the end of the sixth contract year, minus withdrawals, whichever is greater. Every six years after the end of the twelfth certificate year the Minimum Death Benefit Value, minus withdrawals, is compared to Certificate Value and whichever is greater determines the new Minimum Death Benefit Value for the next six certificate years.

For a Certificate issued to an Owner age 66 and over, the guaranteed minimum death benefit payable during the accumulation period for the first six certificate years is the Certificate Value or the sum of all premium payments, minus withdrawals, whichever is greater. At the end of the sixth certificate year, the Minimum Death Benefit Value will be set for the remainder of the accumulation period at the greater of Certificate Value or the sum of premiums paid, minus withdrawals. For the remainder of the accumulation period, the beneficiary will receive the greater of Certificate Value or the Minimum Death Benefit Value.

7. KILICO assumes the mortality risks under the Certificate arising from a guaranteed and increasing death benefit. KILICO also assumes mortality risks in connection with the annuity options that Owners may elect. KILICO will assume a mortality risk under its obligation to continue making annuity payments to each Owner that annuitizes under the annuity options involving life contingencies. KILICO also assumes a mortality risk under its obligation to continue making annuity payments pursuant to the guaranteed annuity purchase rates applicable to each annuity option. Thus, KILICO's mortality risks arise from its obligation to continue making annuity payments under each annuity option regardless of how long all annuitants, or any individual annuitant, might live, and regardless of the sufficiency of the funds

accumulated and remaining under all annuity options. If annuitants live longer than KILICO anticipated in establishing its annuity purchase rates, KILICO will make annuity payments from its general funds.

8. KILICO also will assume the expense risk that expenses actually incurred in issuing and administering the Contract and Certificates will exceed the revenue derived from the administrative cost component of the asset-based charge and annual administrative fees imposed under the Contract.

9. KILICO will deduct a daily charge for administrative costs and mortality and expense risks equal to 1.25% annually of the daily average net assets of the Variable Account attributable to the Certificates. This charge is imposed during the accumulation phase and the annuity payout phase of the Contract. The administrative cost component of this charge is .15%; the mortality risk component is approximately .80% and the expense risk component is approximately .30%. The administrative cost component is not guaranteed and is deducted in conformance with the standards of rule 26a–1(b).

10. KILICO also imposes an annual administrative fee ("Records Maintenance Fee") of $30 per Certificate prior to annuitization for participation under the Certificate. The charge is imposed at the end of each contract year or upon a total redemption by an Owner. KILICO does not anticipate a profit from the Records Maintenance Fee under the Contract.

11. No sales charges are deducted from any premium payment under the Certificate. However, KILICO imposes a surrender charge upon a full or partial withdrawal of Certificate Value. An Owner may withdraw up to 10% of the Certificate Value in any certificate year without assessment of the surrender charge. The surrender charge starts at 6% of the amount withdrawn in the first and second certificate years, reduces to 5% in the third and fourth certificate years and reduces to 4% in the fifth and sixth certificate years. There is no charge in the seventh and later certificate years. The surrender charge is waived if the proceeds remain with KILICO either in the form of annuitization under certain of the annuity options or under other variable contracts offered by KILICO at the time of the surrender.

12. Applicants represent that KILICO has established the mortality and expense risk portion of the asset-based charge to reasonably compensate it for the assumption of the various risks incurred. Applicants represent that they have reviewed publicly available information regarding comparable annuity contracts of other companies taking into consideration such factors as: guaranteed minimum death benefits; guaranteed annuity purchase rates; minimum initial and subsequent purchase payments; other contract charges; the manner in which charges are imposed; market sector; investment options under contracts; and availability to qualified and non-qualified retirement plan under the Code. Applicants have concluded that the mortality and expense risk charge is within the range of industry practice for comparable annuity contracts. Applicants represent that they will maintain at their principal office, and make available on request to the Commission or its staff, a memorandum setting forth in detail the variable annuity products analyzed and the methodology, and results of, KILICO's comparative review.

13. Applicants have acknowledged that if the revenues generated by the surrender charges are insufficient to cover all actual costs relating to the distribution of the Contracts, such costs will be paid from KILICO's general account assets, which may include profit realized from the mortality and expense risk charges. In such circumstances, a portion of the mortality and expense risk charge might be viewed as providing for a portion of the costs relating to distribution of the Contract. Notwithstanding the foregoing, KILICO has concluded that there is a reasonable likelihood that the proposed distribution financing arrangements made with respect to each Contract will benefit the Variable Account and the Owners. The basis for such conclusions are set forth in a memorandum which will be maintained by KILICO at its principal office and will be available to the Commission or its staff upon request.

14. KILICO represents that the Variable Account will invest only in an underlying mutual fund which undertakes, in the event the fund should adopt any plan under rule 12b–1 to finance distribution expenses, to have such plan formulated and approved by a board of directors, a majority of which are not "interested persons" of such fund within the meaning of section 2(a)(19) of the 1940 Act.

15. Applicants submit, for all of the reasons stated herein, that their request for exemptions is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the 1940 Act.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 91–28671 Filed 11–27–91; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. IC–18412; 811–5124]

The Pathfinder Heritage Funds; Deregistration

November 20, 1991.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of Application for Deregistration under the Investment Company Act of 1940 (the "Act").

APPLICANT: The Pathfinder Heritage Funds.

RELEVANT ACT SECTIONS: Section 8(f).

SUMMARY OF APPLICATION: The Applicant seeks an order declaring that it has ceased to be an investment company.

FILING DATE: The application was filed on September 24, 1991.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving the Applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on December 16, 1991, and should be accompanied by proof of service on the Applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, NW., Washington, DC 20549. Applicant, 300 Empire Tower, Buffalo, New York 14202.

FOR FURTHER INFORMATION CONTACT: Marilyn Mann, Staff Attorney, at (202) 504–2259, or Max Berueffy, Branch Chief, at (202) 272–3016 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

Applicant's Representations

1. The Applicant was organized as a Massachusetts business trust. It offered its shares in two separately managed series, The Pathfinder Heritage Government Plus Fund, an open-end, diversified investment company ("Pathfinder Government"), and The Pathfinder Heritage New York Tax-Free Income Fund, an open-end, non-diversified investment company ("Pathfinder New York"). The Applicant filed its initial registration statement pursuant to section 8(b) of the Act on April 21, 1987, registering an indefinite number of shares of its common stock under the Securities Act of 1933. The Applicant's registration statement became effective on November 6, 1987 and the Applicant's initial public offering commenced on or about January 25, 1988.

2. At a meeting called on April 29, 1991 and reconvened on May 2, 1991, the Applicant's Board of Trustees approved separate Agreements and Plans of Reorganization (the "Agreements") between the Applicant, on behalf of Pathfinder Government, and AMEV U.S. Government Securities Fund, Inc. (File No. 811-2341) ("AMEV Government") and between the Applicant, on behalf of Pathfinder New York, and AMEV Tax-Free Fund Inc. (File No. 811-5355) on behalf of its New York Portfolio series ("AMEV New-York"). The Agreements provided for (a) the acquisition by AMEV Government and AMEV New York of all or substantially all the assets and the assumption of all identified and stated liabilities of Pathfinder Government and Pathfinder New York, respectively, (b) the liquidation of Pathfinder Government and Pathfinder New York and the pro rata distribution by Pathfinder Government and Pathfinder New York to their respective shareholders of their respective holdings of shares of AMEV Government and AMEV New York, and (c) the termination of the Applicant's registration as an investment company under the Act (collectively, the "Reorganization").

3. At a meeting on May 29, 1991, the shareholders of Pathfinder Government and Pathfinder New York approved their respective Agreements by the vote of a majority of the outstanding voting securities of the respective series, as defined in section 2(a)(42) of the Act. On March 25, 1991, in connection with the shareholder meeting, Pathfinder Government and Pathfinder New York each filed a Registration Statement on Form N-14 with the SEC, which included a Notice of Special Meeting of Shareholders and a Prospectus and Proxy Statement, dated May 2, 1991 (the "Proxy Statement"), related to the Agreement. The definitive Proxy Statements of Pathfinder Government and Pathfinder New York were filed with the SEC on May 13, 1991, and mailed to shareholders of the respective series on or about May 10, 1991.

4. Pursuant to the Agreement, on June 3, 1991 (the "Closing Date"), Pathfinder Government and Pathfinder New York each transferred all or substantially all of its assets to AMEV Government and AMEV New York in exchange for shares of AMEV Government and AMEV New York, respectively. As a newly formed investment company series, AMEV New York did not have any assets and did not issue any shares of its common stock prior to the acquisition of Pathfinder New York's assets. Pathfinder New York therefore received on the Closing Date the number of AMEV New York shares equal to the number of Pathfinder New York shares owned by Pathfinder New York shareholders as of the close of business on May 31, 1991 (the "Effective Time"). As of the Effective Time, Pathfinder Government had 5,179,817.6500 shares of common stock outstanding with a net asset value of $9.75 per share and Pathfinder New York had 1,612,969.7570 shares of common stock outstanding with a net asset value of $10.64 per share. On the Closing Date, in exchange for its assets, Pathfinder Government received 5,197,551.3367 shares of AMEV Government with a net asset value of $9.72 per share and Pathfinder New York received 1,612,969.7570 shares of AMEV New York. On the Closing Date, the shares of AMEV Government and AMEV New York received by Pathfinder Government and Pathfinder New York were distributed pro rata to shareholders of Pathfinder Government and Pathfinder New York, respectively, in complete liquidation of Pathfinder Government and Pathfinder New York.

5. Fees and expenses of approximately $187,000 were incurred in connection with the Reorganization. Approximately $161,000 of such fees and expenses were paid by AMEV Advisers, Inc., the investment adviser and manager of AMEV Government and AMEV New York and approximately $26,000 of such fees and expenses were paid by Empire of America Advisory Services, Inc., the investment adviser of Pathfinder Government and Pathfinder New York.

6. At the time of filing of the application, the Applicant had no shareholders, assets or liabilities. The Applicant is not a party to any litigation or administrative proceeding. The Applicant is not engaged in, and it does not propose to engage in, any business activities other than those necessary for the winding up of its affairs. The Applicant terminated as a Massachusetts business trust under Massachusetts law as of August 6, 1991.

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 91-28507 Filed 11-27-91; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 35-25413]

Filings Under the Public Utility Holding Company Act of 1935 ("Act")

November 22, 1991.

Notice is hereby given that the following filings(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated thereunder. All interested persons referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendments thereto is/are available for public inspection through the Commission's Office of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by December 16, 1991, to the Secretary, Securities and Exchange Commission, Washington, DC 20549, and serve a copy on the relevant applicant(s) and/or declarant(s) at the address(es) specified below. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After said date, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

AmeriGas Propane, Inc. (31-863)

AmeriGas Propane, Inc. ("AmeriGas Propane"), P.O. Box 858, Valley forge, Pennsylvania 19482, has filed an application under section 2(a)(4) of the Act for an order declaring it not to be a gas utility company.

Section 2(a)(4) defines a gas utility company as "any company which owns or operates facilities used for the distribution at retail (other than distribution only in enclosed portable containers . . .) of natural or manufactured gas for heat, light, or power." That section also provides that the Commission may declare a company not to be a gas utility company if it "finds that (A) such company is primarily engaged in one or more businesses other than the business of a gas utility company, and (B) by reason of the small amount of natural or manufactured gas distributed at retail by such company it is not necessary in the public interest or for the protection of investors or consumers that such company be considered a gas utility company for the purposes of (the Act) . . ."

On December 23, 1987, the Commission issued an order ("1987 Order") (HCAR No. 24537) declaring that AmeriGas Propane was not a gas utility company within the meaning of section 2(a)(4) of the Act. At the time the 1987 Order was issued, AmeriGas Propane was known as AP Propane, Inc. ("AP ") and was a joint venture corporation owned by AmeriGas, Inc. and The Prudential Insurance Company of America ("Prudential"). AmeriGas, Inc. also held propane operations in AmeriGas Propane, a small wholly-owned subsidiary. On November 15, 1990, AmeriGas, Inc. purchased the remaining shares of AP Propane from Prudential, merged AmeriGas Propane into AP Propane, and changed the name of the surviving corporation to AmeriGas Propane. AmeriGas Propane now requests an order under section 2(a)(4) relating to the surviving corporation.

Since the 1987 Order, AmeriGas has also acquired a number of propane marketers. At the time of the 1987 Order, AmeriGas Propane was a national marketer of propane to residential, commercial, industrial and agricultural users, serving approximately 409,000 customers from 261 retail outlets. AmeriGas Propane sold 368 million gallons of propane during 1986. During 1990, it served 432,000 customers from 307 retail outlets and sold approximately 441 million gallons of propane.

AmeriGas Propane delivers propane to most of its customers by local delivery truck or cylinders. In the case of cylinder service, typically the company fills a 100-pound cylinder, which is either owned by or leased to a customer. Under the bulk delivery method, a bobtail truck with a 2,200 gallon capacity typically delivers propane to a 500 gallon portable tank located on the customer's premises, which usually serves only that customer. A small portion of AmeriGas Propane's business involves supplying propane to central storage tanks serving multiple customers through underground pipelines. The quantity of propane delivered to each customer is generally tracked through the use of meters.

To qualify for an exemption under section 2(a)(4), the Commission looks to metered gas sales to determine whether the amount of gas distributed at retail is significant. When the 1987 Order was issued, AmeriGas Propane sold 368 million gallons of propane and had revenues of approximately $323 million, of which less than 2.12% constituted metered sales and sales to multiple customer facilities. In 1988 and 1989, metered sales were 3.06% and 3.32% of gallons sold and 4.5% and 4.74% of revenues, respectively. It is stated that the percentage of metered sales while rising somewhat over the years as a result of acquisitions, continues to be an insignificant part of AmeriGas Propane's overall business. In 1990, AmeriGas Propane sold 441 million gallons of propane and had revenues of $365 million, with metered sales representing 3.01% of the gallons sold and 4.53% of the revenues.

Central and South West Corporation (70–7479)

Central and South West Corporation ("CSW"), 1616 Woodall Rodgers Freeway, P.O. Box 660164, Dallas, Texas 75266, a registered holding company, has filed a post-effective amendment to its declaration under section 12(c) of the Act and Rule 42 thereunder.

By order of the Commission dated December 29, 1989 (HCAR No. 25016) ("1989 Order"), CSW was authorized to purchase and retire, in open market and negotiated transactions through December 31, 1991, up to 10% (or 9,481,220 shares) of its common stock issued and outstanding as of September 30, 1987. Through October 31, 1991, CSW has repurchased 767,569 shares of its common stock at an average price per share of $31.67 pursuant to the 1989 Order.

CSW now requests authorizations to continue the repurchase program through December 31, 1993 with respect to the remaining 8,713,651 shares. At September 30, 1991, CSW had 94,133,936 shares of its common stock issued and outstanding. Assuming CSW's acquisition of the entire 8,713,651 shares of common stock at $49.75 per share, CSW's consolidated common equity to total capitalization ratio as of September 30, 1991 would have been reduced from 46.6% to 42.5%.

Northeast Utilities, et al. (70–7545)

Northeast Utilities ("NU"), 174 Brush Hill Avenue, West Springfield, Massachusetts 01089, a registered holding company, and Charter Oak Energy, Inc., ("COE"), Selden Street, Berlin, Connecticut 06037, a non-utility subsidiary company of NU, have filed a post-effective amendment to their application-declaration under sections 6(a), 7, 9(a), 10, 12(b) and 13(b) of the Act and rules 45, 50,(a)(5), 87, 90, and 91 thereunder.

By order dated May 17, 1989 (HCAR No. 24893) ("1989 Order"), NU and COE were authorized, among other things, to undertake certain preliminary development and investment activities with respect to qualifying cogeneration facilities and qualifying small power production facilities. Pursuant to the 1989 Order, COE has actively engaged in: (1) Site evaluation; (2) selection and negotiation of purchase options; (3) preliminary environmental assessments; (4) power contract negotiations; and (5) development and submission of project bids in response to utility requests for proposals for supply-side options.

NU and COE now propose to expand the authorization which they received in the 1989 Order to conduct preliminary studies of, to investigate, research, develop, and to agree to construct, such construction subject to further Commission authorization, independent power facilities ("IPP"), either alone or in conjunction with other companies. COE will not, without further Commission authorization: (1) Acquire any interest in an IPP; or (2) invest in any entity formed to develop or own an IPP.

American Electric Power Company, Inc., et al. (70–7891)

American Electric Power Company, Inc. ("American"), 1 Riverside Plaza, Columbus, Ohio 43215, a registered holding company, and Appalachian Power Company ("Appalachian"), 40 Franklin Road, Roanoke, Virginia 24022, Columbus Southern Power Company ("CSPCo"), 215 North Front Street, Columbus, Ohio 43215, Indiana Michigan Power Company ("I&M"), One Summit Square, Fort Wayne, Indiana 46801, Kentucky Power Company ("Kentucky Power "), 1701 Central Avenue, Ashland, Kentucky 41101, Kingsport Power Company ("Kingsport"), 422 Broad Street, Kingsport, Kentucky 37660, Ohio Power Company ("Ohio Power"), 301 Cleveland Avenue, S.W., Canton, Ohio

44702. Wheeling Power Company ("Wheeling"), 51 Sixteenth Street, Wheeling, West Virginia 26003, each an electric public-utility subsidiary company of American, and American Electric Power Service Corporation ("Service"), 1 Riverside Plaza, Columbus, Ohio 43215, American's service subsidiary, (each subsidiary company being a "Subsidiary") have filed an application-declaration under sections 6(a), 7, 12(b) and 12(c) under the Act and rules 42, 45 and 50(a)(5) thereunder.

Service, Appalachian, CSPCo, I&M, Kentucky Power, Kingsport, Ohio Power, and Wheeling propose to issue and sell, from time to time through December 31, 1992, $5 million, $300 million, $100 million, $125 million, $50 million, $5 million, $200 million and $5 million, respectively, principal amount of unsecured promissory notes ("Notes"). The Notes will have a maturity of not less than nine months nor more than ten years. Each Subsidiary proposes that the Notes will be issued and sold to one or more commercial banks, financial institutions or other institutional investors ("Lender") pursuant to a term loan agreement ("Agreement").

The proposed Agreement would provide that the Notes bear interest at a fixed rate, fluctuating rate, or some combination therof. Any fixed rate of interest of the Notes will not be greater than 250 basis points above the yield at the time of issuance of the Notes to maturity of United States Treasury obligations that mature on or about the date of maturity of the Notes. Any fluctuating rate will not be greater than 200 basis points above the rate of interest announced publicly by a major bank from time to time as its base or prime rate. No compensating balances shall be maintained with, or fees in the form of substitute interest paid to, a Lender under the Agreement. However, in the event a Lender arranges for a borrowing from a third party, such Lender may charge each Subsidiary a placement fee, not to exceed ⅞% of the principal amount of such borrowing.

In the event a placement fee is paid in connection with the issuance and sale of the Notes, each subsidiary requests that it be excepted from the competitive bidding requirements of rule 50 pursuant to subsection (a)(5) thereunder.

In order to induce a Lender to enter into the Agreement with Service and to make loans thereunder to Service, American proposes to unconditionally agree that if service should fail to make any payment under the Note or Agreement when due, American shall pay to such Lender the amount due and unpaid by Service.

Proceeds from the sale of the Notes will be used to pay at maturity and to refund long-term debt, to repay short-term debt and short-term debt incurred in refunding such long-term debt at or prior to maturity, or for other corporate purposes permitted by law.

Ocean State Power, et al. (70–7893)

Ocean State Power ("OSP") and Ocean State Power II ("OSP II") ("Applicants"), both located at One Bowdoin Square, Boston, Massachusetts 02114, electric utility subsidiaries of both Eastern Utilities Associates ("EUA") and New England Electric System ("NEES"), registered holding companies, have filed an application-declaration under sections 6(a), 7, 9(a), 10, 12(b) and 12(d) under the Act and rules 43, 45 and 50(a)(5) thereunder.

OSP and OSP II are each Rhode Island general partnerships.[1] OSP is the owner of the first 250 MW unit ("Unit 1") of a two unit, 500 MW combined cycle electric generating facility ("Project") located at Burrillville, Rhode Island. OSP II is the owner of the second 250 MW unit ("Unit 2"). Unit 1 began commercial operation in December 1990, and Unit 2 began commercial operation in October 1991. OSP and OSP II have each entered into unit power agreements (collectively, the "Power Sale Agreements," and the purchasers thereunder, the "Power Purchasers"), under which OSP and OSP II have agreed to sell the capacity and corresponding energy of Unit 1 and Unit 2, respectively, to Boston Edison Company (23.5% of each Unit); New England Power Company a subsidiary of NEES (48.5% of each Unit); Montaup Electric Company, a subsidiary of EUA (22% of each Unit); and Newport Electric Corporation, a subsidiary of EUA (6% of each Unit).

By prior order, dated December 23, 1988 (HCAR No. 24790) ("December 1988 Order"), the commission approved the construction and term financing by OSP for Unit 1 and certain related transactions, including the conveyance of the interconnection facilities constructed by OSP to Blackstone Valley Electric Company on the commencement date for commercial operations ("Commercial Date") of OSP pursuant to an interconnection Agreement"). By subsequent order dated September 28, 1989 (HCAR No. 24960) ("September 1989 Order"), the Commission approved the construction and term financing by OSP II for Unit 2 and certain related transactions, including the amendment of the Interconnection Agreement in order to add OSP II as a party to that agreement for certain purposes.

OSP and OSP II now propose to convert the term financing to permanent financing for both units. The conversion, as proposed, will be accomplished by the Applicants either separately or as a merged entity, and possibly through a newly created financing subsidiary, Ocean State Power Finance Company ("OSPFC" and "Applicant", where appropriate). Depending on which approach is taken, the Applicants propose, as more fully discussed below, all or some of the following transactions: (1) Entering into financing arrangements to incur debt in an aggregate principal amount of not exceeding $255 million ("Financing") to include: (a) borrowings in aggregate principal amounts of up to $225 million evidenced by senior notes ("Senior Notes") with maturities not in excess of twenty years; and (b) borrowings in aggregate principal amounts outstanding at any one time of up to $30 million evidenced by short-term notes ("Short-Term Notes") with maturities not in excess of twelve months, under one or more lines of credit with lending institutions; (2) merging OSP and OSP II into a single surviving partnership in a non-cash transaction, in the event that OSP and OSP II deem such a merger to be consistent with the requirements of the proposed Financing; (3) organizing OSPFC and acquiring all of its authorized common stock to have it act as the issuer of the debt on behalf of the OSP and OSP II or the surviving partnership; and (4) providing security for the performance of all debt obligations.

The Applicants propose to use the proceeds from the Senior Notes to retire all of their current term debt originally incurred in their respective construction financings, as authorized in the December 1988 Order and the September 1989 Order. The Applicants propose to use the proceeds from the Short-Term Notes to fund working capital and other short-term financing needs.

[1] The investors in both partnerships, and their respective ownership and voting interests, are identical, although one of the investors, J. Makowski Company, Inc. ("JMC") formed distinct special purpose subsidiaries to hold its interests in OSP and OSP II. The partners in OSP are Ocean State Power Company and JMAI Power Corporation, both subsidiaries of JMC, TCPL Power Ltd. ("TCPL Power"), a subsidiary of TransCanada PipeLines Limited, Narragansett Energy Resources Company ("Resources"), a subsidiary of NEES, and EUA Ocean State Corporation ("EUA–OS"), a subsidiary of EUA. The partners in OSP II are JMC Ocean State Corporation and Makowski Power, Inc., both subsidiaries of JMC, and TCPL Power, Resources and EUA–OS. (The partners in OSP and OSP II, and in the surviving partnership, are referred to collectively herein as the "Partners").

If consistent with the timing and substantive requirements of the proposed Financing, OSP and OSP II may deem it advisable to merge the two partnerships in a non-cash transaction, with each Partner retaining its partnership interest in the surviving partnership. It is anticipated that in the event the partnerships merge, OSP would be the surviving partnership. In the event that OSP and OSP II are merged, the surviving partnership may be the issuer of the proposed Senior Notes and the Short-Term Notes or, alternatively, it may acquire 100% of the issued capital stock of OSPFC, which would act as the issuer of the Senior Notes and the Short-Term Notes.

In the event that OSP and OSP II deem it advisable in consummating the proposed Financing, OSP and OSP II propose, jointly or as a merged entity, to organize OSPFC for the sole purpose of issuing the Senior Notes and the Short-Term Notes and lending the proceeds to OSP and OSP II, or to the surviving partnership in the even OSP and OSP II are merged. The Applicants propose that OSPFC would be organized under the laws of the State of Delaware and that it would have an authorized capital stock of 1,000 shares of common stock, par value $1.00 per share. OSP and OSP II would each acquire, from time-to-time, an equal number of shares of common stock of OSPFC at a price of $1.00 per share for an aggregate purchase price of not to exceed $1,000. It is anticipated that implementing the Financing through OSPFC would eliminate the need for duplicate borrowing arrangements for OSP and OSP II and, should OSP and OSP II be merged, may facilitate the Financing by creating a corporation to act as the issuer of the debt.

The Applicants propose to issue one or more series of Senior Notes in an aggregate principal amount currently anticipated to be approximately $225 million, but which, when combined with the aggregate principal amount of Short-Term Notes to be issued, will not exceed $255 million. The Senior Notes will be issued by the applicants on or before December 31, 1992 pursuant to either a public offering or a private placement with one or more institutional investors under the terms of one or more agreements (collectively, the "Financing Agreement"). Each series of Senior Notes will have a maturity of up to twenty years and will bear interest at a fixed rate not to exceed the then current market rates for public securities or private debt with similar maturities and sold by comparable issuers. The Senior Notes may be redeemable at any time at the option of the Applicants, in whole or in part upon reasonable notice, at the then outstanding principal amount plus accrued interest and a redemption premium, and may include a yield to maturity premium. One or more particular series may not be redeemable at the Applicants' option for a period equal to or less than the maturity of that series.

In the event OSPFC is organized, OSPFC and the other Applicants proposed to enter into an agreement pursuant to which OSPFC will lend funds borrowed under the Financing Agreement to OSP and OSP II, or the surviving partnership, on the same terms and conditions as OSPFC borrowed these funds from the lenders ("Master Agreement"). The Master Agreement will provide that OSP and OSP II may borrow a principal amount of Senior Notes up to their respective then outstanding amounts of the current bank term financings plus their respective pro rata shares of related transaction costs. All borrowings under the Master Agreement with respect to the Senior Notes will be evidenced by notes and the aggregate amount of all such borrowings by OSP and OSP II shall not exceed the principal amount of the Senior Notes. In addition, OSP and OSP II, or the surviving partnership, propose to guarantee jointly and severally to the lenders all of OSPFC's debt service obligations, which includes its principal, interest, premium, and other costs related to these borrowings.

Security for the performance of the obligations of the Applicants under the Financing Agreement is expected to be provided by the grant to the lenders of a security interest in all of the Applicants rights under the Power Sales Agreements, including without limitation, rights to receive payments from the Power Purchasers. In addition, the Applicants may grant to the lenders liens on and security interests in the OSP and OSP II plants, as well as OSP's and OSP II's respective contractual rights under the documents relating to their respective projects.

The Applicants proposed to use the proceeds from the issuance of the Senior Notes to prepay in full the current bank financing of OSP and OSP II and to pay costs and expenses incurred by the Applicants in connection with the proposed transaction. OSP's and OSP II's bank term loans as of their respective Commercial Dates totaled approximately $119.5 million and $98.75 million, respectively. Partners' equity as of such dates totaled approximately $119.5 million and $98.75 million, respectively, or approximately 50% of total capitalization. The debt to be prepaid pursuant to the proposed Financing will be the amount actually outstanding under the bank term loans as of the date closing of the proposed Financing.

In order to meet working capital and other short-term borrowing needs arising in connection with operation and maintenance of the Project, the Applicants propose to enter into one or more agreements (collectively, the "Short-Term Credit Agreement") pursuant to which the Applicants will establish one or more revolving lines of credit with one or more lending institutions. The borrowings will be evidenced by notes which may bear interest either at the commercial bank prime rate as adjusted from time-to-time, or at available certificate of deposit, LIBOR or other money market rates ("Short-Term Notes"). In either case, interest rates on the Short-Term Notes may be increased by a market competitive spread. The Short-Term Notes will have maximum maturities of twelve months and may be subject to prepayment at any time without premium. The Short-Term Notes may be unsecured or may be secured *pari passu* with the Senior Notes.

OSPFC may act as the issuer of the Short-Term Notes on behalf of OSP and OSP II, in which case OSP, OSP II and OSPFC may set forth in the Master Agreement or in a separate short-term note master agreement provisions pursuant to which OSPFC will lend the proceeds of the Short-Term Notes to OSP and OSP II, on the same terms and conditions as OSPFC borrowed these amounts. Any such agreement may provide for OSP and OSP II to borrow any portion of the proceeds of the Short-Term Notes based on their respective working capital and other short-term financing needs. All borrowings under any such agreement will be evidenced by notes. In addition, OSP and OSP II, or the surviving partnership, propose to guarantee jointly and severally all of OSPFC's debt service obligations with respect to the Short-Term Notes, which includes OSPFC's principal, interest, premium, and other costs related to the Short-Term Notes.

The Applicants request: (1) An exception from the competitive bidding requirements of Rule 50 under subsection (a)(5) for the issuance and sale of the Senior Notes and the Short-Term Notes; and (2) authorization to begin negotiations with respect to the Senior Notes and the Short-Term Notes. Applicants may begin negotiating with investment banking firms regarding the terms and conditions of the Senior Notes and the Short-Term Notes.

National Fuel Gas Company, et al. (70–7894)

National Fuel Gas Company ("National"), a registered holding company, 30 Rockefeller Plaza, Suite 4545, New York, New York 10112, and its wholly owned subsidiary companies, National Fuel Gas Supply Corporation ("Supply"), Penn-York Energy Corporation ("Penn-York"), National Fuel Gas Distribution Corporation ("Distribution"), Empire Exploration, Inc. ("Empire"), Highland Land & Minerals, Inc. ("Highland"), Enerop Corporation ("Enerop"), Seneca Resources Corporation ("Seneca"), Data-Track Account Services, Inc. ("Data-Track"), each located at 10 Lafayette Square, Buffalo, New York 14203, Utility Constructors, Inc. ("UCI"), East Erie Extension, Linesville, Pennsylvania 16424, (collectively "Existing Subsidiaries"), and National Fuel Resources, Inc. ("NFR"), a proposed wholly owned subsidiary company, located at 10 Lafayette Square, Buffalo, New York 14203, (Existing Subsidiaries and NFR collectively referred to as "Subsidiary Companies"), have filed an application-declaration under sections 6(a), 7, 9(a), 10, 12(b) and 12(f) of the Act and rules 43, 45, 50(a)(5) thereunder.

National and the Existing Subsidiaries propose to continue to participate in, and to make short-term loans of surplus funds to, the National system money pool ("Money Pool") through December 31, 1993. (By orders dated December 27, 1989 (HCAR No. 25013) and March 5, 1991 (HCAR No. 24265), the Commission, among other things, extended National's and the Existing Subsidiaries' authorization, through December 1991, to participate in, and make short-term loans of surplus funds generated by National and Existing Subsidiaries through the Money Pool). The Subsidiary Companies seek authorization for total outstanding short-term borrowing through the Money Pool in principal amounts not to exceed: (1) $230 million for Distribution; (2) $150 million for Supply; (3) $145 million for Seneca; (4) $35 million for Empire; (5) $35 million for Penn-York; (6) $15 million for UCI; (7) $5 million for Highland; (8) $5 million for Enerop; (9) $1 million for Data-Track; and (10) $20 million for NFR. (Nation has requested authorization in File No. 70–7833 to acquire 100% of the capital stock of NFR. A notice of that proposal was issued by the Commission on April 5, 1991 (HCAR No. 25292). Any request by NFR in this proceeding will not be authorized unless and until an order is issued in File No. 70–7833). National will not borrow through the Money Pool or from any Subsidiary Company.

In the event that intra-system sources of funds are insufficient to meet short-term loan needs of the Subsidiary Companies, National proposes, from time-to-time through December 31, 1993, to: (1) Issue and sell, under and exception from the competitive bidding requirements of Rule 50 under subsection (a)(5) thereunder, up to $150 million aggregate principal amount at any one time outstanding of commercial paper ("Commercial Paper") through Merrill Lynch Money Markets, Inc. ("Dealer") and the Chase Manhattan Bank, N.A. ("Placement Agent"); and/or (2) issue an aggregate principal amount of up to $350 million short-term unsecured notes ("Notes") to certain banks under bank lines of credit. The aggregate principal amount of such Commercial Paper and Notes shall not exceed $350 million outstanding at any one time. The proceeds of such external borrowings by National shall be made available to its Subsidiary Companies through the Money Pool. In addition, National proposes that up to $10 million of its external borrowing be made available for it own corporate purposes.

The interest rate applicable to all loans of surplus funds through the Money Pool will be the lower of: (1) The rate for dealer-issued 30-day commercial paper quoted in The Wall Street Journal ("30-day Paper"); or (2) the prime rate at Chase Manhattan Bank, N.A ("Prime Rate"). In the event that both surplus and external funds are concurrently borrowed through the Money Pool, the interest rate payable to the Subsidiary Company that contributed surplus funds to the Money Pool shall be either: (1) The rate for 30-day Paper having the same issue date as of the date of contribution of the surplus funds; or (2) the lower of 30-day Paper or the Prime Rate if National does not issue Commercial Paper on the date that surplus funds are contributed to the Money Pool. The interest rate applicable to funds borrowed by National, either through Commercial Paper or bank loans, and loaned through the Money Pool will be equal to National's net cost for such external borrowings. The interest rate applicable to all funds borrowed will be a composite rate equal to the weighted average of the net cost of funds borrowed externally, and the cost of all surplus funds contributed by Subsidiary Companies.

The Commercial Paper will have varying maturities not to exceed nine months, and will not be prepayable prior to maturity. No commission will be payable in connection with the issuance and sale of the Commercial Paper; however, the Dealer/Placement Agent will reoffer and sell the Commercial Paper at a discount rate of one-eighth of 1% per annum less than the prevailing discount rate granted by the Dealer/Placement Agent to National.

National proposes to establish credit facilities with various banks and/or other financial institutions and to issue and sell the Notes. The Notes will be dated as of the date of issue and mature not later than twelve months from the date thereof and will be prepayable at any time, in whole or in part, without penalty or premium. The Notes shall bear interest at the prime or base rate of interest in effect at each individual bank. The borrowing arrangements with these banks may require compensating balances, commitment fees on amounts borrowed, or no fees whatsoever. National may incur, if necessary, commitment fees not to exceed one-half of 1% of average daily line of credit used and/or compensating balances not to exceed 20% of lines of credit established. National, at all times, will attempt to negotiate the most favorable effective borrowing rate taking into account any compensating balances and/or commitment fees. National will issue and sell Commercial Paper when its effective rate is less than the effective interest cost of the issuance of Notes under available bank lines of credit on the date of such borrowing. Assuming National borrowed the full amount under each credit facility with each of the banks, and maintained a compensating balance of 20% under each credit facility, the effective cost of money, based on a 7.5% prime rate, would be 9.375%.

In order to limit its risk from rising interest rates, from time-to-time through December 31, 1993, National proposes to enter into an interest rate and currency exchange agreement ("Swap Agreement(s)") with one or more parties, covering a total principal amount of up to $175 million for a term or terms ranging between one month and five years. National requests authorization, through December 31, 1993, to negotiate Swap Agreement with one or more parties. In no event will National enter into a Swap Agreement where the fixed rate of interest paid by National, inclusive of any intermediary fee, exceed by more than 1.5% per annum the yield, at the time of entering into such an arrangement, on direct obligations of the U.S. Government having maturities comparable to the terms of such an agreement.

Central and South West Corporation (70-7912)

Central and South West Corporation ("CSW"), 1616 Woodall Rodgers Freeway, Dallas, Texas 75202, a registered holding company, and Transok, Inc. ("Transok"), a wholly owned nonutility subsidiary company of CSW, have filed an application-declaration under sections 6(a), 7, 9(a), 10, 12(b) and 12(c) of the Act and rules 42, 43, 45 and 50(a)(5) thereunder.

By prior Commission order, dated September 26, 1991 (HCAR No. 25385), Transok was authorized to incur short-term debt ("Debt") in connection with the acquisition of the natural gas gathering, transmission and marketing business of TEX/CON Oil and Gas Company. As of October 1, 1991, Transok had outstanding Debt in the amount of $329,191,564.

In order to repay a portion of the Debt and to increase Transok's equity base, it is now proposed that Transok will issue and sell, and CSW will acquire, its common stock and/or CSW will make capital contributions to Transok in aggregate principal amounts of up to $150 million at any time prior to December 31, 1992. CSW proposes to finance the equity investments by using internally generated funds and/or the proceeds from the sale of its commercial paper.

CSW will issue and sell such commercial paper in the form of unsecured promissory notes, with varying maturities of not more than nine months from the date of issue, and bearing interest at a rate not to exceed the rate per annum prevailing at the time of issuance for commercial paper of comparable quality and maturity sold by issuers to commercial paper dealers. No commission or fee would be payable in connection with the issuance and sale of commercial paper. The purchasing dealer, however, will reoffer such notes at a rate less than the rate to the issuer.

Any CSW commercial paper issued and outstanding to support the equity investment is expected to be substantially repaid through the internal generation of funds during 1992 and 1993. The full amount of any equity investment ultimately made will be added to Transok's common equity.

Mississippi Power & Light Company (70-7914)

Mississippi Power & Light ("MP&L"), P.O. Box 1640, Jackson, Mississippi 39215, an electric public-utility subsidiary company of Entergy Corporation, a registered holding company, has filed an application-declaration under sections 6(a), 8, 9(a), 10, 12(c), and 12(e) of the Act and rules 42, 50, 50(a)(5), 62 and 65 thereunder.

MP&L proposed to issue and sell up to $150 million aggregate principal amount of one or more new series of general and refunding mortgage bonds ("Bonds"), with maturities of up to 30 years, from time-to-time from January 1, 1992 through December 31, 1993. No series of Bonds will be sold if the interest rate thereon would exceed 13%. The Bonds may be subject to various redemption or retirement provisions and to provisions limiting common stock dividends. MP&L requests an exception from the Statement of Policy Regarding First Mortgage Bonds Subject to the Public Utility Holding Company Act of 1935 (HCAR No. 13105, February 16, 1956, as amended by HCAR No. 16369, May 8, 1969) ("Bonds SOP") to the extent that the redemption provisions and the limitations on common stock dividends deviate from the Bond SOP.

MP&L further proposes to issue and sell, from time-to-time from January 1, 1992 through December 31, 1993, up to $37.5 million aggregate par value of preferred stock, cumulative, $100 par value ("Preferred"), in one or more new series. The price to be paid for any series of Preferred sold at competitive bidding will not be less than $100 nor more than $102.75 per share, plus any accumulated dividends. No series of Preferred would be sold if the dividend rate thereon would exceed 13%. The terms of one or more series of Preferred may include provisions for redemption, including restrictions on optional redemption, and/or a sinking fund designed to redeem all outstanding shares of such series not later than thirty years after the date of original issuance. MP&L requests an exception from the Statement of Policy Regarding Preferred Stock Subject to the Public Utility Holding Company Act of 1935 (HCAR No. 13106, February 16, 1956, as amended by HCAR No. 16758, June 22, 1970) ("Preferred SOP") to the extent that the redemption provisions deviate from the Preferred SOP.

Depending upon market conditions, MP&L may sell one or more series of Preferred to underwriters for deposit with a bank or trust company ("Depositary"). The underwriters would then receive from the Depositary and deliver to the repurchasers in the subsequent public offering shares of depositary preferred stock ("Depositary Preferred"), each representing a stated fraction of a share of the new series of Preferred and evidenced by depositary receipts. Each owner of Depositary Preferred would be entitled proportionally to all the rights and preferences of the series of Preferred (including dividends, redemption and voting). A holder of Depositary Preferred would be entitled to surrender Depositary Preferred to the Depositary and receive the number of whole shares of Preferred represented thereby. A holder of Preferred would be entitled to surrender shares of Preferred to the Depositary and receive a proportional amount of Depositary Preferred.

MP&L may determine to amend its Restated Articles of Incorporation, as amended ("Articles"), to establish a new class of preferred stock having no par value or a nominal par value. It is expected that such class would rank pari passu with MP&L's existing Preferred and would be identical with such class, except as to par value, variations among series, and voting entitlement in certain cases. In connection with any such amendment to the Articles, certain other amendments to the Articles unrelated to the new class of preferred stock, including but not limited to, an amendment to increase the number of authorized shares of MP&L's existing class of Preferred and/or amendments to clarify certain provisions with respect to issuance of preferred stock with market based dividend rates and varying dividend payment periods, may also be adopted.

MP&L states that it may sell the Bonds and Preferred pursuant to the competitive bidding requirements of rule 50, or in accordance with the alternative competitive bidding procedures authorized by the Statement of Policy, dated September 2, 1982 (HCAR No. 22623), or under an exception from the competitive bidding requirements. If MP&L determines that a negotiated public offering or private placement would be preferable under the circumstances, MP&L requests authorization to negotiate the terms and conditions of the Bonds and/or Preferred under an exception from the competitive bidding requirements of rule 50 under subsection (a)(5) thereunder. It may do so.

MP&L also proposes to enter into arrangements for the issuance and sale of tax-exempt bonds ("Tax-Exempt Bonds") and in connection therewith, MP&L proposes, from time-to-time from January 1, 1992 through December 31, 1993, to enter into one or more installment sale agreements and/or supplements thereto ("Agreement"), pursuant to which one or more governmental authorities ("Issuers") may issue one or more series of Tax-Exempt Bonds under one or more indentures ("Indenture") in an aggregate principal amount not to exceed $25

million. MP&L further proposes, under the Agreement, to sell certain pollution control facilities ("Facilities") to the Issuers for cash and simultaneously repurchase such Facilities from the Issuers for a purchase price, payable on an installment basis over a period of years, sufficient (together with other monies held by the trustee ("Trustee") under the applicable Indenture and available for such purpose) to pay the principal or purchase price of, the premium, if any, and the interest on the series of Tax-Exempt Bonds issued to refinance such Facilities as the same become due and payable. Under the Agreement, MP&L will also be obligated to pay certain fees incurred in the transactions.

The Agreement and the Indenture will provide for either a fixed interest rate or an adjustable interest rate for each series of the Tax-Exempt Bonds. No series of Tax-Exempt Bonds would be sold if the fixed interest rate or the initial adjustable interest rate thereon would exceed 11%, or if subsequent interest rates for adjustable interest rate Tax-Exempt Bonds would exceed 15%. The Tax-Exempt Bonds will mature not earlier than five years from the first day of the month of issuance nor later than forty years from the date of issuance. Each series may be subject to optional or mandatory redemption and/or sending fund provisions.

MP&L will obtain authentication of one or more new series of its general and refunding mortgage bonds ("Collateral Bonds") to be issued under MP&L's General and Refunding Mortgage on the basis of unfunded net property additions and delivered to the Trustee to evidence and secure MP&L's obligations under the Agreement. Such Collateral Bonds may be issued: (1) In a principal amount equal to the principal amount of Tax-Exempt Bonds and bearing interest at a rate equal to the rate of interest on such Tax-Exempt Bonds; (2) in a principal amount equivalent to the principal amount of Tax-Exempt Bonds plus an amount equal to interest on those Tax-Exempt Bonds for a specified period and bearing no interest; (3) in a principal amount equivalent to the principal amount of Tax-Exempt Bonds or in such amount plus an amount equal to interest on those Tax-Exempt Bonds for a specified period, but carrying a fixed interest rate that would be lower than the fixed interest rate of the Tax-Exempt Bonds; or (4) in a principal amount of Tax-Exempt Bonds at an adjustable rate of interest, varying with such Tax-Exempt Bonds but having a ceiling rate not greater than 15%. Each series of the Collateral Bonds that would bear interest would do so at a fixed interest rate or initial adjustable interest rate not to exceed 11%, and at a subsequent adjustable interest rate not to exceed 15%. The maximum aggregate principal amount of Collateral Bonds would be $33 million, and such amount would be separate and apart from, and in addition to, the Bonds. The terms of the Collateral Bonds will correspond to the terms of the related Tax-Exempt Bonds. MP&L requests an exception from the competitive bidding requirements of rule 50 pursuant to subsection (a)(5) thereunder because the Collateral Bonds would be issued and pledged solely to secure MP&L's obligations and no public offering of Collateral Bonds would be made.

MP&L also proposes to use, in addition to or as an alternative for the proceeds from the sale of the Bonds, Preferred and/or Tax-Exempt Bonds, other available funds to acquire, through tender offer, negotiated, open market or other forms of acquisition, at any time or from time-to-time, during the period January 1, 1992 through December 31, 1993, in whole or in part, prior to their respective maturities, certain of its outstanding securities, including but not limited to (1) one or more series of MP&L's outstanding first mortgage bonds and one or more series of its outstanding general and refunding mortgage bonds, in all cases in an aggregate principal amount up to $200 million, (2) one or more series of MP&L's outstanding preferred stock, cumulative, $100 par value, in all cases in an aggregate par value up to $50 million, and (3) one or more series of outstanding pollution control revenue bonds issued for the benefit of MP&L, in an aggregate principal amount up to $25 million.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 91-28672 Filed 11-27-91; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF STATE

[Public Notice No. 1527]

Advisory Committee on International Communications and Information Policy, Subcommittee on Industrialized Country Policy; Meeting

The Department of State announces that the Subcommittee on Industrialized Country Policy of the Committee on International Communications and Information Policy will hold an open meeting on Friday, December 13, 1991, from 10 a.m. to 12 noon in Room 6824, Department of State, 2201 "C" Street, NW., Washington, DC 20520.

At the meeting, there will be a report from the U.S. Delegation to the Committee for Information, Computer and Communications Policy (ICCP) of the Organization for Economic Cooperation and Development (OECD) on issues currently before the ICCP and its various working parties and experts groups, highlighting the telecommunications activities of the OECD's Centre for Cooperation Among European Economies in Transition dealing with the emerging democracies of Central and Eastern Europe. Also, ideas will be solicited on developing U.S. project proposals for the 1993 work program to be discussed at the March, 1992 ICCP Meeting.

Mr. Kenneth Leeson and Ms. Cathy Slesinger, co-chairs of the Subcommittee, will chair the meeting. Mr. Richard C. Beaird, Deputy U.S. Coordinator and Deputy Director, Bureau of International Communications and Information Policy, U.S. Department of State, and Chairman of the ICCP, will participate in the meeting.

Members of the general public may attend the meeting and join in the discussion, subject to the instructions of the co-chairs. Admittance of public members will be limited to seating available. In that regard, entrance to the Department of State building is controlled and individual passes are required for each attendee. Entry will be facilitated if arrangements are made in advance of the meeting

Prior to the meeting, persons who plan to attend should so advise the office of Mr. Timothy C. Finton, Department of State, Washington, DC; telephone (202) 647-5230. They must provide Mr. Finton with their name, title, company name, social security number, and date of birth. All attendees must use the "C" Street entrance to the building.

Dated: November 19, 1991.

Timothy C. Finton,

Chairman, U.S. Delegation to the ICCP.

[FR Doc. 91-28618 Filed 11-27-91; 8:45 am]

BILLING CODE 4710-07-M

SUSQUEHANNA RIVER BASIN COMMISSION

Final Adoption of Project Review Filing and Monitoring Fee Schedule

AGENCY: Susquehanna River Basin Commission (SRBC).

ACTION: Notice of fee schedule adoption.

SUMMARY: Notice is hereby given that the Susquehanna River Basin Commission has adopted in final form a project review filing and monitoring fee schedule.

FOR FURTHER INFORMATION CONTACT: Richard A. Cairo, Secretary to the Commission, (717) 238–0423.

SUPPLEMENTARY INFORMATION: In the July 26, 1991 issue of the Federal Register at p. 34235, the Commission reproposed a project review filing and monitoring fee schedule designed to defray a portion of the costs associated with processing project review applications and monitoring compliance with Commission regulations. The fee schedule was originally proposed in the Federal Register on April 10, 1991 and the reproposed version of July 26 was in response to comments received by the Commission in both written form and at a May 23, 1991 hearing.

Additional written comments were received on the reproposed fee schedule, with the majority of those comments coming from agricultural water users and those speaking on behalf of ag users. At several meetings between Commission staff and agricultural groups, the Commission was urged to hold another public hearing so that all points of view could be aired and all questions answered. The Commission agreed and held a second public hearing on October 2, 1991 focusing on the terms of the reproposed fee schedule.

At this second hearing and in numerous written comments both before and after the hearing, agricultural users and those representing their views told the Commission that the reproposed schedule did not provide sufficient relief to ag users. Under the reproposal, ag users able to confine their consumptive use to a single consecutive 90-day period each year would pay a one-time application fee of $250.00 and no compliance monitoring fee. This was in recognition of the intermittent nature of most ag users such as irrigation.

However, ag commentators pointed out that it is difficult to confine irrigation to a 90-day period for many crops. In addition, livestock use continues year round. Many other commentators, including state legislators, members of Congress, and the Pa. Secretary of Agriculture, noted the special difficulties that farmers face, including the uncertainties of the market and the inability to pass on costs. Almost all of these commentators called for ag users to be exempted from the proposed fees.

After considering these arguments, and other points on the intermittent nature of ag use and the contribution of farmers toward maintaining open space for ground-water recharge, the Commission agreed to exempt uses primarily involving the raising of crops and livestock. No other substantive changes were made in the fee schedule as reproposed on July 26.

Project Review Filing and Monitoring Fee Schedule

1. A non-refundable project review fee shall be paid to the Commission, according to the schedule herein, for projects described in the next paragraph. Agencies, authorities, or commissions of the signatories to the Compact shall be exempt from such project review fee; however, political subdivisions of the signatory states shall be subject to said fee.

2. A project review fee shall be required for the following categories of projects which require review and approval by the Commission under § 3.10 (2) of the Compact and Commission Regulation 803.3 and 803.4 (18 CFR § 803.3 & 803.4):

a. Diversions of water into or out of the Susquehanna River Basin.

b. Surface water withdrawals for which the Commission has primary review authority as may be applicable within the signatory states; provided, however, that the Commission shall exercise as it deems necessary overview of proposed surface withdrawals and subsequent allocations of water and shall exempt such overview action from its project review fees.

c. Hydroelectric projects.

d. Stream encroachments including local flood protection projects and impoundments having potential to cause interstate effects, or such other projects as the Commission may determine necessary.

e. Consumptive uses as defined and regulated by Commission Regulation 803.61 (18 CFR 803.61).

f. Ground-water withdrawals as defined and regulated by Commission Regulation 803.62 (18 CFR 803.62).

3. Fee Schedule:

a. All projects involving consumptive use of water will be charged an application fee based on their requested consumptive use in accordance with the following schedule:

(i) Projects primarily involving the raising of food crops, trees, flowers, shrubs, turf and livestock shall be exempt.

(ii) All other projects as follows:

20,000 gallons per day (gpd)–100,000 gpd	$750
100,000 gpd–500,000 gpd	3,000
500,001 gpd–1 million gallons per day (mgd)	6,000
Over 1 mgd	12,000

b. All hydropower projects will be charged an application fee based on name plate generation capacity as follows:

Less than 1 megawatt	$250
1–10 megawatts	1,500
Greater than 10 megawatts	7,500

These fees will be charged for review of applications for FERC exemption, short form, or regular license, if the hydro project requires Commission review and approval as stated previously. No fee will be charged for review of applications for a preliminary permit.

c. Stream encroachments—$2,500.

d. All other project review fees will be based on the quantities of water requested in the application as follows (except for projects mentioned above in paragraph (3)(a)(i) which shall be exempt):

Up to 250,000 gpd	$1,000
250,001 to 500,000 gpd	2,000
500,001 gpd to 1 mgd	3,000
Over 1 mgd	4,000

e. If any project involves more than one of the above elements, the highest of the applicable fees shall apply.

4. The applicable fee shall be submitted upon billing by the Commission. Modification or reapproval of projects previously approved by the Commission shall require submission of a review fee as provided herein unless the Commission finds that the said modification or reapproval requires no significant review by staff.

5. Except as otherwise provided by contract, the sponsors of projects previously approved by the Commission shall be required to pay an annual compliance monitoring fee as follows:

a. All consumptive use projects will be charged as follows:

(i) Projects primarily involving the raising of food crops, trees, flowers, shrubs, turf and livestock shall be exempt.

(ii) All other projects as follows:

20,000 gpd–100,000 gpd	$100
100,001 gpd–1 mgd	500
Over 1 mgd	1,500

b. All ground-water withdrawal projects will be charged $100, except for

projects mentioned above in paragraph (5)(a)(i), which shall pay no annual compliance monitoring fees.

c. Projects having special monitoring requirements may be assessed annual fees as determined by Commission review.

d. Projects that have consumptive use from ground-water sources will be charged a fee from each category of a and b above.

6. In assessing the application fees, the Commission shall give a dollar-for-dollar credit to the project sponsor for any application fees paid to any signatory agency for the same scope of review on the same project.

7. Whenever, under the guidelines and requirements of Commission Regulation 18 CFR part 803, subpart C, §§ 803.40–803.51, the Commission holds a public hearing or an adjudicatory hearing on a project, the project sponsor shall be required to pay the reasonable costs of holding and making a record of said hearing.

8. Revenues received pursuant to this resolution shall be deposited in the Commission's general fund and be appropriated for use in support of the Commission's Annual Expense Budget.

Authority: Susquehanna River Basin Compact, 84 Stat 1509 et seq.

Dated: November 21, 1991.

Richard A. Cairo,

Acting Executive Director.

[FR Doc. 91–28622 Filed 11–27–91; 8:45 am]

BILLING CODE 7040-01-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Amended Notice of Meeting

AGENCY: National Highway Traffic Safety Administration.

ACTION: Amended notice of public meeting.

SUMMARY: The National Highway Traffic Safety Administration is amending the date of an announcement of a NHTSA quarterly public meeting, published on Thursday, October 31, 1991, on pages 56110 and 56111 of the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: Ms. Barbara Carnes, Office of Rulemaking, NHTSA, 400 Seventh Street, SW., Washington, DC 20590. Ms. Carnes' telephone number is (202) 366–1810.

SUPPLEMENTARY INFORMATION: The agency's quarterly public meeting has been changed from December 4, 1991 to December 5, 1991. All other information concerning dates and times remains the same.

Dated: November 25, 1991.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 91–28613 Filed 11–27–91; 8:45 am]

BILLING CODE 4910-59-M

[Docket No. 91–59–IP–NO. 1]

General Motors Corp.; Receipt of Petition for Determination of Inconsequential Noncompliance

General Motors Corporation (GM) of Warren, Michigan has determined that some of its school bus chassis and medium duty trucks fail to comply with 49 CFR 571.106, "Brake Hoses," and has filed an appropriate report pursuant to 49 CFR part 573. GM has also petitioned to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 *et seq.*) on the basis that the noncompliance is inconsequential as it relates to motor vehicle safety.

This notice or receipt of a petition is published under section 157 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1417) and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

GM has determined, based on information provided by the Weatherhead Division of Dana Corporation, that certain air brake hoses installed in approximately 1,699 model year 1988 through 1990 GM school bus chassis and medium duty trucks fail to meet the adhesion requirements of S7.3.7 of Federal Motor Vehicle Safety Standard No. 106, "Brake Hoses." Section S7.3.7 requires that except for hose reinforced by wire, an air brake hose shall withstand a tensile force of 8 pounds per inch of length before separation of adjacent layers. GM supports its petition with the following information:

1. Each of the applications of the subject hoses in GM vehicles is a pressure application, not a vacuum application. Thus, the inner hose layer would not collapse even if the layers were to delaminate such that air could enter between the layers of the hose.

2. The hose material was assembled into hose assemblies for all applications in GM vehicles. Thus, each end of the hose has an end fitting assembled to the hose by a crimping process. There are two important aspects of this assembly. First, the end fittings have the effect of capturing the hose material, such that the hose is not subject to shearing forces that would act to delaminate the layers of the hose. Second, even if the layers could delaminate, there should be no path for air pressure to enter between the layers because of the end crimping of the hose layers.

3. All of the subject hose material is of a spiral design with pin-pricked covers to allow any air which enters between the layers of the hose to escape. This further diminishes any likelihood that positive air pressure could build on the outside of the inner layer and cause it to collapse.

4. The affected GM vehicles are all equipped with split service brake systems. Therefore, any service failure of the subject air brake hoses would leave the driver with partial brake system performance and stopping capability.

GM stated that in summary, a sequence of events, each of which is virtually precluded by the application in GM vehicles, would have to occur for this noncompliance to have an adverse effect on safety. "First, the layers would have to delaminate, which is prevented by the end fittings which "capture" the hose material. Next, air pressure would need to enter between the layers of the hose, which is prevented by the crimping of the end fittings to the hose. And finally, positive differential air pressure would need to build up on the outside of the inner layer, which is prevented by both the spiral and pin-pricked hose design, and also by virtue of the pressure, rather than vacuum, applications of the subject hoses in GM vehicles."

GM also stated that the data which has previously been submitted to the agency is similar petitions for exemption submitted by Navistar and Mack Trucks, as well as the comments of Dana Corporation in support of the Navistar and Mack petitions, is applicable to the subject air brakes hoses installed in GM vehicles.

Interested persons are invited to submit written data, views and arguments on the petition of GM, 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 six copies be submitted.

All comments received before the close of business on the closing date indicated below will be considered. The application and supporting materials, and all comments received after the closing date will also be filed and will

be considered to the extent possible. When the petition is granted or denied, the notice will be published in the **Federal Register** pursuant to the authority indicated below.

Comment closing date: December 30, 1991.

(15 U.S.C. 1417; delegation of authority at 49 CFR 1.50 and 49 CFR 501.8)

Dated: November 25, 1991.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 91-28603 Filed 11-27-91; 8:45 am]

BILLING CODE 4910-59-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Department Circular—Public Debt Series—No. 36-91]

Treasury Bonds of November 2021

Washington, October 31, 1991.

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of chapter 31 of title 31, United States Code, invites tenders for approximately $12,000,000,000 of United States securities, designated Treasury Bonds of November 2021 (CUSIP No. 912810 EL 8), hereafter referred to as Bonds. The Bonds will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the yield of each accepted bid. The interest rate on the Bonds and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of the Bonds may be issued to Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts of the Bonds may also be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities.

2. Description of Securities

2.1. The Bonds will be dated November 15, 1991, and will accrue interest from that date, payable on a semiannual basis on May 15, 1992, and each subsequent 6 months on November 15 and May 15 through the date that the principal becomes payable. They will mature November 15, 2021, and will not be subject to call for redemption prior to maturity. In the event any payment date is a Saturday, Sunday, or other nonbusiness day, the amount due will be payable (without additional interest) on the next business day.

2.2. The bonds are subject to all taxes imposed under the Internal Revenue Code of 1954. The Bonds are exempt from all taxation now or hereafter imposed on the obligation or interest thereof by any State, any possession of the United States, or any local taxing authority, except as provided in 31 U.S.C. 3124.

2.3. The Bonds will be acceptable to secure deposits of Federal public monies. They will not be acceptable in payment of Federal taxes.

2.4. The Bonds will be issued only in book-entry form in a minimum amount of $1,000 and in multiples of that amount. They will not be issued in registered definitive or in bearer form.

2.5. A Bond may be held in its fully constituted form or it may be divided into its separate Principal and Interest Components and maintained as such on the book-entry records of the Federal Reserve Banks, acting as fiscal agents of the United States. The provisions specifically applicable to the separation, maintenance, transfer, and reconstitution of Principal and Interest Components are set forth in Section 6 of this circular. Subsections 2.1. through 2.4. of this section are descriptive of Bonds in their fully constituted form; the description of the separate Principal and Interest components is set forth in Section 6 of this circular.

2.6. The Department of the Treasury's general regulations governing United States securities, i.e., Department of the Treasury Circular No. 300, current revision (31 CFR part 306), as to the extent applicable to marketable securities issued in book-entry form, and the regulations governing book-entry Treasury Bonds, Notes, and Bills, as adopted and published as a final rule to govern securities held in the TREASURY DIRECT Book-Entry Securities System in Department of the Treasury Circular, Public Debt Series, No. 2-86 (31 CFR part 357), apply to the Bonds offered in this circular.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, DC 20239-1500, Thursday, November 7, 1991, prior to 12 noon, Eastern Standard time, for noncompetitive tenders and prior to 1 p.m., Eastern Standard time, for competitive tenders. Non-competitive tenders as defined below will be considered timely if postmarked no later than Wednesday, November 6, 1991, and received no later than Friday, November 15, 1991.

3.2. The par amount of Bonds bid for must be stated on each tender. The minimum bid is $1,000, and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.10%. Fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield.

3.3. A single bidder, as defined in Treasury's single bidder guidelines, shall not submit noncompetitive tenders totaling more than $5,000,000. A noncompetitive bidder may not have entered into an agreement, nor make an agreement to purchase or sell or otherwise dispose of any noncompetitive awards of this issue prior to the deadline for receipt of competitive tenders.

3.4. The following institutions may submit tenders for accounts of customers if the names of the customers and the amount for each customer are furnished: depository institutions, as described in section 19(b)(1)(A), excluding those institutions described in subparagraph (vii), of the Federal Reserve Act (12 U.S.C. 461(b)); and government securities broker/dealers, registered with the Securities and Exchange Commission that are registered or noticed as government securities broker/dealers pursuant to section 15C(a)(1) of the Securities and Exchange Act of 1934, as amended by the Government Securities Act of 1986. Others are permitted to submit tenders only for their own account.

3.5. Tenders from bidders who are making payment by charge to a funds account at a Federal Reserve Bank and tenders from bidders who have an approved autocharge agreement on file at a Federal Reserve Bank will be received without deposit. In addition, tenders from States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; and Federal Reserve Banks will be received without deposit. Tenders from all others must be accompanied by full payment for the amount of Bonds applied for, or by a guarantee from a commercial bank or a primary dealer of 5 percent of the par amount applied for.

3.6. Immediately after the deadline for receipt of competitive tenders, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively

higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, an interest rate will be established, at a ⅛ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 92.500. That stated rate of interest will be paid on all of the Bonds. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.7. Competitive bidders will be advised of the acceptance of their bids. Those submitting noncompetitive tenders will be notified only if the tender is not accepted in full, or when the price at the average yield is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of Bonds specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for the Bonds allotted must be made timely at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on Bonds allotted will be made by a charge to a funds account or pursuant to an approved autocharge agreement, as provided in section 3.5. Settlement on Bonds allotted to institutional investors and to others whose tenders are accompanied by a guarantee as provided in section 3.5. must be made or completed on or before Friday, November 15, 1991. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury notes or bonds maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Wednesday, November 13, 1991. When payment has been submitted with the tender and the purchase price of the Bonds allotted is over par, settlement for the premium must be completed timely, as specified above. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the par amount of Bonds allotted shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered definitive securities tendered in payment for the Bonds allotted and to be held in TREASURY DIRECT are not required to be assigned if the inscription on the registered definitive security is identical to the registration of the Bond being purchased. In any such case, the tender form used to place the Bonds allotted in TREASURY DIRECT must be completed to show all the information required thereon, or the TREASURY DIRECT account number previously obtained.

6. Separability of Principal and Interest

6.1. Under the Treasury's STRIPS Program (Separate Trading of Registered Interest and Principal of Securities), a Bond may be divided into its separate components and maintained as such on the book-entry records of the Federal Reserve Banks, acting as Fiscal Agents of the United States. The separate STRIPS components are: Each future semiannual interest payment (referred to as an Interest Component) and the principal payment (referred to as the Principal Component). Each Interest Component and the Principal Component shall have an identifying designation and CUSIP number, which are set forth in Attachment A to this circular.

6.2. Attachment A also provides the payable dates for the separate components. In the event any payment date is a Saturday, Sunday, or other nonbusiness day, the amount due will be payable (without additional interest) on the next business day.

6.3. For a Bond to be separated into the components described in section 6.1., the par amount of the Bond must be in an amount which, based on the stated interest rate of the Bond, will produce a semiannual interest payment of $1,000 or a multiple of $1,000. Attachment B to this circular provides the minimum par amounts required to separate a security at various interest rates, as well as the interest payments corresponding to those minimum par amounts. Par amounts greater than the minimum amount must be in multiples of that amount. The minimum par amount for this offering will be provided in the public announcement of the amount and yield range of accepted bids.

6.4. A Bond may be separated into its components at any time from the issue date until maturity. A request for separation must be made to the Federal Reserve Bank maintaining the account for the Bonds. Once a Bond has been separated into its components, the components may be maintained and transferred in multiples of $1,000.

6.5. Interest Components and Principal Components in multiples of $1,000 will be acceptable to secure deposits of Federal public monies. They will not be acceptable in payment of Federal taxes.

6.6. Interest and Principal Components of separated securities may be reconstituted, i.e., restored to their fully constituted form, on the book-entry records of the Federal Reserve Banks. A Principal Component and all related unmatured Interest Components, in the appropriate minimum or multiple amounts previously announced, must be submitted together for reconstitution.

6.7. Detached physical interest coupons, coupons held under the CUBES Program, or cash payments may not be substituted for missing Interest or Principal Components. Any reconstitution request which does not comprise all of the necessary STRIPS components in the appropriate amounts will not be accepted.

6.8. The book-entry transfer of each Interest Component and Principal Component included in a reconstitution transaction will be subject to the fee schedule generally applicable to transfers of book-entry Treasury securities.

6.9. Unless otherwise provided in this offering circular, the Department of the Treasury's general regulations governing United States securities apply to the Bonds separated into their components.

7. General Provisions

7.1. As fiscal agents of the United States, Federal Reserve Banks are authorized, as directed by the Secretary of the Treasury, to receive tenders, to make allotments, to issue such notices as may be necessary, to receive payment for, and to issue, maintain, service, and make payment on the Bonds.

7.2. The Secretary of the Treasury may at any time supplement or amend provisions of this circular if such supplements or amendments do not adversely affect existing rights of holders of the Bonds. Public announcement of such changes will be promptly provided.

7.3. The Bonds issued under this circular shall be obligations of the United States, whether held in the fully constituted form or as separate Interest and Principal Components, and, therefore, the faith of the United States Government is pledged to pay, in legal tender, principal and interest on the Bonds.

7.4. Attachments A and B are incorporated as part of this circular.

Gerald Murphy,

Fiscal Assistant Secretary.

Attachment A—CUSIP Numbers and Designations for the Principal Component and Interest Components of Treasury Bonds of November 15, 2021, CUSIP No. 912810 EL 8

The Principal Component is designated (Interest Rate) Treasury Principal (TPRN) 2021 due November 15, 2021, CUSIP No. 912803 AY 9.

INTEREST COMPONENTS

Designation	CUSIP No. 912833
Treasury Interest (TINT) due:	
May 15, 1992	EU 0
Nov. 15, 1992	EV 8
May 15, 1993	EW 6
Nov. 15, 1993	EX 4
May 15, 1994	EY 2
Nov. 15, 1994	EZ 9
May 15, 1995	FA 3
Nov. 15, 1995	FB 1
May 15, 1996	FC 9
Nov. 15, 1996	FD 7
May 15, 1997	FE 5
Nov. 15, 1997	FF 2
May 15, 1998	FG 0
Nov. 15, 1998	FH 8
May 15, 1999	FJ 4
Nov. 15, 1999	FK 1
May 15, 2000	FL 9
Nov. 15, 2000	FM 7
May 15, 2001	FN 5
Nov. 15, 2001	FP 0
May 15, 2002	FQ 8
Nov. 15, 2002	FR 6

INTEREST COMPONENTS—Continued

Designation	CUSIP No. 912833
May 15, 2003	FS 4
Nov. 15, 2003	FT 2
May 15, 2004	FU 9
Nov. 15, 2004	FV 7
May 15, 2005	FW 5
Nov. 15, 2005	FX 3
May 15, 2006	FY 1
Nov. 15, 2006	FZ 8
May 15, 2007	GA 2
Nov. 15, 2007	GB 0
May 15, 2008	GC 8
Nov. 15, 2008	GD 6
May 15, 2009	GE 4
Nov. 15, 2009	GF 1
May 15, 2010	JU 5
Nov. 15, 2010	JV 3
May 15, 2011	JW 1
Nov. 15, 2011	JX 9
May 15, 2012	JY 7
Nov. 15, 2012	JZ 4
May 15, 2013	KA 7
Nov. 15, 2013	KB 5
May 15, 2014	KC 3
Nov. 15, 2014	KD 1
May 15, 2015	KE 9
Nov. 15, 2015	KF 6
May 15, 2016	KH 2
Nov. 15, 2016	KK 5
May 15, 2017	KM 1
Nov. 15, 2017	KP 4
May 15, 2018	KR 0
Nov. 15, 2018	KT 6
May 15, 2019	KV 1
Nov. 15, 2019	KX 7
May 15, 2020	KZ 2
Nov. 15, 2020	LB 4
May 15, 2021	LD 0
Nov. 15, 2021	LF 5

[FR Doc. 91-28726 Filed 11-26-91; 8:45 am]
BILLING CODE 4810-40-C

ATTACHMENT B

MINIMUM FACE AMOUNTS WHICH ARE MULTIPLES OF $1000 REQUIRED IN ORDER TO PRODUCE INTEREST PAYMENTS THAT ARE MULTIPLES OF $1000.

COUPON (%)	MINIMUM FACE ($)	INTEREST PAYMENT ($)	COUPON (%)	MINIMUM FACE ($)	INTEREST PAYMENT ($)	COUPON (%)	MINIMUM FACE ($)	INTEREST PAYMENT ($)
5.000	40000.00	1000.00	10.125	1600000.00	81000.00	15.250	800000.00	61000.00
5.125	1600000.00	41000.00	10.250	800000.00	41000.00	15.375	1600000.00	123000.00
5.250	800000.00	21000.00	10.375	1600000.00	83000.00	15.500	400000.00	31000.00
5.375	1600000.00	43000.00	10.500	400000.00	21000.00	15.625	64000.00	5000.00
5.500	400000.00	11000.00	10.625	320000.00	17000.00	15.750	800000.00	63000.00
5.625	320000.00	9000.00	10.750	800000.00	43000.00	15.875	1600000.00	127000.00
5.750	800000.00	23000.00	10.875	1600000.00	87000.00	16.000	25000.00	2000.00
5.875	1600000.00	47000.00	11.000	200000.00	11000.00	16.125	1600000.00	129000.00
6.000	100000.00	3000.00	11.125	1600000.00	89000.00	16.250	160000.00	13000.00
6.125	1600000.00	49000.00	11.250	160000.00	9000.00	16.375	1600000.00	131000.00
6.250	32000.00	1000.00	11.375	1600000.00	91000.00	16.500	400000.00	33000.00
6.375	1600000.00	51000.00	11.500	400000.00	23000.00	16.625	1600000.00	133000.00
6.500	400000.00	13000.00	11.625	1600000.00	93000.00	16.750	800000.00	67000.00
6.625	1600000.00	53000.00	11.750	800000.00	47000.00	16.875	320000.00	27000.00
6.750	800000.00	27000.00	11.875	320000.00	19000.00	17.000	200000.00	17000.00
6.875	320000.00	11000.00	12.000	50000.00	3000.00	17.125	1600000.00	137000.00
7.000	200000.00	7000.00	12.125	1600000.00	97000.00	17.250	800000.00	69000.00
7.125	1600000.00	57000.00	12.250	800000.00	49000.00	17.375	1600000.00	139000.00
7.250	800000.00	29000.00	12.375	1600000.00	99000.00	17.500	80000.00	7000.00
7.375	1600000.00	59000.00	12.500	16000.00	1000.00	17.625	1600000.00	141000.00
7.500	80000.00	3000.00	12.625	1600000.00	101000.00	17.750	800000.00	71000.00
7.625	1600000.00	61000.00	12.750	800000.00	51000.00	17.875	1600000.00	143000.00
7.750	800000.00	31000.00	12.875	1600000.00	103000.00	18.000	100000.00	9000.00
7.875	1600000.00	63000.00	13.000	200000.00	13000.00	18.125	320000.00	29000.00
8.000	25000.00	1000.00	13.125	320000.00	21000.00	18.250	800000.00	73000.00
8.125	320000.00	13000.00	13.250	800000.00	53000.00	18.375	1600000.00	147000.00
8.250	800000.00	33000.00	13.375	1600000.00	107000.00	18.500	400000.00	37000.00
8.375	1600000.00	67000.00	13.500	400000.00	27000.00	18.625	1600000.00	149000.00
8.500	400000.00	17000.00	13.625	1600000.00	109000.00	18.750	32000.00	3000.00
8.625	1600000.00	69000.00	13.750	160000.00	11000.00	18.875	1600000.00	151000.00
8.750	160000.00	7000.00	13.875	1600000.00	111000.00	19.000	200000.00	19000.00
8.875	1600000.00	71000.00	14.000	100000.00	7000.00	19.125	1600000.00	153000.00
9.000	200000.00	9000.00	14.125	1600000.00	113000.00	19.250	800000.00	77000.00
9.125	1600000.00	73000.00	14.250	800000.00	57000.00	19.375	320000.00	31000.00
9.250	800000.00	37000.00	14.375	320000.00	23000.00	19.500	400000.00	39000.00
9.375	64000.00	3000.00	14.500	400000.00	29000.00	19.625	1600000.00	157000.00
9.500	400000.00	19000.00	14.625	1600000.00	117000.00	19.750	800000.00	79000.00
9.625	1600000.00	77000.00	14.750	800000.00	59000.00	19.875	1600000.00	159000.00
9.750	800000.00	39000.00	14.875	1600000.00	119000.00	20.000	10000.00	1000.00
9.875	1600000.00	79000.00	15.000	40000.00	3000.00	20.125	1600000.00	161000.00
10.000	20000.00	1000.00	15.125	1600000.00	121000.00	20.250	800000.00	81000.00

[FR Doc. 91-28726 Filed 11-26-91; 8:45 am]

BILLING CODE 4810-40-C

[Supplement to Department Circular—Public Debt Series—No. 36–91]

Treasury Bonds of November 2021

Washington, November 8, 1991.

The Secretary announced on November 7, 1991, that the interest rate on the bonds designated Bonds of November 2021, described in Department Circular—Public Debt Series—No. 36–91 dated October 31, 1991, will be 8 percent. Interest on the bonds will be payable at the rate of 8 percent per annum.

Gerald Murphy,

Fiscal Assistant Secretary.

[FR Doc. 91–28729 Filed 11–26–91; 8:45 am]

BILLING CODE 4810–40–M

[Supplement to Department Circular—Public Debt Series—No. 35–91]

Treasury Notes, Series D–2001

Washington, November 7, 1991.

The Secretary announced on November 6, 1991, that the interest rate on the notes designated Series D–2001, described in Department Circular—Public Debt Series—No. 35–91 dated October 31, 1991, will be 7½ percent. Interest on the notes will be payable at the rate of 7½ percent per annum.

Gerald Murphy,

Fiscal Assistant Secretary.

[FR Doc. 91–28730 Filed 11–26–91; 8:45 am]

BILLING CODE 4810–40–M

[Department Circular—Public Debt Series—No. 35–91]

Treasury Notes of November 15, 2001, Series D–2001

Washington, October 31, 1991.

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of chapter 31 of title 31, United States Code, invites tenders for approximately $12,000,000,000 of United States securities, designated Treasury Notes of November 15, 2001, Series D–2001 (CUSIP No. 912827 D2 5), hereafter referred to as Notes. The Notes will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the yield of each accepted bid. The interest rate on the Notes and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of the Notes may be issued to Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts of the Notes may also be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities.

2. Description of Securities

2.1. The Notes will be dated November 15, 1991, and will accrue interest from that date, payable on a semiannual basis on May 15, 1992, and each subsequent 6 months on November 15 and May 15 through the date that the principal becomes payable. They will mature November 15, 2001, and will not be subject to call for redemption prior to maturity. In the event any payment date is a Saturday, Sunday, or other nonbusiness day, the amount due will be payable (without additional interest) on the next business day.

2.2. The Notes are subject to all taxes imposed under the Internal Revenue Code of 1954. The Notes are exempt from all taxation now or hereafter imposed on the obligation or interest thereof by any State, any possession of the United States, or any local taxing authority, except as provided in 31 U.S.C. 3124.

2.3. The Notes will be acceptable to secure deposits of Federal public monies. They will not be acceptable in payment of Federal taxes.

2.4. The Notes will be issued only in book-entry form in a minimum amount of $1,000 and in multiples of that amount. They will not be issued in registered definitive or in bearer form.

2.5. A Note may be held in its fully constituted form or it may be divided into its separate Principal and Interest Components and maintained as such on the book-entry records of the Federal Reserve Banks, acting as fiscal agents of the United States. The provisions specifically applicable to the separation, maintenance, transfer, and reconstitution of Principal and Interest Components are set forth in section 6 of this circular. Subsections 2.1. through 2.4. of this section are descriptive of Notes in their fully constituted form; the description of the separate Principal and Interest components is set forth in section 6 of this circular.

2.6. The Department of the Treasury's general regulations governing United States securities, i.e., Department of the Treasury Circular No. 300, current revision (31 CFR part 306), as to the extent applicable to marketable securities issued in book-entry form, and the regulations governing book-entry Treasury Bonds, Notes, and Bills, as adopted and published as a final rule to govern securities held in the TREASURY DIRECT Book-Entry Securities System in Department of the Treasury Circular, Public Debt Series, No. 2–86 (31 CFR part 357), apply to the Notes offered in this circular.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, DC 20239–1500, Wednesday, November 6, 1991, prior to 12 noon, Eastern Standard time, for noncompetitive tenders and prior to 1 p.m., Eastern Standard time, for competitive tenders. Non-competitive tenders as defined below will be considered timely if postmarked no later than Tuesday, November 5, 1991, and received no later than Friday, November 15, 1991.

3.2. The par amount of Notes bid for must be stated on each tender. The minimum bid is $1,000, and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.10%. Fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield.

3.3. A single bidder, as defined in Treasury's single bidder guidelines, shall not submit noncompetitive tenders totaling more than $5,000,000. A noncompetitive bidder may not have entered into an agreement, nor make an agreement to purchase or sell or otherwise dispose of any noncompetitive awards of this issue prior to the deadline for receipt of competitive tenders.

3.4. The following institutions may submit tenders for accounts of customers if the names of the customers and the amount for each customer are furnished: depository institutions, as described in section 19(b)(1)(A), excluding those institutions described in subparagraph (vii), of the Federal Reserve Act (12 U.S.C. 461(b)); and government securities broker/dealers, registered with the Securities and Exchange Commission that are registered or noticed as government securities broker/dealers pursuant to section 15C(a)(1) of the Securities and Exchange Act of 1934, as amended by the Government Securities Act of 1986. Others are permitted to submit tenders only for their own account.

3.5. Tenders from bidders who are making payment by charge to a funds account at a Federal Reserve Bank and tenders from bidders who have an approved autocharge agreement on file at a Federal Reserve Bank will be received without deposit. In addition, tenders from States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in

which the United States holds membership; foreign central banks and foreign states; and Federal Reserve Banks will be received without deposit. Tenders from all others must be accompanied by full payment for the amount of Notes applied for, or by a guarantee from a commercial bank or a primary dealer of 5 percent of the par amount applied for.

3.6. Immediately after the deadline for receipt of competitive tenders, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, an interest rate will be established, at a ⅛ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 97.500. That stated rate of interest will be paid on all of the Notes. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.7. Competitive bidders will be advised of the acceptance of their bids. Those submitting noncompetitive tenders will be notified only if the tender is not accepted in full, or when the price at the average yield is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of Notes specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this section is final.

5. Payment and Delivery

5.1. Settlement for the Notes allotted must be made timely at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on Notes allotted will be made by a charge to a funds account or pursuant to an approved autocharge agreement, as provided in section 3.5. Settlement on Notes allotted to institutional investors and to others whose tenders are accompanied by a guarantee as provided in section 3.5. must be made or completed on or before Friday, November 15, 1991. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury notes or bonds maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Wednesday, November 13, 1991. When payment has been submitted with the tender and the purchase price of the Notes allotted is over par, settlement for the premium must be completed timely, as specified above. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the par amount of Notes allotted shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered definitive securities tendered in payment for the Notes allotted and to be held in TREASURY DIRECT are not required to be assigned if the inscription on the registered definitive security is identical to the registration of the Note being purchased. In any such case, the tender form used to place the Notes allotted in TREASURY DIRECT must be completed to show all the information required thereon, or the TREASURY DIRECT account number previously obtained.

6. Separability of Principal and Interest

6.1. Under the Treasury's STRIPS Program (Separate Trading of Registered Interest and Principal of Securities), a Note may be divided into its separate components and maintained as such on the book-entry records of the Federal Reserve Banks, acting as Fiscal Agents of the United States. The separate STRIPS components are: each future semiannual interest payment (referred to as an Interest Component) and the principal payment (referred to as the Principal Component). Each Interest Component and the Principal Component shall have an identifying designation and CUSIP number, which are set forth in Attachment A to this circular.

6.2. Attachment A also provides the payable dates for the separate components. In the event any payment date is a Saturday, Sunday, or other nonbusiness day, the amount due will be payable (without additional interest) on the next business day.

6.3. For a Note to be separated into the components described in section 6.1., the par amount of the Note must be in an amount which, based on the stated interest rate of the Note, will produce a semiannual interest payment of $1,000 or a multiple of $1,000. Attachment B to this circular provides the minimum par amounts required to separate a security at various interest rates, as well as the interest payments corresponding to those minimum par amounts. Par amounts greater than the minimum amount must be in multiples of that amount. The minimum par amount for this offering will be provided in the public announcement of the amount and yield range of accepted bids.

6.4. A Note may be separated into its components at any time from the issue date until maturity. A request for separation must be made to the Federal Reserve Bank maintaining the account for the Notes. Once a Note has been separated into its components, the components may be maintained and transferred in multiples of $1,000.

6.5. Interest Components and Principal Components in multiples of $1,000 will be acceptable to secure deposits of Federal public monies. They will not be acceptable in payment of Federal taxes.

6.6. Interest and Principal Components of separated securities may be reconstituted, i.e., restored to their fully constituted form, on the book-entry records of the Federal Reserve Banks. A Principal Component and all related unmatured Interest Components, in the appropriate minimum or multiple amounts previously announced, must be submitted together for reconstitution.

6.7. Detached physical interest coupons, coupons held under the CUBES Program, or cash payments may not be substituted for missing Interest or

Principal Components. Any reconstitution request which does not comprise all of the necessary STRIPS components in the appropriate amounts will not be accepted.

6.8. The book-entry transfer of each Interest Component and Principal Component included in a reconstitution transaction will be subject to the fee schedule generally applicable to transfers of book-entry Treasury securities.

6.9. Unless otherwise provided in this offering circular, the Department of the Treasury's general regulations governing United States securities apply to the Notes separated into their components.

7. General Provisions

7.1. As fiscal agents of the United States, Federal Reserve Banks are authorized, as directed by the Secretary of the Treasury, to receive tenders, to make allotments, to issue such notices as may be necessary, to receive payment for, and to issue, maintain, service, and make payment on the Notes.

7.2. The Secretary of the Treasury may, at any time, supplement or amend provisions of this circular if such supplements or amendments do not adversely affect existing rights of holders of the Notes. Public announcement of such changes will be promptly provided.

7.3. The Notes issued under this circular shall be obligations of the United States, whether held in the fully constituted form or as separate Interest and Principal Components, and, therefore, the faith of the United States Government is pledged to pay, in legal tender, principal and interest on the Notes.

7.4. Attachments A and B are incorporated as part of this circular.

Gerald Murphy,

Fiscal Assistant Secretary.

Attachment A—CUSIP Numbers and Designations for the Principal Component and Interest Components of Treasury Notes of November 15, 2001, Series D–2001, CUSIP No. 912827 D2 5

The Principal Component is designated (Interest Rate) Treasury Principal (TPRN) Series D–2001 due November 15, 2001, CUSIP No. 912820 BC 0.

INTEREST COMPONENTS

Designation	CUSIP No. 9122833
Treasury Interest (TINT) due:	
May 15, 1992	EU 0
Nov. 15, 1992	EV 8
May 15, 1993	EW 6
Nov. 15, 1993	EX 4
May 15, 1994	EY 2
Nov. 15, 1994	EZ 9
May 15, 1995	FA 3
Nov. 15, 1995	FB 1
May 15, 1996	FC 9
Nov. 15, 1996	FD 7
May 15, 1997	FE 5
Nov. 15, 1997	FF 2
May 15, 1998	FG 0
Nov. 15, 1998	FH 8
May 15, 1999	FJ 4
Nov. 15, 1999	FK 1
May 15, 2000	FL 9
Nov. 15, 2000	FM 7
May 15, 2001	FN 5
Nov. 15, 2001	FP 0

BILLING CODE 4810-40-M

ATTACHMENT B

MINIMUM FACE AMOUNTS WHICH ARE MULTIPLES OF $1000 REQUIRED IN ORDER TO PRODUCE INTEREST PAYMENTS THAT ARE MULTIPLES OF $1000.

COUPON ($)	MINIMUM FACE ($)	INTEREST PAYMENT ($)	COUPON ($)	MINIMUM FACE ($)	INTEREST PAYMENT ($)	COUPON ($)	MINIMUM FACE ($)	INTEREST PAYMENT ($)
5.000	40000.00	1000.00	10.125	1600000.00	81000.00	15.250	800000.00	61000.00
5.125	1600000.00	41000.00	10.250	800000.00	41000.00	15.375	1600000.00	123000.00
5.250	800000.00	21000.00	10.375	1600000.00	83000.00	15.500	400000.00	31000.00
5.375	1600000.00	43000.00	10.500	400000.00	21000.00	15.625	64000.00	5000.00
5.500	400000.00	11000.00	10.625	320000.00	17000.00	15.750	800000.00	63000.00
5.625	320000.00	9000.00	10.750	800000.00	43000.00	15.875	1600000.00	127000.00
5.750	800000.00	23000.00	10.875	1600000.00	87000.00	16.000	25000.00	2000.00
5.875	1600000.00	47000.00	11.000	200000.00	11000.00	16.125	1600000.00	129000.00
6.000	100000.00	3000.00	11.125	1600000.00	89000.00	16.250	160000.00	13000.00
6.125	1600000.00	49000.00	11.250	160000.00	9000.00	16.375	1600000.00	131000.00
6.250	32000.00	1000.00	11.375	1600000.00	91000.00	16.500	400000.00	33000.00
6.375	1600000.00	51000.00	11.500	400000.00	23000.00	16.625	1600000.00	133000.00
6.500	400000.00	13000.00	11.625	1600000.00	93000.00	16.750	800000.00	67000.00
6.625	1600000.00	53000.00	11.750	800000.00	47000.00	16.875	320000.00	27000.00
6.750	800000.00	27000.00	11.875	320000.00	19000.00	17.000	200000.00	17000.00
6.875	320000.00	11000.00	12.000	50000.00	3000.00	17.125	1600000.00	137000.00
7.000	200000.00	7000.00	12.125	1600000.00	97000.00	17.250	800000.00	69000.00
7.125	1600000.00	57000.00	12.250	800000.00	49000.00	17.375	1600000.00	139000.00
7.250	800000.00	29000.00	12.375	1600000.00	99000.00	17.500	80000.00	7000.00
7.375	1600000.00	59000.00	12.500	16000.00	1000.00	17.625	1600000.00	141000.00
7.500	80000.00	3000.00	12.625	1600000.00	101000.00	17.750	800000.00	71000.00
7.625	1600000.00	61000.00	12.750	800000.00	51000.00	17.875	1600000.00	143000.00
7.750	800000.00	31000.00	12.875	1600000.00	103000.00	18.000	100000.00	9000.00
7.875	1600000.00	63000.00	13.000	200000.00	13000.00	18.125	320000.00	29000.00
8.000	25000.00	1000.00	13.125	320000.00	21000.00	18.250	800000.00	73000.00
8.125	320000.00	13000.00	13.250	800000.00	53000.00	18.375	1600000.00	147000.00
8.250	800000.00	33000.00	13.375	1600000.00	107000.00	18.500	400000.00	37000.00
8.375	1600000.00	67000.00	13.500	400000.00	27000.00	18.625	1600000.00	149000.00
8.500	400000.00	17000.00	13.625	1600000.00	109000.00	18.750	32000.00	3000.00
8.625	1600000.00	69000.00	13.750	160000.00	11000.00	18.875	1600000.00	151000.00
8.750	160000.00	7000.00	13.875	1600000.00	111000.00	19.000	200000.00	19000.00
8.875	1600000.00	71000.00	14.000	100000.00	7000.00	19.125	1600000.00	153000.00
9.000	200000.00	9000.00	14.125	1600000.00	113000.00	19.250	800000.00	77000.00
9.125	1600000.00	73000.00	14.250	800000.00	57000.00	19.375	320000.00	31000.00
9.250	800000.00	37000.00	14.375	320000.00	23000.00	19.500	400000.00	39000.00
9.375	64000.00	3000.00	14.500	400000.00	29000.00	19.625	1600000.00	157000.00
9.500	400000.00	19000.00	14.625	1600000.00	117000.00	19.750	800000.00	79000.00
9.625	1600000.00	77000.00	14.750	800000.00	59000.00	19.875	1600000.00	159000.00
9.750	800000.00	39000.00	14.875	1600000.00	119000.00	20.000	10000.00	1000.00
9.875	1600000.00	79000.00	15.000	40000.00	3000.00	20.125	1600000.00	161000.00
10.000	20000.00	1000.00	15.125	1600000.00	121000.00	20.250	800000.00	81000.00

[FR Doc. 91-28727 Filed 11-26-91; 8:45 am]

BILLING CODE 4810-40-C

[Supplement to Department Circular—Public Debt Series—No. 34-91]

Treasury Notes, Series U-1994

Washington, November 6, 1991.

The Secretary announced on November 5, 1991, that the interest rate on the notes designated Series U-1994, described in Department Circular—Public Debt Series—No. 34-91 dated October 31, 1991, will be 6 percent. Interest on the notes will be payable at the rate of 6 percent per annum.

Gerald Murphy,

Fiscal Assistant Secretary.

[FR Doc. 91-28731 Filed 11-26-91; 8:45 am]

BILLING CODE 4810-40-M

[Department Circular—Public Debt Series—No. 34-91]

Treasury Notes of November 15, 1994, Series U-1994

Washington, October 31, 1991.

1. Invitation for Tenders

1.1 The Secretary of the Treasury, under the authority of chapter 31 of title 31, United States Code, invites tenders for approximately $14,000,000,000 of United States securities, designated Treasury Notes of November 15, 1994, Series U-1994 (CUSIP No. 912827 C9 1), hereafter referred to as Notes. The Notes will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the yield of each accepted bid. The interest rate on the Notes and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of the Notes may be issued to Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts of the Notes may also be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities.

2. Description of Securities

2.1. The Notes will be dated November 15, 1991, and will accrue interest from that date, payable on a semiannual basis on May 15, 1992, and each subsequent 6 months on November 15 and May 15 through the date that the principal becomes payable. They will mature November 15, 1994, and will not be subject to call for redemption prior to maturity. In the event any payment date is a Saturday, Sunday, or other nonbusiness day, the amount due will be payable (without additional interest) on the next business day.

2.2. The notes are subject to all taxes imposed under the Internal Revenue Code of 1954. The Notes are exempt from all taxation now or hereafter imposed on the obligation or interest thereof by any State, any possession of the United States, or any local taxing authority, except as provided in 31 U.S.C. 3124.

2.3. The Notes will be acceptable to secure deposits of Federal public monies. They will not be acceptable in payment of Federal taxes.

2.4. The Notes will be issued only in book-entry form in a minimum amount of $5,000 and in multiples of that amount. They will not be issued in registered definitive or in bearer form.

2.5. The Department of the Treasury's general regulations governing United States securities, i.e., Department of the Treasury Circular No. 300, current revision (31 CFR part 306), as to the extent applicable to marketable securities issued in book-entry form, and the regulations governing book-entry Treasury Bonds, Notes, and Bills, as adopted and published as a final rule to govern securities held in the TREASURY DIRECT Book-Entry Securities System in Department of the Treasury Circular, Public Debt Series, No. 2-86 (31 CFR part 357), apply to the Notes offered in this circular.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, DC 20239-1500, Tuesday, November 5, 1991, prior to 12 noon, Eastern Standard time, for noncompetitive tenders and prior to 1 p.m., Eastern Standard time, for competitive tenders. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Monday, November 4, 1991, and received no later than Friday, November 15, 1991.

3.2. The par amount of Notes bid for must be stated on each tender. The minimum bid is $5,000, and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.10%. Fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield.

3.3. A single bidder, as defined in Treasury's single bidder guidelines, shall not submit noncompetitive tenders totaling more than $5,000,000. A noncompetitive bidder may not have entered into an agreement, nor make an agreement to purchase or sell or otherwise dispose of any noncompetitive awards of this issue prior to the deadline for receipt of competitive tenders.

3.4. The following institutions may submit tenders for accounts of customers if the names of the customers and the amount for each customer are furnished: Depository institutions, as described in section 19(b)(1)(A), excluding those institutions described in subparagraph (vii), of the Federal Reserve Act (12 U.S.C. 461(b)); and government securities broker/dealers, registered with the Securities and Exchange Commission that are registered or noticed as government securities broker/dealers pursuant to section 15C(a)(1) of the Securities and Exchange Act of 1934, as amended by the Government Securities Act of 1986. Others are permitted to submit tenders only for their own account.

3.5. Tenders from bidders who are making payment by charge to a funds account at a Federal Reserve Bank and tenders from bidders who have an approved autocharge agreement on file at a Federal Reserve Bank will be received without deposit. In addition, tenders from States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; and Federal Reserve Banks will be received without deposit. Tenders from all others must be accompanied by full payment for the amount of Notes applied for, or by a guarantee from a commercial bank or a primary dealer of 5 percent of the par amount applied for.

3.6. Immediately after the deadline for receipt of competitive tenders, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, an interest rate will be established, at a ⅛ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 99.250. That stated rate of interest will be paid on all of the Notes. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful

competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.7. Competitive bidders will be advised of the acceptance of their bids. Those submitting noncompetitive tenders will be notified only if the tender is not accepted in full, or when the price at the average yield is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of Notes specified in section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this section is final.

5. Payment and Delivery

5.1. Settlement for the Notes allotted must be made timely at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on Notes allotted will be made by a charge to a funds account or pursuant to an approved autocharge agreement, as provided in section 3.5. Settlement on Notes allotted to institutional investors and to others whose tenders are accompanied by a guarantee as provided in section 3.5. must be made or completed on or before Friday, November 15, 1991. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury notes or bonds maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Wednesday, November 13, 1991. When payment has been submitted with the tender and the purchase price of the Notes allotted is over par, settlement for the premium must be completed timely, as specified above. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the par amount of Notes allotted shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered definitive securities tendered in payment for the Notes allotted and to be held in TREASURY DIRECT are not required to be assigned if the inscription on the registered definitive security is identical to the registration of the note being purchased. In any such case, the tender form used to place the Notes allotted in TREASURY DIRECT must be completed to show all the information required thereon, or the TREASURY DIRECT account number previously obtained.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized, as directed by the Secretary of the Treasury, to receive tenders, to make allotments, to issue such notices as may be necessary, to receive payment for, and to issue, maintain, service, and make payment on the Notes.

6.2. The Secretary of the Treasury may, at any time, supplement or amend provisions of this circular if such supplements or amendments do not adversely affect existing rights of holders of the Notes. Public announcement of such changes will be promptly provided.

6.3. The Notes issued under this circular shall be obligations of the United States, and, therefore, the faith of the United States Government is pledged to pay, in legal tender, principal and interest on the Notes.

Gerald Murphy,

Fiscal Assistant Secretary.

[FR Doc. 91-28728 Filed 11-26-91; 8:45 am]

BILLING CODE 4810-40-M

Internal Revenue Service

Commissioner's Advisory Group; Open Meeting

There will be a meeting of the Commissioner's Advisory Group on December 11 & 12, 1991. The meeting will be held in room 3313 of the Internal Revenue Service building. The Building is located at 1111 Constitution Avenue, NW., Washington, DC. The meeting will begin at 8:30 a.m. on Wednesday, December 11 and 10 a.m. on Thursday, December 12, 1991. The will include the following topics:

Wednesday, December 11, 1991

1992 filing season readiness, getting immigrants into the system, form 5471, critique of performance measures, joint national quality council (JNQC), standardization of forms and national wage reporting, employee plans examination program directions, telefile demonstration.

Thursday, December 12, 1991

Cir. 230 application to corporate tax preparers, recommendations to revise other areas of circular 230, appeals modernization, status of coordinated examination program, 1991 CAG closing.

Note: Last minute changes to the day or order of topic discussion are possible and could prevent effective advance notice.

The meeting, which will be open to the public, will be in a room that accommodates approximately 50 people, including members of the Commissioner's Advisory Group and IRS officials. Due to the limited conference space, notification of intent to attend the meeting must be made with Raiford Gaffney, Senior Program Analyst no late than December 6, 1991. Ms. Gaffney may be reached on (202) 566-3161 (not toll-free).

If you would like to have the committee consider a written statement, please call or write Raiford Gaffney, Senior Program Analyst, Executive Secretariat, C:ES, room 3308, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Raiford Gaffney, Senior Program Analyst (202) 566-3161 (Not toll-free).

Fred T. Goldberg, Jr.,

Commissioner.

[FR Doc. 91-28683 Filed 11-27-91; 8:45 am]

BILLING CODE 4830-01-M

UNITED STATES INFORMATION AGENCY

Group Projects for International Visitor Grantees

AGENCY: United States Information Agency.

ACTION: Notice; request for proposals.

Correction

In reference to the request for proposals which was published by USIA in the Federal Register of Monday, September 23, 1991, Vol. 56, No. 184 beginning on page 47987, the word

"private" should be deleted from the SUMMARY paragraph.

The paragraph should read as follows:

"SUMMARY: The Bureau of Educational and Cultural Affairs, U.S. Information Agency (USIA) announces its intention to award ten grants of approximately $130,000 each to not-for-profit organizations arranging group projects for International Visitors traveling within the U.S."

All other aspects of the request for proposals remain in force.

Dated: November 21, 1991.

William P. Glade,

Associate Director, Bureau of Educational and Cultural Affairs.

[FR Doc. 91-28587 Filed 11-27-91; 8:45 am]

BILLING CODE 8230-01-M

DEPARTMENT OF VETERANS AFFAIRS

Information Collection Under OMB Review

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

The Department of Veterans Affairs has submitted to OMB the following proposal for the collection of information under the provisions of the paperwork Reduction Act (44 W.S.C. Chapter 35). This document lists the following information: (1) The title of the information collection, and the Department form number(s), if applicable; (2) a description of the need and its use; (3) who will be required or asked to respond; (4) an estimate of the total annual reporting hours, and recordkeeping burden, if applicable; (5) the estimated average burden hours per respondent; (6) the frequency of response; and (7) an estimated number of respondents.

ADDRESSES: Copies of the proposed information collection and supporting documents may be obtained from Janet G. Byers, Veterans Benefits Administration (20A5), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420 (202) 233-3021

Comments and questions about the items on the list should be directed to VA's OMB Desk Officer, Joseph Lackey, NEOB, room 3002, Washington, DC 205-30, (202) 395-7316. Do not send requests for benefits to this address.

DATES: Comments on the information collection should be directed to the OMB Desk Officer on or before December 30, 1991.

Dated: November 20, 1991.

By direction of the Secretary.

Frank E. Lalley,

Associate Deputy, Assistant Secretary for Information Resources Policies and Oversight.

Extension

1. Uniform Residential Appraisal Report, Fannie Mae Form 1004/Freddie Mac Form 70.

2. Fannie Mae Form 1004/Freddie Mac Form 70 is used to establish the reasonable (appraised) value for VA guaranty loan purposes, and to determine the acceptability of properties for which unsatisfactory conditions or needed repairs are reported by appraisers.

3. Individuals or households; Businesses or other for-profit; Small businesses or organization.

4. As the requirement for appraisal reports is a common practice in the housing industry, 1 hour is being shown for the total annual reporting hours.

5. 3 hours.

6. On occasion.

7. 500,000 responses.

[FR Doc. 91-28614 Filed 11-27-91; 8:45 am]

BILLING CODE 8320-01-M

Cost-of-Living Adjustments and Headstone or Marker Allowance Rate

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: As required by law, the Department of Veterans Affairs (VA) is hereby giving notice of cost-of-living adjustments (COLAs) in certain benefit rates and income limitations. These COLAs affect the pension and parents' dependency and indemnity compensation (DIC) programs. These adjustments are based on the rise in the Consumer Price Index (CPI) during the one year period ending September 30, 1991. VA is also giving notice of the maximum amount of reimbursement that may be paid for headstones or markers purchased in lieu of Government-furnished headstones or markers in Fiscal Year 1992 which began on October 1, 1991.

DATES: These COLAs are effective December 1, 1991. The headstone or marker allowance rate is effective October 1, 1991.

FOR FURTHER INFORMATION CONTACT: John Bisset, Jr., Consultant, Regulations Staff, Compensation and and Pension Service (211B), Veterans Benefit Administration, Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 233-3005.

SUPPLEMENTARY INFORMATION: Under the provisions of 38 U.S.C. 5312 (formerly 3112) and section 306 of Public Law 95-588, VA is required to increase the benefit rates and income limitations in the pension and parents' DIC programs by the same percentage, and effective the same date, as increases in the benefit amounts payable under title II of the Social Security Act. The increased rates and income limitations are also required to be published in the **Federal Register.**

The Social Security Administration has announced that there will be a 3.7 percent cost-of-living increase in social security benefits effective December 1, 1991. Therefore, applying the same percentage, the following increased rates and income limitations for the VA pension and parents' DIC programs will be effective December 1, 1991:

TABLE 1.—IMPROVED PENSION

Maximum Annual Rates

(1) Veterans permanently and totally disabled (38 U.S.C. 1521 (formerly 521)):	
Veteran with no dependents	$7,397
Veteran with one dependent	9,689
For each additional dependent	1,258
(2) Veterans in need of aid and attendance (38 U.S.C. 1521 (formerly 521)):	
Veteran with no dependents	11,832
Veteran with one dependent	14,124
For each additional dependent	1,258
(3) Veterans who are housebound (38 U.S.C. 1521 (formerly 521)):	
Veteran with no dependents	9,041
Veteran with one dependent	11,333
For each additional dependent	1,258
(4) Two veterans married to one another, combined rates (38 U.S.C. 1521 (formerly 521)):	
Neither veteran in need of aid and attendance or housebound	9,689
Either veteran in need of aid and attendance	14,124
Both veterans in need of aid and attendance	18,557
Either veteran housebound	11,333
Both veterans housebound	12,979
One veteran housebound and one veteran in need of aid and attendance	15,766
For each dependent child	1,258
(5) Surviving spouse alone and with a child or children of the deceased veteran in custody of the surviving spouse (38 U.S.C. 1541 (formerly 541)):	
Surviving spouse alone	4,957
Surviving spouse and one child in his or her custody	6,494
For each additional child in his or her custody	1,258
(6) Surviving spouses in need of aid and attendance (38 U.S.C. 1541 (formerly 541)):	
Surviving spouse alone	7,929
Surviving spouse with one child in his or her custody	9,462
For each additional child in his or her custody	1,258
(7) Surviving spouses who are housebound (38 U.S.C. 1541 (formerly 541)):	
Surviving spouse alone	6,061
Surviving spouse and one child in his or her custody	7,594
For each additional child in his or her custody	1,258
(8) Surviving child alone (38 U.S.C. 1542 (formerly 542))	1,258

TABLE 1—Continued

Reduction for income. The rate payable is the applicable maximum rate minus the countable annual income of the eligible person. (38 U.S.C. 1521, 1541 and 1542 (formerly 521, 541 and 542)).

Mexican border period and World War I veterans. The applicable maximum annual rate payable to a Mexican border period or World War I veteran under this table shall be increased by $1,673. (38 U.S.C. 1521(g) (formerly 521(g)).)

DIC shall be paid monthly to parents of a deceased veteran in the following amounts (38 U.S.C. 1315 (formerly 415)).

TABLE 2

[One parent. If there is only one parent, the monthly rate of DIC paid to such parent shall be $349 reduced on the basis of the parent's annual income according to the following formula.]

For each $1 of annual income

The $349 monthly rate shall be reduced by	Which is more than	But not more than
$0.00	0	$800
.80	$800	8,414

No DIC is payable under this table if annual income exceeds $8,414.

One parent who has remarried. If there is only one parent and the parent has remarried and is living with the parent's spouse, DIC shall be paid under Table 2 or under Table 4, whichever shall result in the greater benefit being paid to the veteran's parent. In the case of remarriage, the total combined annual income of the parent and the parent's spouse shall be counted in determining the monthly rate of DIC.

Two parents not living together. The rates in Table 3 apply to (1) two parents who are not living together, or (2) an unmarried parent when both parents are living and the other parent has remarried. The monthly rate of DIC paid to each such parent shall be $250 reduced on the basis of each parent's annual income, according the following formula

TABLE 3

For each $1 of annual income

The $250 monthly rate shall be reduced by	Which is more than	But not more than
$0.00	0	$800
.06	$800	900
.07	900	1,100
.08	1,100	8,414

TABLE 3—Continued

No DIC is payable under this table if annual income exceeds $8,414.

Two parents living together or remarried parents living with spouses. The rates in Table 4 apply to each parent living with another parent; and each remarried parent, when both parents are alive. The monthly rate of DIC paid to such parents will be $235 reduced on the basis of the combined annual income of the two parents living together or the remarried parent or parents and spouse or spouses, as computed under the following formula.

The $235 monthly rate shall be reduced by	Which is more than	But not more than
$0.00	0	$1,000
.03	$1,000	1,500
.04	1,500	1,900
.05	1,900	2,400
.06	2,400	2,900
.07	2,900	3,200
.08	3,200	11,313

No DIC is payable under this table if combined annual income exceeds $11,313.

The rates in this table are also applicable in the case of one surviving parent who has remarried, computed on the basis of the combined income of the parent and spouse, if this would be a greater benefit than that specified in Table 2 for one parent.

Aid and attendance. The monthly rate of DIC payable to a parent under Tables 2 through 4 shall be increased by $186 if such parent is (1) a patient in a nursing home, or (2) helpless or blind, or so nearly helpless or blind as to need or require the regular aid and attendance of another person.

Minimum rate. The monthly rate of DIC payable to any parent under Tables 2 through 4 shall not be less than $5.

TABLE 5.—SECTION 306 PENSION INCOME LIMITATIONS

(1) Veteran or surviving spouse with no dependents, $8,414 (Pub. L. 95–588, section 306(a)).
(2) Veteran with no dependents in need of aid and attendance, $8,960 (38 U.S.C. 1521(d) (formerly 521(d)) as in effect on December 31, 1978).
(3) Veteran or surviving spouse with one or more dependents, $11,313 (Pub. L. 95–588, section 306(a)).
(4) Veteran with one or more dependents in need of aid and attendance, $11,860 (38 U.S.C. 1521(d) (formerly 521(d)) as in effect on December 31, 1978).
(5) Child (no entitled veteran or surviving spouse), $6,877 (Pub. L. 95–588, section 306(a)).
(6) Spouse income exclusion (38 CFR 3.262), $2,683 (Pub. L. 95–588, section 306(a)(2)B)).

TABLE 6.—OLD-LAW PENSION INCOME LIMITATIONS

(1) Veteran or surviving spouse without dependents or an entitled child, $7,365 (Pub. L. 95–588, section 306(b)).
(2) Veteran or surviving spouse with one or more dependents, $10,620 (Pub. L. 95–588, section 306(b)).

Headstone or Marker Allowance

Under 38 U.S.C. 2306(d) (formerly 906(d)), VA may provide reimbursement for the cost of non-Government headstones or markers at a rate equal to the actual cost or the average actual cost of Government-furnished headstones or markers during the fiscal year preceding the fiscal year in which the non-Government headstone or marker was purchased, whichever is less.

Section 8041 of Public Law 101–508 amended 38 U.S.C. 2306(d) to eliminate the payment of the monetary allowance in lieu of VA-provided headstone or marker for deaths occurring on or after November 1, 1990. However, in a precedent opinion (O. G. C. Prec. 17–90), VA General Counsel held that there is no limitation period applicable to claims for benefits under the provisions of 38 U.S.C. 2306(d).

The average actual cost of Government-furnished headstones or markers during any fiscal year is determined by dividing the sum of VA costs during that fiscal year for procurement, transportation, Office of Memorial Programs and miscellaneous administration, inspection and support staff by the total number of headstones and markers procured by VA during that fiscal year and rounding to the nearest whole dollar amount.

The average actual cost of Government-furnished headstones or markers for Fiscal Year 1991 under the above computation method was $97. Therefore, effective October 1, 1991, the maximum rate of reimbursement for non-Government headstones or markers purchased during Fiscal Year 1992 is $97.

Dated: November 22, 1991.

Edward J. Derwinski,

Secretary of Veterans Affairs.

[FR Doc. 91–28761 Filed 11–27–91; 8:45 am]

BILLING CODE 8320–01–M

Sunshine Act Meetings

Federal Register
Vol. 56, No. 230
Friday, November 29, 1991

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).

U.S. COMMISSION ON CIVIL RIGHTS

November 25, 1991.

DATE AND TIME: Friday, December 6, 1991, 9:00 a.m. – 5:00 p.m.

PLACE: U.S. Commission on Civil Rights, 1121 Vermont Avenue, N.J., Room 512, Washington, D.C. 20425.

STATUS: Open to the Public.

December 6, 1991

I. Approval of Agenda
II. Approval of Minutes of November Meeting
III. Anouncements
IV. Civil Rights Issues Facing Asian Americans in the 1990s
V. Appointments for the Missouri and New Jersey Advisory Committees
VI. Racial and Religious Tensions on Selected Kansas College Campuses
VII. Staff Director's Report
VIII. Future Agenda Items

CONTACT PERSON FOR FURTHER INFORMATION: Barbara Brooks, Press and Communications, (202) 375–3812.

Emma Monroig,

Solicitor.

[FR Doc. 91–28736 Filed 11–25–91; 4:50 am]

BILLING CODE 6335–01–M

FEDERAL ELECTION COMMISSION

DATE AND TIME: Tuesday, December 3, 1991, 10:00 a.m.

PLACE: 999 E Street, NW., Washington, DC (Ninth Floor).

STATUS: This Meeting Will Be Closed to the Public.

ITEMS TO BE DISCUSSED:

Compliance matters pursuant to 2 U.S.C. § 437g.
Audits conducted pursuant to 2 U.S.C. § 437g, § 438(b), and Title 26, U.S.C.
Matters concerning participation in civil actions or proceedings or arbitration.
Internal personnel rules and procedures or matters affecting a particular employee.

DATE AND TIME: Thursday, December 5, 1991, 10:00 a.m.

PLACE: 999 E Street, NW., Washington, DC (Ninth Floor).

STATUS: This Meeting Will Be Open to the Public.

ITEMS TO BE DISCUSSED:

Future Meetings
Correction and Approval of Minutes
Title 26 Certification Matters
Advisory Opinion 1991–34: Mr. Trent R. Benzo of the West Virginia Republican State Committee
Notice of Disposition of Petition for Rulemaking Filed by Common Cause
Administrative Matters

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Press Officer, Telephone (202) 219–4155.

Delores Harris,

Administrative Assistant.

[FR Doc 91–28854 Filed 11–26–91; 2:54 pm]

BILLING CODE 6715–01–M

DEPARTMENT OF JUSTICE

UNITED STATES PAROLE COMMISSION

Public Announcement

Pursuant to the Government in the Sunshine Act

(Public Law 94–409) [5 U.S.C. Section 552b]

TIME AND DATE: 9:00 a.m. to 12:00 p.m., Tuesday, December 3, 1991.

PLACE: 5550 Friendship Boulevard, Chevy Chase, Maryland, 20815.

STATUS: Closed pursuant to a voice to be taken at the beginning of the meeting.

MATTERS TO BE CONSIDERED:

1. Appeals to the Commission of approximately 9 cases decided by the National Commissioners pursuant to a reference under 28 C.F.R. Section 2.17. These are all cases originally heard by examiner panels wherein inmates of Federal prisons have applied for parole or are contesting revocation of parole or mandatory release. In addition, the Commission will be voting on a disqualification proceeding under 28 C.F.R. Section 2.61(b).

CONTACT PERSON FOR MORE INFORMATION: Jeffrey Kostbar, Chief Analyst, National Appeals, United States Parole Commission, (301) 492–5968.

Dated: November 25, 1991.

Michael A. Stover,

General Counsel U.S. Parole Commission.

[FR Doc. 91–28814 Filed 11–26–91; 2:29 pm]

BILLING CODE 4410–01–M

DEPARTMENT OF JUSTICE

UNITED STATES PAROLE COMMISSION

Public Announcement

Pursuant to the Government in the Sunshine Act

(Public Law 94–409) [5 U.S.C. Section 552b]

TIME AND DATE: 1:00 p.m., Tuesday, December 3, 1991.

PLACE: 5550 Friendship Boulevard, Chevy Chase, Maryland, 20815.

STATUS: Open.

MATTERS TO BE CONSIDERED:

The following matters have been placed on the agenda for the open Parole Commission meeting:

1. Approval of minutes of previous Commission meeting.
2. Reports from the Chairman, Commissioners, Legal, Case Operations, Program Coordinator, and Administrative Sections.
3. Amendments to 28 C.F.R. Section 2.66, regarding prisoners with aggregate U.S. and D.C. Code Sentences, and paroling policy concerning federally-housed female D.C. Code prisoners.
4. Discussion of whether the parole of certain white collar offenders would "promote disrespect for the law."
5. Discussion on Analyst Section Standards.
6. Presentation by Beth Weinman, Transitional Service Coordinator, Bureau of Prisons, Drug Abuse Program.
7. Proposed Amendment to Section 2.43(e)(2), Early Termination of Parole Supervision.
8. Presentation on the Modification of the Guideline Range for Administrative Parole Violators.
9. Presentation on the establishment of Commission Policy on Utilization of Reimbursable Agreement and Retired Annuitant Staff.

AGENCY CONTACT: Tom Kowalski, Case Operations, United States Parole Commission, (301) 492–5962.

Dated: November 25, 1991.

Michael A. Stover,

General Counsel, U.S. Parole Commission.

[FR Doc. 91–28815 Filed 11–26–91; 2:29 pm]

BILLING CODE 4410–01–M

LEGAL SERVICES CORPORATION BOARD OF DIRECTORS

Provision for the Delivery of Legal Services Committee Meeting; Notice

TIME AND DATE: A meeting of the Board of Directors Provision for the Delivery of Legal Services Committee will be held on December 7, 1991. The meeting will commence at 1:00 p.m.[1]

[1] Due to the possibility that the Legal Services Corporation Board of Directors' terms may expire when Congress concludes this session, members of the public are requested to call the telephone number listed below to confirm that this meeting will be held as noticed.

PLACE: The Clarion Hotel, 200 South 4th Street, The Spirit of St. Louis Room, St. Louis, Missouri 63102, (314) 241–9500.

STATUS OF MEETING: Open.

MATTERS TO BE CONSIDERED:

1. Approval of Agenda.
2. Consideration of Guidelines Uses for Unsolicited Proposals for Corporation Grants.
3. Consideration of the Current Corporation Policy Governing Interstate Subgrants.
4. Consideration of Vehicles Through Which the Corporation Could Assist LSC-Funded Grantees To Recruit and Retain Staff Attorneys.
5. Consideration of Vehicles Through Which the Corporation Could Facilitate the Work of Client Organizations on a National Level.
6. Consideration of Matters Related to the Continued Annual Funding of Law School Clinics.
7. Consideration of the Provision of Funding for Innovative Grant Proposals.

CONTACT PERSON FOR INFORMATION: Patricia Batie, Executive Office, (202) 863–1839.

Date Issued: November 26, 1991.

Patricia D. Batie,

Corporation Secretary

[FR Doc. 91–28863 Filed 11–26–91; 3:32 p.m.]

BILLING CODE 7050–01–M

LEGAL SERVICES CORPORATION BOARD OF DIRECTORS

Audit and Appropriations Committee Meeting; Notice

TIME AND DATE: A meeting of the Board of Directors Audit and Appropriations Committee will be held on December 8, 1991. The meeting will commence at 12:00 p.m.[1]

PLACE: The Clarion Hotel, 200 South 4th Street; The Eugene Field Room, St. Louis, Missouri 63102, (314) 241–9500.

STATUS OF MEETING: Open

MATTERS TO BE CONSIDERED:

1. Approval of Agenda.
2. Approval of Minutes of November 17, 1991 Meeting.
3. Consideration of Lease for Office Space for the Legal Services Corporation Headquarters.
4. Consideration of Fiscal Year 1992 Management and Administration Budget.
5. Consideration of Fiscal Year 1991 Carryover Funds.
6. Consideration of Public Comment on the Proposed Fiscal Year 1993 Budget of the Legal Services Corporation.
7. Consideration of Adequate Funding for the Micronesian Legal Services Corporation.

CONTACT PERSON FOR INFORMATION: Patricia Batie (202) 863–1839.

Date Issued: November 26, 1991.

Patricia D. Batie,

Corporate Secretary.

[FR Doc. 91–28864 Filed 11–26–91; 3:32 pm]

BILLING CODE 7050–01–M

LEGAL SERVICES CORPORATION BOARD OF DIRECTORS

Operations and Regulations Committee Meeting; Notice

TIME AND DATE: A meeting of the Board of Directors Operations and Regulations Committee will be held on December 10, 1991. The meeting will commence at 8:00 a.m.[1]

PLACE: The Clarion Hotel, 200 South 4th Street, The Mississippi Room, St. Louis, Missouri 63102, (314) 241–9500.

STATUS OF MEETING: Open.

MATTER TO BE CONSIDERED:

1. Approval of Agenda.
2. Approval of Minutes of November 13, 1991 Meeting.
2. Consideration of Matters Related to the Design and Development of a Demonstration Project for the Competitive Bidding of Funds Granted by the Legal Services Corporation.

CONTACT PERSON FOR INFORMATION: Patricia Batie, Executive Office, (202) 863–1839.

Date Issued: November 26, 1991.

Patricia D. Batie,

Corporate Secretary.

[FR Doc. 91–28865 Filed 11–26–91; 3:32 pm]

BILLING CODE 7050–01–M

LEGAL SERVICES CORPORATION BOARD OF DIRECTORS

Meeting; Notice

TIME AND DATE: A meeting of the Board of Directors will be held on December 10, 1991. The meeting will commence at 10:00 a.m.[3]

PLACE: The Clarion Hotel, 200 South 4th Street, The Mississippi Room St. Louis, Missouri 63102, (314) 241–9500.

STATUS OF MEETING: Open, except that a portion of the meeting may be closed pursuant to a vote of a majority of the Board of Directors. At the closed session, subject to the aforementioned majority vote, the Board of Directors will hear and consider the report of the General Counsel on litigation to which the Corporation is a party, and will consider, in consultation with its counsel, pending personnel actions and personnel-related rules and practices, including matters related to current investigations being undertaken by the Corporation's Office of the Inspector General. The Board of Directors will also receive and consider a report on current investigations from the Inspector General. The closing is authorized by the relevant sections of the Government in the Sunshine Act [5 U.S.C. Sections 552b(c)(2), (6), and (10)], and the corresponding regulation of the Legal Services Corporation [45 C.F.R. Sections 1622.5(a), (e), and (h)]. The closing will be certified by the Corporation's General Counsel as authorized by the above-cited provisions of law. A copy of the General Counsel's certification will be posted for public inspection at the Corporation's headquarters, located at 400 Virginia Avenue, S.W., Washington, D.C. 20024, in its three reception areas, and will otherwise be available upon request.

MATTERS TO BE CONSIDERED:

OPEN SESSION:

1. Approval of Agenda.
2. Approval of Minutes of November 17, 1991 Meeting.
3. Chairman's and Members' Reports.
4. President's Report.
5. Inspector General's Report.
6. Consideration of Audit and Appropriations Committee Report.
7. Consideration of Provision for the Delivery of Legal Services Committee Report.
8. Consideration of Operations and Regulations Committee Report.

CLOSED SESSION: [4]

9. Consideration of Report by Inspector General on Current Investigations and Other Matters.
10. Consideration of Pending Personnel Actions and Personnel-Related Rules and Practices and Consultation with Board's Special Counsel.
11. Consideration of the General Counsel's Report on Pending Litigation to which the Corporation is a Party.

OPEN SESSION:

12. Consideration of Report by Staff on the Status of Applications for Migrant Funding.
13. Consideration of Other Business.

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[1] Due to the possibility that the Legal Services Corporation Board of Directors' terms may expire when Congress concludes this session, members of the public are requested to call the telephone number listed below to confirm that this meeting will be held as noticed.

[3] Due to the possibility that the Legal Services Corporation Board of Directors' terms may expire when Congress concludes this session, members of the public are requested to call the telephone number listed below to confirm that this meeting will be held as noticed.

[4] It is anticipated that the executive session will conclude at approximately 1:40 p.m. The open session will reconvene immediately thereafter

CONTACT PERSON FOR INFORMATION:
Patricia D. Batie, Executive Office, (202) 863–1839.

Date Issued: November 26, 1991.

Patricia D. Batie,

Corporate Secretary

[FR Doc. 91–28866 Filed 11–26–91, 3:32 pm]

BILLING CODE 7050–01–M

Corrections

Federal Register
Vol. 56, No. 230
Friday, November 29, 1991

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 73

[Docket No. 88-181]

Scabies in Cattle

Correction

In rule document 91-25299 beginning on page 52462 in the issue of Monday, October 21, 1991, make the following correction:

§ 73.9 [Corrected]

On page 52463, in the second column, in § 73.9, in the third line insert after "APHIS" the words "and in the text of paragraph (b) "a Veterinary Services" is changed to "an APHIS".".

BILLING CODE 1505-01-D

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

7 CFR Part 1430

Milk Price Support Program

Correction

In rule document 91-2748 beginning on page 4525 in the issue of Tuesday, February 5, 1991, make the following correction:

On page 4532, in the second column, in the file line at the end of the document, "FR Doc. 2784" should read "FR Doc. 2748".

BILLING CODE 1505-01-D

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 285

[Docket No. 910102-1217]
RIN 0648-AD01

Atlantic Bluefin Tuna Fishery

Correction

In rule document 91-23769 beginning on page 50061 in the issue of Thursday, October 3, 1991, make the following correction:

§ 285.21 [Corrected]

On page 50063, in the first column, in § 285.21, in the first line, "(3)" should read "(e)".

BILLING CODE 1505-01-D

DEPARTMENT OF ENERGY

Office of Fossil Energy

[FE Docket No. 91-74-NG]

Enron Gas Marketing Inc.; Application for Blanket Authorization to Import and Export Natural Gas

Correction

In notice document 91-26152 beginning on page 55917, in the issue of Wednesday, October 30, 1991, make the following corrections:

1. On page 55917, in the first column, the docket number should read as set forth above.

2. On page 55918, in the second column, in the first file line, "FR Doc. 91-26512" should read "FR Doc. 91-26152".

BILLING CODE 1505-01-D

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1145

[Ex Parte No. 394 (Sub-No. 3)]

Cost Ratios for Recyclables; Compliance Procedures

Correction

In rule document 91-27756 beginning on page 58317 in the issue of Tuesday, November 19, 1991, make the following correction:

§ 1145.4 [Corrected]

On page 58319, in the second column, in § 1145.4(e), in the second column, in the third line, "and" should read "any".

BILLING CODE 1505-01-D

INTERSTATE COMMERCE COMMISSION

Intent to Engage in Compensated Intercorporate Hauling Operations

Correction

In notice document 91-4878 appearing on page 8792 in the issue of Friday, March 1, 1991, in the third column, in the file line at the end of the document, "FR Doc. 91-4873" should read "FR Doc. 91-4878".

BILLING CODE 1505-01-D

DEPARTMENT OF LABOR

Employment and Training Administration

Federal-State Unemployment Compensation Program; Unemployment Insurance Program Letters Interpreting Federal Unemployment Insurance Law

Correction

In notice document 91-25531 beginning on page 54891 in the issue of Wednesday, October 23, 1991, make the following correction:

On page 54891, in the third column, in the paragraph beginning 3. *Background*, in the fifth line, "56.4 percent" should read "5.4 percent".

BILLING CODE 1505-01-D

DEPARTMENT OF LABOR

Pension and Welfare Benefits Administration

[Prohibited Transaction Exemption 91-31; Exemption Application No. D-8562, et al.]

Grant of Individual Exemptions; Columbia Artists Management, Inc. Profit Sharing Plan, et al.

Correction

In notice document 91-13009 beginning on page 25139, in the issue of Monday, June 3, 1991, make the following correction:

On page 25140, in the second column, in the file line at the end of the document, "FR Doc. 91-1300" should read "FR Doc. 91-13009".

BILLING CODE 1505-01-D

federal register

Friday
November 29, 1991

Part II

Department of Labor

Wage and Hour Division

29 CFR Parts 516 and 778

Records To Be Kept by Employers; Overtime Compensation; Final Rule

DEPARTMENT OF LABOR

Wage and Hour Division

29 CFR Parts 516 and 778

RIN 1215-AA54

Records To Be Kept by Employers; Overtime Compensation

AGENCY: Wage and Hour Division, Employment Standards Administration, Labor.

ACTION: Final rule.

SUMMARY: This document provides final regulations for the maximum hours exemption under the Fair Labor Standards Amendments of 1989 for certain employees who receive remedial education under specified conditions. Under the terms of the statute, employees who lack a high school diploma or whose educational attainment is below the eighth grade level can be required to spend up to ten hours in a workweek engaged in remedial reading or training in other basic skills without receiving time and one-half overtime pay for these hours. The employees must, however, receive their normal, regular rate of pay for these hours and the training must not be job-specific. Minor revisions are made to existing regulations on overtime compensation and recordkeeping to conform to these provisions of the 1989 Amendments.

EFFECTIVE DATE: December 30, 1991.

FOR FURTHER INFORMATION CONTACT: Charles E. Pugh, Assistant Administrator, Office of Policy, Planning and Review, Wage and Hour Division, U.S. Department of Labor, room S-3506, 200 Constitution Avenue, NW., Washington, DC 20210, (202) 523-5409. This is not a toll-free number.

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

These rules contain recordkeeping requirements subject to the Paperwork Reduction Act of 1980 (Pub. L. 96-511), which have been approved by the Office of Management and Budget (OMB) and assigned OMB control number 1215-0175. Public reporting and recordkeeping burdens for this new collection of information were estimated to average as follows: one minute 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. No comments were received regarding this burden estimate or any other aspect of this collection of information.

Background

Employees subject to the overtime provisions of the Fair Labor Standards Act (FLSA) ordinarily must be paid one and one-half times their regular rate of pay for all hours worked over 40 in each workweek. The Fair Labor Standards Amendments of 1989, Public Law 101-157 (103 Stat. 938) (November 17, 1989), changed certain provisions of the FLSA concerning coverage, various exemptions, and the tip credit, raised the minimum wage, added penalties for violations of the minimum wage and overtime compensation requirements, and added a new training wage provision. Section 7 of the amendments allows employers to provide up to ten hours per week of remedial education to certain employees, whether voluntarily undertaken by the employee or required by the employer as a condition of employment, without compensation at the time-and-one-half overtime rate set forth in FLSA section 7(a). The applicability of this exemption is limited to only those employees who lack a high school diploma or whose reading level or basic skills are at or below the eighth grade level. Further, to qualify for the exemption, the employer-provided remedial education must be designed to provide these basic skills and may not include job-specific training. Consistent with the legislative history and intent, the regulations under this exemption also permit an employer to provide training designed to fulfill the requirements for a high school diploma (or General Educational Development certificate). The remedial education must be conducted during discrete periods of time set aside for such a program, and, to the maximum extent practicable, away from the employee's normal work station. Although employers are not required to pay the time-and-one-half overtime premium for hours in which the employee is engaged in remedial education activities, employees must receive compensation at their regular rate of pay for the time spent in such activities.

The Department of Labor published a Notice of Proposed Rulemaking in the **Federal Register** on March 5, 1991 (56 FR 9183), inviting comments for 60 days on proposed changes to existing regulations on overtime compensation and recordkeeping requirements to correspond with the statutory changes in overtime compensation for employees within the scope of the remedial education exemption, as noted above. No comments were received on the proposal. Accordingly, the proposed regulations are hereby adopted as final rules without change.

Executive Order 12291

This rule is not classified as a "major rule" under Executive Order 12291 on Federal Regulations, because it is not likely to result in: (1) an annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Therefore, no regulatory impact analysis is required.

Regulatory Flexibility Act

These rules, if promulgated, will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act. The Secretary certified to the Chief Counsel for Advocacy of the Small Business Administration to this effect. The regulatory revisions will only affect employers who choose to avail themselves of the exemption from overtime pay for employees receiving remedial education under the terms of the Fair Labor Standards Amendments of 1989, and should not result in any significant economic impact in any case.

Summary of Rule

Pursuant to section 7(q) of the Act, an employer may require that an employee spend up to 10 hours in the aggregate in any workweek in remedial education without payment of overtime compensation provided that: (1) The employee lacks a high school diploma or educational attainment at the eighth-grade level; (2) the remedial education is designed to provide reading and other basic skills at an eighth-grade level or below, or to fulfill the requirements for a high school diploma (or General Educational Development (GED) certificate); and (3) the remedial education does not include job-specific training. Employees must be compensated at their regular rate of pay for the time spent receiving such remedial education.

A new § 516.34 is added to 29 CFR Part 516 that describes the records that must be maintained and preserved in order to demonstrate compliance with the requirements of the exemption. Employers are required to keep records of the hours that employees spend in remedial education and the amounts paid for the time so spent. A new § 778.603 is added to Subpart G of 29 CFR Part 778 to explain the conditions

applicable to the exemption and otherwise describe the statutory terms.

Document Preparation

This document was prepared under the direction and control of Samuel D. Walker, Acting Administrator, Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor.

List of Subjects

29 CFR Part 516

Minimum wage, Reporting and recordkeeping requirements.

29 CFR Part 778

Hours of work, Overtime pay, Salaries, Wages.

For the reasons set forth above, parts 516 and 778 of title 29 of the Code of Federal Regulations are amended as set forth below.

Signed at Washington, DC, on this 21st day of November 1991.

Lynn Martin,

Secretary of Labor.

Cari M. Dominguez,

Assistant Secretary for Employment Standards.

Samuel D. Walker,

Acting Administrator, Wage and Hour Division.

PART 516—RECORDS TO BE KEPT BY EMPLOYERS

1. The authority citation for part 516 is revised to read as follows:

Authority: Sec. 11, 52 Stat. 1066, as amended, 29 U.S.C. 211. Section 516.33 also issued under 52 Stat. 1060, as amended; 29 U.S.C. 201 et seq. Section 516.34 also issued under Sec. 7, 103 Stat. 944, 29 U.S.C. 207(q).

2. A new § 516.34 is added to read as follows:

§ 516.34 Exemption from overtime pay for time spent by certain employees receiving remedial education pursuant to section 7(q) of the Act.

With respect to each employee exempt from the overtime pay requirements of the Act for time spent receiving remedial education pursuant to section 7(q) of the Act and § 778.603 of this title, the employer shall maintain and preserve records containing all the information and data required by § 516.2 and, in addition, shall also make and preserve a record, either separately or as a notation on the payroll, showing the hours spent each workday and total hours each workweek that the employee is engaged in receiving such remedial education that does not include any job-specific training but that is designed to provide reading and other basic skills at or below the eighth-grade level or to fulfill the requirements for a high school diploma (or General Educational Development certificate), and the compensation (at not less than the employee's regular rate of pay) paid each pay period for the time so engaged.

PART 778—OVERTIME COMPENSATION

3. The authority citation for part 778 is revised to read as follows:

Authority: 52 Stat. 1060, as amended; 29 U.S.C. 201 et seq.

4. A new § 778.603 is added to read as follows:

§ 778.603 Special overtime provisions for certain employees receiving remedial education under section 7(q).

Section 7(q) of the Act, enacted as part of the 1989 Amendments, provides an exemption from the overtime pay requirements for time spent by certain employees who are receiving remedial education. The exemption provided by section 7(q), as implemented by these regulations, allows any employer to require that an employee spend up to 10 hours in the aggregate in any workweek in remedial education without payment of overtime compensation provided that the employee lacks a high school diploma or educational attainment at the eighth-grade level; the remedial education is designed to provide reading and other basic skills at an eighth-grade level or below, or to fulfill the requirements for a high school diploma or General Educational Development (GED) certificate; and the remedial education does not include job-specific training. Employees must be compensated at their regular rate of pay for the time spent receiving such remedial education. The employer must maintain a record of the hours that an employee is engaged each workday and each workweek in receiving remedial education, and the compensation paid each pay period for the time so engaged, as described in 29 CFR 516.34. The remedial education must be conducted during discrete periods of time set aside for such a program, and, to the maximum extent practicable, away from the employee's normal work station. An employer has the burden to establish compliance with all applicable requirements of this special overtime provision as set forth in section 7(q) of the Act and in this section of the regulations. Section 7(q) is solely an exemption from the overtime provisions of section 7(a) of the Act. It is not an exemption from the requirements of any other law that regulates employment practices, including the standards that are used to select individuals for employment. An employer creating a remedial education program pursuant to section 7(q) should be mindful not to violate other applicable requirements. See, for example, title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e *et seq.*; Executive Order 11246, as amended, 3 CFR part 339 (1964–1965 Compilation), *reprinted in* 42 U.S.C. section 2000e note; the Rehabilitation Act of 1973, as amended, 29 U.S.C. 701 *et seq.*; and the Uniform Guidelines on Employee Selection Procedures published at 41 CFR part 60–3.

[FR Doc. 91–28452 Filed 11–27–91; 8:45 am]

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federal register

Friday
November 29, 1991

Part III

Department of the Interior

Bureau of Land Management

43 CFR Part 2740

Recreation and Public Purposes Act Amendments; Solid Waste Disposal and Related Purposes; Conveyances of Public Lands; Proposed Rule

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 2740

RIN 1004-AA73

[WO-320-00-4212-02]

Recreation and Public Purposes Act

AGENCY: Bureau of Land Management, Interior.

ACTION: Proposed rule.

SUMMARY: This proposed rule amends existing regulations to implement the Recreation and Public Purposes Amendment Act of 1988 (Pub. L. 100-648) (hereafter referred to as the Act). This Act amended section 3 of the Act of June 14, 1926 (hereafter referred to as the Recreation and Public Purposes Act), to provide special procedures for conveyances of public lands for solid waste disposal or related purposes. The Act authorizes the Secretary of the Interior to make permanent conveyances of public lands when such lands are to be used for the express purpose of solid waste disposal or for any other purpose which may result in or include the disposal, placement, or release of any hazardous substance. These procedures depart from the present requirement that the United States retain a reversionary interest in lands conveyed under the Recreation and Public Purposes Act.

DATES: Comments should be submitted by December 30, 1991. Comments received or postmarked after this date may not be considered in the decisionmaking process on the issuance of the final rule.

ADDRESSES: Comments should be sent to: Director (140), Bureau of Land Management, room 5555, Main Interior Building, 1849 C Street, NW., Washington, DC 20240.

Comments will be available for public review in room 5555 of the above address during regular business hours (7:45 a.m. to 4:15 p.m.), Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Mike Ford (202) 208-4200.

SUPPLEMENTARY INFORMATION: In February 1987, the Bureau of Land Management (BLM) imposed a moratorium on the issuance of leases or patents for waste disposal sites under the Recreation and Public Purposes Act. This action was taken to reduce or avoid Federal liabilities that might arise from contamination of sanitary landfills on Federal lands by hazardous substances.

Although the moratorium protected the United States and the taxpayers from additional liability, it created problems for western communities surrounded by Federal land, including public land administered by the BLM. Many of these communities have few reasonable options for obtaining waste disposal sites. Many of them depend on the public land for solid waste disposal sites. Moreover, they often lack strong economic bases and cannot afford to pay market value for land to provide necessary services to their residents. In addition, the lack of approved disposal sites can lead to the indiscriminate dumping of solid wastes and hazardous substances on public land. Such practice could result in the same liabilities that the moratorium had intended to avoid.

The Act, which became effective on November 10, 1988, cleared the way for the BLM to lift the moratorium on the transfer of waste disposal sites. The Act terminated authority for the Secretary of the Interior to lease public land for solid waste disposal purposes. It specifically authorizes the Secretary to: (1) Convey public land by patent for new solid waste disposal sites, (2) convert existing leases into patents without a reverter provision, and (3) remove the reverter provision from existing patents.

The BLM's policy is to work with local communities in patenting public lands for new disposal sites and to retain the leased sites in Federal ownership. If, however, the community expresses an interest in obtaining a patent to an existing site and no new disposal sites are available, the authorized officer may convey the site, but only after all the requirements contained in this proposed rule have been met and with approval of the Director, Bureau of Land Management. This proposed rule implements the following provisions contained in the Act and additional requirements that are associated with the transfer of lands under the jurisdiction of the BLM to State and local governments.

New Disposal Sites

The Act changes the procedures by which the authorized officer, on receipt of an application, makes conveyances of public land for the purpose of solid waste disposal or for any other purpose that the authorized officer determines may include the disposal, placement, or release of any hazardous substance. The proposed use covered by an application shall be consistent with the BLM's land use planning provisions, in compliance with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4371), the Environmental Protection Agency (EPA) regulations implementing subtitle D of the Resource Conservation and Recovery Act (RCRA) of 1976, as amended, the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, and all other Federal and State laws and regulations applicable to the disposal of solid wastes and hazardous substances. Additionally, conveyances shall be made only of lands classified for sale under section 7 of the Taylor Grazing Act (43 U.S.C. 315f) or, as to lands in Alaska, the Recreation and Public Purposes Act of June 14, 1926, as amended (43 U.S.C. 869 *et seq.*).

The EPA's final rule implementing subtitle D of the RCRA was published in the **Federal Register** on October 9, 1991 (56 FR 50978). This rule establishes a framework for Federal, State, and local government cooperation for the management of solid waste. It sets forth revised minimum Federal criteria for municipal solid waste landfills, including location restrictions, facility design and operating criteria, groundwater monitoring requirements, corrective action requirements, financial assurance requirements, and closure and post-closure care requirements. Because these differ for existing and new landfills, the BLM will carefully evaluate all leased and new disposal sites prior to conveyance to ensure consistency with the applicable criteria and standards. The actual planning, enforcement, and direct implementation of solid waste management programs under the EPA's new regulations remain State and local functions.

The BLM will investigate the public lands prior to conveyance to ensure that no contaminated land will be transferred. The investigative requirements are stringent and intended to determine whether even small amounts of hazardous substances may be present on the site. These requirements are prescribed in § 2743.2 of this proposed rule. The BLM will require full reimbursement from the applicant for all costs associated with the investigation of public lands to determine if hazardous substances are present. On an exception basis, the authorized officer may provide financial assistance if the applicant demonstrates that such costs would result in undue hardship. Section 2743.2 further requires that the State agency or agencies responsible for environmental protection and enforcement shall certify concurrence with all findings and conclusions resulting from the investigation and that all documents produced in evaluating the suitability of the lands for solid waste disposal

purposes shall be permanently retained by the BLM.

After a determination is made by the BLM and appropriate State agency or agencies that the lands covered by an application are suitable for solid waste disposal then the authorized officer may proceed with the conveyance. The patent will contain: A provision requiring the patentee to comply with applicable Federal and State laws, an indemnification and "hold harmless" clause to protect the United States against any legal liability resulting from violation of applicable laws, a statement regarding site investigation and State certification of the lands, a limited reverter clause for unused lands, a provision requiring the patentee to compensate the United States if any unused portion of the land is transferred to another party, and a stipulation that no portion of the land used for solid waste disposal shall ever revert to the United States.

Leased Disposal Sites

For solid waste disposal sites that were under lease on or before November 9, 1988, the authorized officer may, under limited circumstances and upon application by or with the concurrence of the lessee, issue a patent for those portions of land that have been or will be used for disposal of solid waste or for any other purpose that the authorized officer determines may result in the disposal, placement, or release of any hazardous substance. All conveyances shall be consistent and in compliance with the planning, environmental, solid waste, and classification laws and regulations that would apply to new disposal sites.

The Bureau of Land Management will investigate all lands to be included in a patent to determine the presence of hazardous substances. The investigative requirements are prescribed in § 2743.3 of this proposed rule. The BLM will require full reimbursement from the applicant for all costs associated with the investigation of public lands to determine if hazardous substances are present. On an exception basis, the authorized officer may provide financial assistance if the applicant demonstrates that such costs would result in undue hardship. If the investigation reveals that a landfill contains hazardous substances at levels that threaten human health and the environment, the landfill will not be conveyed. The Bureau recognizes that landfills generally contain a variety of hazardous substances that have been deposited over time as household wastes. Some hazardous wastes also may have been deposited from conditionally exempt small quantity generators as provided for in 40 CFR 261.4 and 261.5. These items include pesticides and herbicides used in lawn care and gardening, discarded paints, varnishes and other finishes, various solvents and household cleaners and myriad other substances. Generally, such wastes would not be found in concentrations sufficient to threaten human health and the environment.

Section 2743.3 further requires that the State agency or agencies responsible for environmental protection and enforcement shall certify concurrence with all findings and conclusions resulting from the investigation and that all documents produced in evaluating the suitability of the lands for solid waste disposal purposes shall be permanently retained by the BLM.

After a determination is made by the BLM and the appropriate State agency has certified that the contents of the lands to be included in a patent do not threaten human health and the environment, then the authorized officer may proceed with the conveyance. The patent will contain: A provision requiring the patentee to comply with applicable Federal and State laws, an indemnification and "hold harmless" clause to protect the United States against any legal liability or future costs resulting from violation of applicable laws, a statement regarding site investigation and State certification of the lands, and a stipulation that no portion of the land covered by a patent shall ever revert to the United States.

Patented Disposal Sites

For existing disposal sites that were patented on or before November 9, 1988, the authorized officer may, upon application by or with the concurrence of the patentee, renounce the reversionary interest of the United States if any portion of the land has been used for solid waste disposal or for any other purpose that the authorized officer determines may result in the disposal, placement, or release of any hazardous substance.

Implementation of this proposed rule would provide assistance to State and local governments that are in need of new or expanded sanitary landfills at low cost. It would also reduce the potential for indiscriminate dumping of solid waste and hazardous substances on public land, and place primary responsibility for oversight and maintenance with the States and the Environmental Protection Agency—entities that have the authority, staffs, and necessary expertise to regulate solid waste disposal facilities.

Upon publication of this document in the **Federal Register**, the Bureau of Land Management will submit copies of this proposed rule to the Committee on Energy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs of the House of Representatives. As mandated by section 4(a) of the Act, the committees are allowed 60 legislative days to review the rulemaking.

The principal authors of this proposed rule are Mike Ford of the Division of Lands and Realty, BLM Washington Office (WO) and Mike Pool of the Division of Legislation and Regulatory Management (WO), with assistance from the Office of the Solicitor, Department of the Interior.

It has been determined that this proposed rulemaking does not constitute a major Federal action significantly affecting the quality of the human environment, and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is required.

The Department of the Interior has determined that this document is not a major rule under Executive Order 12291 and certifies this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Additionally, this proposed rule will not cause a taking of private property under Executive Order 12630.

The collection of information contained in part 2740 of group 2700 has been approved by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.* and assigned clearance number 1004–0012. This information will be used to determine the suitability of public lands for lease and/or disposal to States or their political subdivisions, and to nonprofit corporations and associations, for recreational and public purposes. Responses are required to obtain benefits in accordance with the Recreation and Public Purposes Act.

Public reporting burden for this information is estimated to average 47 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, should be sent to the Division of Information Resources Management (770), Bureau of Land Management, 1849 C Street, NW., Washington, DC 20240;

and the Paperwork Reduction Project (1004–0012), Office of Management and Budget, Washington, DC 20503.

List of Subjects in 43 CFR Part 2740

Intergovernmental relations, Public lands—sale, Recreation and recreation areas, Reporting and recordkeeping requirements.

Under the authority of the Recreation and Public Purposes Act, as amended (43 U.S.C. 869 *et seq.*), part 2740, group 2700, subchapter B, chapter II of title 43 of the Code of Federal Regulations is proposed to be amended as follows:

PART 2740—RECREATION AND PUBLIC PURPOSES ACT

1. The authority citation for part 2740 is revised to read as follows:

Authority: 43 U.S.C. 869 *et seq.*, 43 U.S.C. 1701 *et seq.*, and 31 U.S.C. 9701.

Subpart 2740—Recreation and Public Purposes Act: General

2. Section 2740.0–3 is amended by adding paragraph (c) to read as follows:

§ 2740.0–3 Authority.

* * * * *

(c) Section 3 of the Act of June 14, 1926, as amended by the Recreation and Public Purposes Amendment Act of 1988, authorizes the Secretary of the Interior to convey public lands for the purpose of solid waste disposal or for any other purpose which may result in or include the disposal, placement, or release of any hazardous substance, with special provisions relating to reversion of such lands to the United States.

3. Section 2740.0–5 is amended by adding paragraphs (f) and (g) to read as follows:

§ 2740.0–5 Definitions.

* * * * *

(f) *Hazardous substance* means any substance designated pursuant to Environmental Protection Agency regulations at 40 CFR part 302.

(g) *Solid waste* means any material as defined under Environmental Protection Agency regulations at 40 CFR part 261.

4. Section 2740.0–6(a) is amended by removing the period at the end of the last sentence and adding a comma and phrase to read as follows:

§ 2740.0–6 Policy.

(a) * * *, except for conveyances under subpart 2743 of this title, which may go directly to patent.

5. Section 2740.0–7 is amended by adding paragraph (d) to read as follows:

§ 2740.0–7 Cross references.

* * * * *

(d) Requirements and procedures for conveyance of land under the Recreation and Public Purposes Act for the purpose of solid waste disposal or for any other purpose that the authorized officer determines may result in or include the disposal, placement, or release of any hazardous substance are contained in subpart 2743 of this chapter.

Subpart 2741—Recreation and Public Purposes Act: Requirements

§ 2741.5 [Amended]

6. Section 2741.5 is amended by removing existing paragraph (i) and redesignating paragraph (j) as new paragraph (i).

7. Section 2741.8 is amended by adding paragraph (d) to read as follows:

§ 2741.8 Price.

* * * * *

(d) There shall be no adjustment in price for inclusion of only the limited reverter provision set forth at § 2743.41(c) of this title.

8. Part 2740 is amended by adding subpart 2743 to read as follows:

Subpart 2743—Recreation and Public Purposes Act: Solid Waste Disposal

Sec.

Subpart 2743—Recreation and Public Purposes Act: Solid Waste Disposal

§ 2743.1 Applicable regulations.

Unless the requested action falls within the provision of § 2743.2(b), applications filed or actions taken under this subpart shall be subject to all the requirements set forth in subpart 2741 of this chapter except §§ 2741.6 and 2741.9.

§ 2743.2 New disposal sites.

(a) Public lands may be conveyed for the purpose of solid waste disposal or for any other purpose that the authorized officer determines may include the disposal, placement, or release of any hazardous substance subject to the following provisions:

(1) The applicant shall furnish a copy of the application, plan of development, and any other information concerning the proposed use to all Federal and State agencies with responsibility for enforcement of laws applicable to lands used for the disposal, placement, or release of solid waste or any hazardous substance. The applicant shall include proof of this notification in the application filed with the authorized officer;

(2) The proposed use covered by an application shall be consistent with the land use planning provisions contained in part 1600 of this title, and in compliance with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4371) and any other Federal and State laws and regulations applicable to the disposal of solid wastes and hazardous substances;

(3) Conveyance shall be made only of lands classified for sale under section 7 of the Taylor Grazing Act (43 U.S.C. 315f) or, as to lands in Alaska, the Recreation and Public Purposes Act of June 14, 1926, as amended (43 U.S.C. 869 *et seq.*);

(4) The applicant shall warrant that it will indemnify and hold the United States harmless against any liability that may arise out of any violation of Federal or State law in connection with the use of the lands.

(5) The authorized officer shall investigate the lands covered by an application to determine whether or not any hazardous substance is present. The authorized officer will require full reimbursement from the applicant for the costs of the investigation. The authorized officer may, in his or her discretion, make an exception to the requirement of full reimbursement if the applicant demonstrates that such costs would result in undue hardship. The investigation shall include but not be limited to:

(i) A review of available records related to the history and use of the land;

(ii) A visual inspection of the property; and

(iii) An appropriate analysis of the soil, water and air associated with the area;

(6) The investigation conducted under paragraph (a)(5) of this section must disclose no hazardous substances and there is a reasonable basis to believe that no such substances are present; and

(7) The State agency or agencies responsible for environmental protection and enforcement must certify that they have reviewed all records, inspection reports, studies, and other materials produced or considered in the course of the investigation and that based on these documents, they agree with the authorized officer that no hazardous substances are present on the property.

(b) The authorized officer shall not convey public lands covered by an application if hazardous substances are known to be present.

(c) The authorized officer shall retain as permanent records all environmental analyses and appropriate documentation, investigation reports, State certifications, and other materials produced or considered in determining the suitability of public lands for conveyance under this section.

§ 2743.2-1 Patent provisions for new disposal sites.

For new disposal sites, each patent will provide that:

(a) The patentee shall comply with all applicable Federal and State laws, including laws dealing with the disposal, placement, or release of hazardous substances;

(b) The patentee shall indemnify and hold harmless the United States against any legal liability or future costs that may arise out of any violation of such laws;

(c) As a result of an investigation of the lands covered by an application the United States has determined, as of the date of the patent, that no hazardous substances are present on the property and that such determination has been certified by the appropriate State agency;

(d) The land conveyed under § 2743.2 of this part shall revert to the United States unless substantially all of the lands have been used in accordance with the plan and schedule of development on or before the date five years after the date of conveyance;

(e) If, at any time, the patentee transfers to another party ownership of any portion of the land not used for the purpose(s) specified in the application and the plan of development, the patentee shall pay the Bureau of Land Management the fair market value, as determined by the authorized officer, of the transferred portion as of the date of transfer, including the value of any improvements thereon;

(f) No portion of the land covered by such patent shall under any circumstance revert to the United States if such portion has been used for solid waste disposal or for any other purpose that the authorized officer determines may result in the disposal, placement, or release of any hazardous substance.

§ 2743.3 Leased disposal sites.

(a) Upon request by or with the concurrence of the lessee, and only with the express approval of the Director, Bureau of Land Management, the authorized officer may issue a patent for those lands covered by a lease issued on or before November 9, 1988, that have been or will be used, as specified in the plan of development, for solid waste disposal or for any other purpose that the authorized officer determines may result in or include the disposal, placement, or release of any hazardous substance, subject to the following provisions:

(1) All conveyances shall be consistent with the land use planning provisions contained in part 1600 of this title, and in compliance with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4371) and any other Federal and State laws and regulations applicable to the disposal of solid wastes and hazardous substances;

(2) Conveyances shall be made only of lands classified for sale under section 7 of the Taylor Grazing Act (43 U.S.C. 315f) or, as to lands in Alaska, the Recreation and Public Purposes Act of June 14, 1926, as amended (43 U.S.C. 869 *et seq.*);

(3) The authorized officer shall investigate the lands to be included in the patent to determine whether they are contaminated with hazardous substances. The authorized officer will require full reimbursement from the lessee for the costs of the investigation. The authorized officer may, in his or her discretion, make an exception to the requirement of full reimbursement if the applicant demonstrates that such costs would result in undue hardship. The investigation shall include but not be limited to the following:

(i) A review of all records and inspection reports on file with the Bureau of Land Management, State, and local agencies relating to the history and use of the lands covered by a lease and any violations and enforcement problems that occurred during the term of the lease;

(ii) Consultation with the lessee and users of the landfill concerning site management and a review of all reports and logs pertaining to the type and amount of solid waste deposited at the landfill;

(iii) A visual inspection of the leased site; and

(iv) An appropriate analysis of the soil, water and air associated with the area;

(4) The investigation conducted under paragraph (a)(3) of this section must establish that the involved lands contain only those quantities and types of hazardous substances consistent with household wastes, or wastes from conditionally exempt small quantity generators (40 CFR 261.5), and there is a reasonable basis to believe that the contents of the leased disposal site do not threaten human health and the environment; and

(5) The State agency or agencies responsible for environmental protection and enforcement must certify that they have reviewed all records, inspection reports, studies, and other materials produced or considered in the course of the investigation and that based on these documents, they agree with the authorized officer that the contents of the leased disposal site in question do not threaten human health and the environment.

(b) The authorized officer shall not convey lands identified in paragraph (a) of this section if the investigation concludes that the lands contain hazardous substances at concentrations that threaten human health and the environment.

(c) The authorized officer shall retain as permanent records all environmental analyses and appropriate documentation, investigation reports, State certifications, and other materials produced or considered in determining the suitability of public lands for conveyance under this section.

§ 2743.3-1 Patent provisions for leased disposal sites.

Each patent for a leased disposal site will provide that:

(a) The patentee shall comply with all applicable Federal and State laws, including laws dealing with the disposal, placement, or release of hazardous substances;

(b) The patentee shall indemnify and hold harmless the United States against any legal liability or future costs that may arise out of any violation of such laws;

(c) As a result of an investigation of the lands covered by a patent the United States has determined, as of the date of the patent, that the area does not contain hazardous substances at concentrations that threaten human health or the environment, and that such determination has been certified by the appropriate State agency or agencies; and

(d) No portion of the land covered by such patent shall under any circumstance revert to the United States.

§ 2743.4 Patented disposal sites.

(a) Upon request by or with the concurrence of the patentee, the authorized officer may renounce the reversionary interests of the United States in land conveyed on or before November 9, 1988, and rescind any portion of any patent or other instrument of conveyance inconsistent with the renunciation upon a determination that such land has been used for solid waste disposal or for any other purpose that the authorized officer determines may result in the disposal,

placement, or release of any hazardous substance.

(b) If the patentee elects not to accept the renunciation of the reversionary interests, the provisions contained in §§ 2741.6 and 2741.9 shall continue to apply.

Dated: October 24, 1991.

Richard Roldan,

Deputy Assistant Secretary of the Interior.

[FR Doc. 91-28699 Filed 11-27-91; 8:45 am]

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United States Commission on Civil Rights Reauthorization Act of 1991. (Nov. 26, 1991; 105 Stat. 1101; 1 page) Price: $1.00

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Health Information, Health Promotion, and Vaccine Injury Compensation Amendments of 1991. (Nov. 26, 1991; 105 Stat. 1102; 3 pages) Price: $1.00

H.J. Res. 215/Pub. L. 102-169

Acknowledging the sacrifices that military families have made on behalf of the Nation and designating November 25, 1991, as "National Military Families Recognition Day". (Nov. 26, 1991; 105 Stat. 1105; 2 pages) Price: $1.00

Last List November 26, 1991

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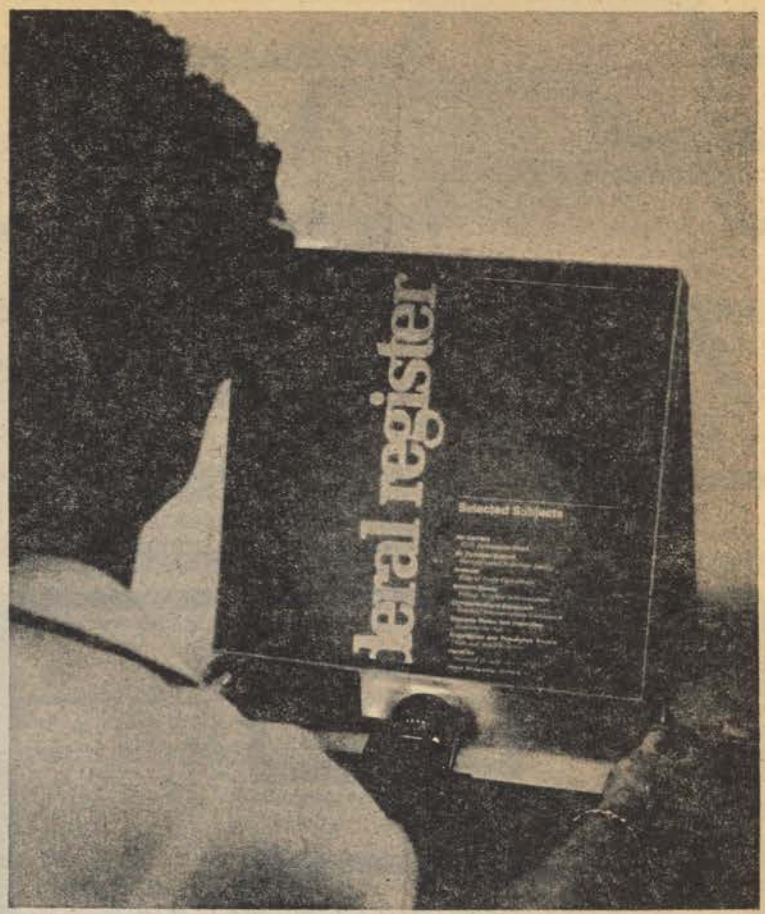

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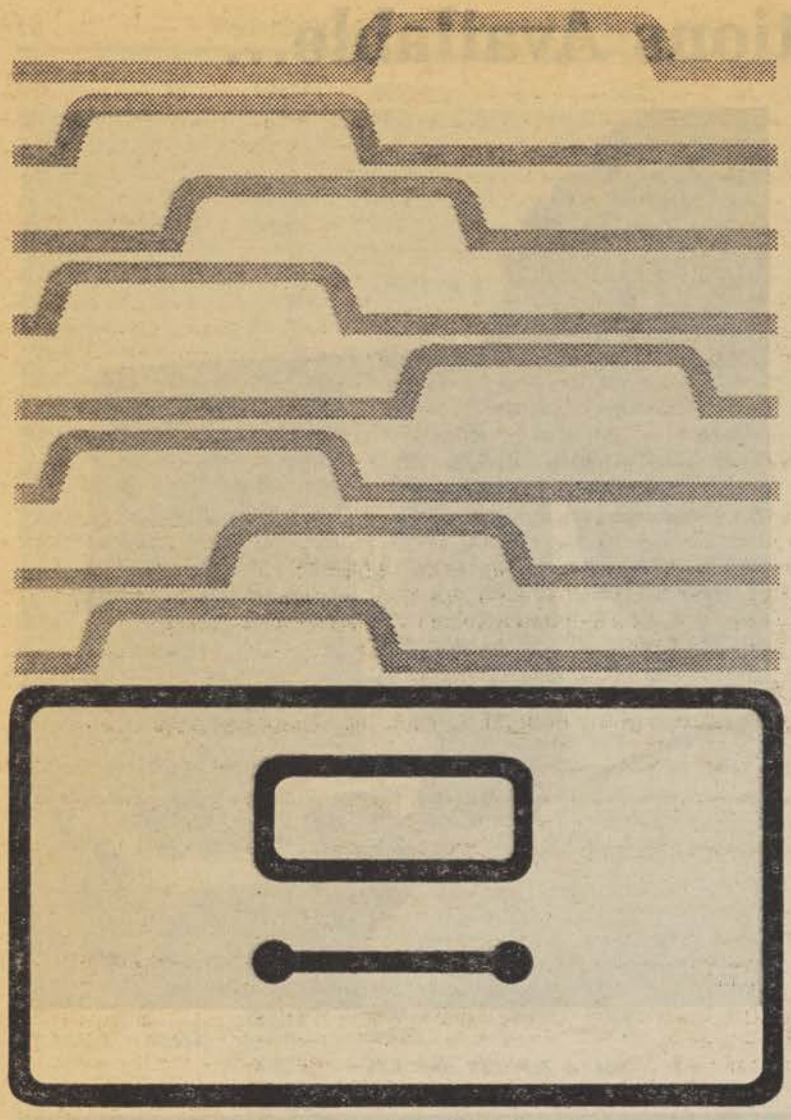

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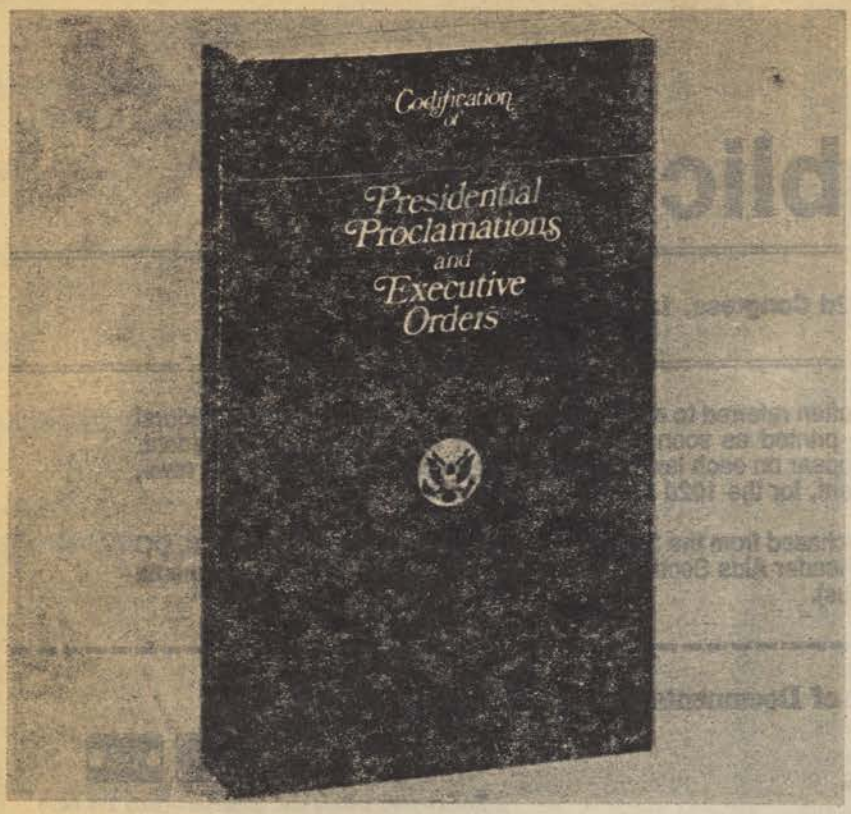

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