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Briefing on How To Use the Federal Register
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WHAT IT IS AND HOW TO USE IT

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

SAN FRANCISCO, CA

- WHEN:** July 22, at 9:00 am
- WHERE:** Federal Building and U.S. Courthouse, Conference Room 7209-A, 450 Golden Gate Avenue, San Francisco, CA
- RESERVATIONS:** Federal Information Center, 1-800-726-4995

SEATTLE, WA

- WHEN:** July 23, at 1:00 pm
- WHERE:** Henry M. Jackson Federal Building, North Auditorium, 915 Second Avenue, Seattle, WA
- RESERVATIONS:** Federal Information Center, 1-800-726-4995

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Rules and Regulations

Federal Register

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

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

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 337

Unsafe and Unsound Banking Practices

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Correction and information collection requirement.

SUMMARY: This document corrects a cross reference, and adds an Office of Management and Budget (OMB) statement to final regulations limiting extensions of credit by insured nonmember banks to their executive officers. The final regulations were published in the Wednesday, March 4, 1992 issue of the Federal Register.

EFFECTIVE DATE: May 18, 1992.

FOR FURTHER INFORMATION CONTACT: Jen Hickson, (202) 898-3807.

SUPPLEMENTARY INFORMATION:

Background

The final regulations referenced in the summary contain an erroneous cross reference to the Federal Reserve Board's Regulation O (12 CFR part 215).

Need for Correction

As published, the cross reference is misleading.

Need for Amendment

This document adds the OMB control number, which was not available in time for publication in the final regulations.

Correction of Publication and Amendment of Section

Accordingly, the final regulations on unsafe and unsound banking practices (12 CFR part 337) that were published in the Federal Register issue of March 4, 1992 (57 FR 7647) are corrected and amended as follows:

§ 337.3 [Corrected]

1. On page 7649, in the second column, amendatory instruction 2. is corrected to read as follows: "2. Section 337.3(a) is amended by removing the words 'With the exception of §§ 215.5, 215.8, 215.9, and 215.10' and substituting therefor 'With the exception of §§ 215.5(b), 215.5(c)(3), and 215.11'."

PART 337—[Amended]

2. The authority citation for part 337 is revised to read as follows:

Authority: 12 U.S.C. 375a(4), 375b, 1816, 1818(a), 1818(b), 1819, 1821(f), 1828(j)(2), 1831f, 1831f-1.

§ 337.3 [Amended]

3. Section 337.3 is amended by adding a parenthetical at the end of the section to read as follows:

(Approved by the Office of Management and Budget under control number 3064-0108)

Dated: June 12, 1992.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 92-14366 Filed 6-24-92; 8:45 am]

BILLING CODE 6414-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 91-ANE-48; Amendment 39-8265, AD 92-12-05]

Airworthiness Directives; Textron Lycoming Opposed Piston Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to certain Textron Lycoming opposed piston engines incorporating certain part numbered piston pins. This action requires a record search, a review of maintenance records, and removal and replacement, if necessary, of piston pins that were purchased from Textron Lycoming or a Textron Lycoming distributor from June 18, 1991, through August 5, 1991. This amendment is prompted by a report from Textron Lycoming that certain part numbered piston pins were manufactured with

non-aircraft quality material. The actions specified in this AD are intended to prevent piston pin failure, piston release, and engine failure.

DATES: Effective July 10, 1992.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of July 10, 1992.

Comments for inclusion in the Rules Docket must be received on or before July 20, 1992.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), New England Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 91-ANE-48, 12 New England Executive Park, Burlington, Massachusetts 01803-5299.

The service information referenced in this AD may be obtained from Textron Lycoming, 652 Oliver Street, Williamsport, Pennsylvania 17701. This information may be examined at the FAA, New England Region, Office of the Assistant Chief Counsel, room 311, 12 New England Executive Park, Burlington, Massachusetts; or at the Office of the Federal Register, 1100 L Street NW., room 8401, Washington, DC.

FOR FURTHER INFORMATION CONTACT:

Mr. Nick Minniti or Mr. Pat Perrotta, Propulsion Branch, ANE-174, New York Aircraft Certification Office, Engine & Propeller Directorate, Aircraft Certification Service, FAA, 181 South Franklin Avenue, room 202, Valley Stream, New York 11581, telephone (516) 791-7421.

SUPPLEMENTARY INFORMATION: The Federal Aviation Administration (FAA) has determined that certain Textron Lycoming piston pins, Part Number (P/N) LW-14077, were manufactured with non-aircraft quality material. This material does not meet FAA-approved Textron Lycoming manufacturing specifications. During the time period from June 18, 1991, through August 5, 1991, Textron Lycoming installed these unairworthy piston pins in new, remanufactured, and factory overhauled engines. Textron Lycoming also shipped these parts to distributors and maintenance facilities. Textron Lycoming has identified all engines that were assembled in its facility during the period when the unairworthy pins could have been installed. They have also

identified maintenance facilities and distributors that could have received unairworthy piston pins. These piston pins are installed in engines of which the majority are in single engine aircraft.

A field inspection procedure to identify all unairworthy piston pins is impracticable. Unairworthy piston pins manufactured from non-aircraft quality material are not visually identifiable, and only by destructive testing methods can this material defect be detected. Therefore, this AD requires a record search, a review of maintenance records, and removal and replacement, if necessary, of piston pins, P/N LW-14077, that were purchased from Textron Lycoming or a Textron Lycoming distributor from June 18, 1991, through August 5, 1991. This condition, if not corrected, could result in piston pin failure, piston release, and engine failure.

The FAA has reviewed and approved the technical contents of Textron Lycoming Service Bulletin No. 501, Revision B, dated November 15, 1991, that describes removal and replacement procedures for engines affected by unairworthy piston pins.

Since an unsafe condition has been identified that is likely to exist or develop on other engines of the same type design, this AD requires removal and replacement of certain piston pins. The identification of engines affected by unairworthy piston pins is to be accomplished in accordance with the service bulletin described previously.

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

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified under the caption "ADDRESSES." All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD

action and determining whether additional rulemaking action would be needed.

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 91-ANE-48." The postcard will be date stamped and returned to the commenter.

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration

amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

AD 92-12-05 Textron Lycoming: Amendment 39-8265, Docket No. 91-ANE-48

Applicability: Textron Lycoming O-320 series, IO-320 series, LIO-320 series, AIO-320 series, AEO-320 series, O-340 series, O-360 series, LO-360 series, HO-360 series, VO-360 series, IVO-360 series, IO-360 series, AIO-360 series, HIO-360 series, LHIO-360 series, LIO-360 series, AEO-360 series, TO-360 series, LTO-360 series, TIO-360 series, O-480 series, GSO-480 series, ICSO-480 series, IGO-480 series, GO-480 series, O-540 series (excluding models O-540-J and O-540-L), VO-540 series, IO-540 series (excluding model IO-540-W), HIO-540 series, AEO-540 series, ICSO-540 series, IGO-540 series, TVO-540 series, TIVO-540 series, IVO-540 series, TIO-540 series, LTIO-540 series, TIO-541 series, TIGO-541 series, and IO-720 series opposed piston engines; and those engine models and serial numbers listed in Textron Lycoming Service Bulletin (SB) No. 501, Revision B, dated November 15, 1991; installed on but not limited to Cessna 172 and Piper PA-28 aircraft.

Compliance: Required as indicated, unless accomplished previously.

To prevent piston pin failure, piston release, and engine failure, accomplish the following:

(a) For engines with serial numbers listed in Textron Lycoming SB No. 501, Revision B, dated November 15, 1991, with more than 75 hours time in service (TIS) since new, since remanufacture, or since factory overhaul on the effective date of this AD, remove all piston pins, Part Number (P/N) LW-14077, within 25 hours TIS after the effective date of this AD, and replace with serviceable parts.

(b) For engines with serial numbers listed in Textron Lycoming SB No. 501, Revision B, dated November 15, 1991, with 75 hours or less TIS since new, since remanufacture, or since factory overhaul on the effective date of this AD, remove all piston pins, P/N LW-14077, within 100 hours TIS since new, since remanufacture, or since factory overhaul and replace with serviceable parts.

(c) For engines not listed in Textron Lycoming SB No. 501, Revision B, dated November 15, 1991, accomplish the following:

(1) Within 15 days after the effective date of this AD, conduct a search and review of maintenance and purchase records to determine if piston pin, P/N LW-14077, had been purchased from Textron Lycoming or a Textron Lycoming distributor from June 18, 1991, through August 5, 1991.

(2) For installed piston pins, P/N LW-14077, purchased from Textron Lycoming or a Textron Lycoming distributor from June 18, 1991, through August 5, 1991, accomplish the following:

(i) For engines with more than 75 hours TIS since piston pin installation on the effective date of this AD, remove all piston pins, P/N LW-14077, purchased from Textron Lycoming or a Textron Lycoming distributor from June 18, 1991, through August 5, 1991, within 25 hours TIS after the effective date of this AD, and replace with serviceable parts.

(ii) For engines with 75 hours or less TIS since piston pin installation on the effective date of this AD, remove all piston pins, P/N LW-14077, purchased from Textron Lycoming or a Textron Lycoming distributor from June 18, 1991, through August 5, 1991, within 100 hours TIS since piston pin installation and replace with serviceable parts.

(d) Piston pins, P/N LW-14077, purchased from Textron Lycoming or a Textron Lycoming distributor from June 18, 1991, through August 5, 1991, that are not installed in engines are considered unairworthy and shall not be placed in service.

(e) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, New York Aircraft Certification Office, Engine and Propeller Directorate. The request should be forwarded through an FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, New York Aircraft Certification Office.

Note: Information concerning the existence of approved alternative methods of compliance with this airworthiness directive, if any, may be obtained from the New York Aircraft Certification Office.

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

(g) The identification of certain engines to which this AD is applicable shall be done in accordance with the following Textron Lycoming service document:

Document No.	Pages	Revision	Date
SB No. 501.....	1-3	Rev. B.....	Nov. 15, 1991.
- Total pages....	3		

This incorporation 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 Textron Lycoming, 652 Oliver Street, Williamsport, PA 17701. Copies may be inspected at the FAA, New England Region, Office of the Assistant Chief Counsel, room 311, 12 New England Executive Park, Burlington, Massachusetts; or at the Office of the Federal Register, 1100 L Street, NW., room 8401, Washington, DC.

(h) This amendment becomes effective on July 10, 1992.

Issued in Burlington, Massachusetts, on May 12, 1992.

Jack A. Sain,

Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 92-14892 Filed 6-24-92; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 91-AWP-16]

Alteration of VOR Federal Airway V-186; CA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action modifies Federal Airway V-186 by realigning the airway between the Van Nuys, CA (VNY) and Paradise, CA (PDZ) VHF Omnidirectional Range/Tactical Air Navigations (VORTACs) and extending the airway between the Paradise and Poggi, CA (PGY) VORTACs. Realigning and extending the airway will improve approach procedures into Los Angeles International Airport, relieve congestion and reduce air traffic control (ATC) workload.

EFFECTIVE DATE: 0901 UTC, August 20, 1992.

FOR FURTHER INFORMATION CONTACT: Patricia P. Crawford, 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) 267-9255.

SUPPLEMENTARY INFORMATION:

History

On May 12, 1992, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to realign V-186 between the Van Nuys, CA, and Paradise, CA, VORTACs and to extend the airway between the Paradise and Poggi, CA, VORTACs in the State of California (57 FR 20219). Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Except for editorial changes, this amendment is the same as that proposed in the notice. Domestic VOR Federal Airways are published in section 71.123 of Handbook 7400.7 effective November 1, 1991, which is incorporated by reference in 14 CFR 71.1. The amended designation of the airway listed in this document will be

published subsequently in section 71.123 of the Handbook.

The Rule

This amendment to part 71 of the Federal Aviation Regulations realigns Federal Airway V-186 located in the State of California. Realigning the airway will improve approach procedures for profile descent into Los Angeles International Airport and reduce ATC workload. Extending V-186 will relieve congestion of aircraft presently routed along the shoreline.

The FAA has determined that this 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 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, VOR Federal airways, Incorporation by reference.

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. app. 1348(a), 1354(a), 1510; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.7, Compilation of Regulations, published April 30, 1991, and effective November 1, 1991, is amended as follows:

Section 71.123 Domestic VOR Federal Airways

* * * * *

V-186 [Revised]

From San Marcus, CA, via INT San Marcus 123° and Fillmore, CA, 265° radials; Fillmore; Van Nuys, CA; INT Van Nuys 110° and Paradise, CA, 293° radials; Paradise; INT

Paradise 145° and Poggi, CA, 350° radials; to Poggi.

Issued in Washington, DC, on June 18, 1992.
 William C. Davis,
Acting Manager, Airspace-Rules and Aeronautical Information Division.
 [FR Doc. 92-14921 Filed 6-24-92; 8:45 am]
 BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 91-ASO-20]

Alteration of Jet Route J-207; FL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment removes a segment of Jet Route J-207 between Savannah, GA, and Miami, FL. Changes in traffic flow that occurred as the result of several other jet route realignments, eliminate the need for this segment of controlled airspace. This action revokes the unused segment of J-207 and reduces chart clutter.

EFFECTIVE DATE: 0901 UTC, August 20, 1992.

FOR FURTHER INFORMATION CONTACTS: 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:

History

On March 25, 1992, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to remove a segment of Jet Route J-207 between Savannah, GA, and Miami, FL (57 FR 10303). Jet Route realignments in that area have eliminated the requirement for this segment of J-207. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Except for editorial changes, this amendment is the same as that proposed in the notice. Jet Route J-207 is published in § 75.100 of Handbook 7400.7 effective November 1, 1991, which is incorporated by reference in 14 CFR 71.1. The designation of the jet route listed in this document will be published subsequently in § 71.123 of the Handbook.

The Rule

This amendment to part 71 of the Federal Aviation Regulations removes a segment of Jet Route J-207 between Savannah, GA, and Miami, FL. Changes in traffic flow from northeast airports, which occurred as a result of several other jet route realignments in that area, have eliminated the need for J-207. Since this segment is not being used, this portion of J-207 is removed.

The FAA has determined that this 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 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, Jet routes, Incorporation by reference.

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 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; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389; 49 U.S.C. 100(g); 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.7, Compilation of Regulations, published April 30, 1991, and effective November 1, 1991, is amended as follows:

Section 75.100 Jet Routes

J-207 [Revised]
 From Savannah, GA; Florence, SC; Raleigh-Durham, NC; to Franklin, VA.

Issued in Washington, DC, on June 18, 1992.

Herold W. Becker

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 92-14919 Filed 6-24-92; 8:45am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 91-AGL-15]

Alteration of VOR Federal Airway V-526; OH

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action realigns a segment of Federal Airway V-526 between DRYER and Youngstown, OH. This airway is being utilized as an arrival route to the Cleveland terminal area from the east. Realigning the airway provides for optimum utilization of that airspace.

EFFECTIVE DATE: 0901 UTC, August 20, 1992.

FOR FURTHER INFORMATION CONTACT: Patricia P. Crawford, 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) 267-9255.

SUPPLEMENTARY INFORMATION:

History

On April 17, 1992, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to alter V-526 between DRYER and Youngstown, OH, (57 FR 13672). Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Except for editorial changes, this amendment is the same as that proposed in the notice. The VOR Federal airway listed in this document is published in § 71.123 of Handbook 7400.7 effective November 1, 1991, which is incorporated by reference in 14 CFR 71.1. The designation of the airway listed in this document will be published subsequently in § 71.123 of the Handbook.

The Rule

This amendment to part 71 of the Federal Aviation Regulations alters V-526 between DRYER and Youngstown, OH. This airway is being utilized as an arrival route to the Cleveland terminal area from the east. Altering the airway will provide for optimum utilization of that airspace.

The FAA has determined that this 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 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, VOR Federal airways, Incorporation by reference.

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. app. 1348(a), 1354(a), 1510; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.7, Compilation of Regulations, published April 30, 1991, and effective November 1, 1991, is amended as follows:

Section 71.123 Domestic VOR Federal Airways

V-526 [Revised]

From Northbrook, IL; INT Northbrook 095° and Giper, MI, 310° radials; to Giper. From Waterville, OH; INT Waterville 113° and DRYER, OH, 252° radials; DRYER; Chardon, OH; Youngstown, OH; to Clarion, PA.

Issued in Washington, DC, on June 18, 1992.

William C. Davis,

Acting Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 92-14920 Filed 6-24-92; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 92-AWA-4]

Amend Operating Hours for the Whidbey Island Naval Air Station Airport Radar Service Area; WA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment changes the operating hours of the Whidbey Island Naval Air Station (NAS), WA, Airport Radar Service Area (ARSA). The Whidbey Island NAS has reduced its operating hours from 0700 to 2400 local time, daily. This action makes the ARSA effective only during the operating hours of the NAS, and these hours will be published by a Notice to Airmen (NOTAM) and in the Airport/Facility Directory.

EFFECTIVE DATE: 0901 UTC, August 20, 1992.

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.

The Rule

This amendment to part 71 of the Federal Aviation Regulations changes the operating hours for the Whidbey Island NAS ARSA to coincide with the operating hours of Whidbey Island NAS Air Traffic Control Facility which have been changed. An ARSA is established based on the activity at the airport concerned. The degree of activity at the NAS relates directly to the facility's operating hours, and does not warrant ARSA status when the facility is closed. I find that notice and public procedure under 5 U.S.C. 553(b) are unnecessary because this action is a minor technical amendment in which the public would not be particularly interested. Section 71.501 of Handbook 7400.7 effective November 1, 1991, which is incorporated by reference in 14 CFR 71.1. The amended hours of operation listed in this document will be published subsequently in § 71.501 of the Handbook.

The FAA has determined that this 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 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, Airport radar service areas, Incorporation by reference.

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 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; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.7, Compilation of Regulations, published April 30, 1991, and effective November 1, 1991, is amended as follows:

Section 71.501 Airport Radar Service Areas

* * * * *
ANM WA ARS Whidbey Island NAS, WA
[Revised]

That airspace extending upward from the surface to and including 4,000 feet MSL within a 5-mile radius of Whidbey Island NAS (lat. 48°21'06" N, long. 122°39'12" W.); and that airspace extending upward from 1,300 feet MSL to and including 4,000 feet MSL within a 10-mile radius of the airport from the 050° bearing from the airport clockwise to the 345° bearing from the airport; and that airspace extending upward from 2,000 feet MSL to and including 4,000 feet MSL within a 10-mile radius of the airport from the 345° bearing from the airport clockwise to the 050° bearing from the airport. This airport radar service area is effective during the specific days and hours of operation of the Whidbey Island NAS Air Traffic Control Facility as established in advance by a Notice to Airmen. The effective dates and times will thereafter be published in the Airport/Facility Directory.

Issued in Washington, DC, on June 16, 1992.

Harold W. Becker,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 92-14923 Filed 6-24-92; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 5

Delegations of Authority to the Commissioner of Food and Drugs

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the regulations for delegations of authority by adding a new authority delegation from the Assistant Secretary for Health to the Commissioner of Food and Drugs. The authority being added is under sections 1322(b) and (c) of the Food, Agriculture, Conservation, and Trade Act of 1990 (the National Laboratory Accreditation Program) (7 U.S.C. 138a), as amended hereafter.

EFFECTIVE DATE: June 25, 1992.

FOR FURTHER INFORMATION CONTACT: Ellen Rawlings, Division of Management Systems and Policy (HFA-340), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4976.

SUPPLEMENTARY INFORMATION: In a memorandum dated February 14, 1992, the Secretary of Health and Human Services delegated to the Assistant Secretary for Health certain authorities vested in the Secretary under sections 1322(b) and (c) of the Food, Agriculture, Conservation, and Trade Act of 1990 (the National Laboratory Accreditation Program) (7 U.S.C. 138a), as amended hereafter. This delegation excludes the authority to submit reports to the Congress. In a subsequent memorandum, dated March 19, 1992, the Assistant Secretary for Health redelegated to the Commissioner of Food and Drugs all the authorities delegated to the Assistant Secretary for Health by the Secretary. The delegated authorities relate to establishing standards, after consultation with the Secretary of Agriculture and the Administrator of the Environmental Protection Agency, for a National Laboratory Accreditation Program and approving State agencies for private, nonprofit entities as accrediting bodies in implementing certification and quality assurance programs. FDA is amending section 5.10 *Delegations From the Secretary, the Assistant Secretary for Health, and Public Health Service Officials* (21 CFR 5.10) by adding a new paragraph (a)(34) to incorporate this delegation.

The authorities may be redelegated. Authority delegated to a position by title may be exercised by a person officially designated to serve in such position in an acting capacity or on a temporary basis.

List of Subjects in 21 CFR Part 5

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

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 5 is amended as follows:

PART 5—DELEGATIONS OF AUTHORITY AND ORGANIZATION

1. The authority citation for 21 CFR part 5 continues to read as follows:

Authority: 5 U.S.C. 504, 552, App. 2; 7 U.S.C. 138a, 2271; 15 U.S.C. 638, 1261-1282, 3701-3711a; secs. 2-12 of the Fair Packaging and Labeling Act (15 U.S.C. 1451-1461); 21 U.S.C. 41-50, 61-63, 141-149, 467f, 679(b), 801-886, 1031-1309; secs. 201-903 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321-394); 35 U.S.C. 156; secs. 301, 302, 303, 307, 310, 311, 351, 352, 361, 362, 1701-1706, 2101 of the Public Health Service Act (42 U.S.C. 241, 242, 242a, 242l, 242n, 243, 262, 263, 264, 265, 300u-300u-5, 300aa-1); 42 U.S.C. 1395y, 3246b, 4332, 4831(a), 10007-10008; E.O. 11490, 11921, and 12591.

2. Section 5.10 is amended by adding a new paragraph (a)(34) to read as follows:

§ 5.10 Delegations from the Secretary, the Assistant Secretary for Health, and Public Health Service officials.

(a) * * *

(34) Functions vested in the Secretary under sections 1322(b) and (c) of the Food, Agriculture, Conservation, and Trade Act of 1990 (the National Laboratory Accreditation Program) (7 U.S.C. 138a), as amended hereafter, which relate to setting standards for the National Laboratory Accreditation Program and approving State agencies or private, nonprofit entities as accrediting bodies to implement certification and quality assurance programs in accordance with the requirements of this section. The delegation excludes the authority to submit reports to Congress.

* * * * *

Dated: June 18, 1992.

Michael R. Taylor,
Deputy Commissioner for Policy.
[FR Doc. 92-15005 Filed 6-24-92; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 8238]

RIN 1545-AB20

Corporate Separations; Income Taxes; Correcting Amendment

AGENCY: Internal Revenue Service, Treasury.

ACTION: Correcting amendments.

SUMMARY: This document contains corrections to final regulations (T.D. 8238), which were published Thursday, January 5, 1989, (54 FR 283). The final regulations relate to corporate separations. A corporate separation typically, is a transaction in which a distributing corporation distributes to its shareholders or security holders stock or stock and securities of a controlled corporation and after which the distributing and the controlled corporations conduct business previously conducted directly or indirectly by the distributing corporation.

EFFECTIVE DATE: February 7, 1989.

FOR FURTHER INFORMATION CONTACT: John N. Geracimos (202) 566-6212 (not a toll-free call).

SUPPLEMENTARY INFORMATION:

Background

The final regulations that are the subject of these corrections, apply to the shareholders and security holders of corporations undertaking corporate separations and provide guidance needed to comply with the law.

Need for Correction

As published, the final regulations contain an error which may prove to be misleading and is in need of clarification.

List of Subjects in 26 CFR 1.354-1 through 1.358-5

Income taxes, Reporting and recordkeeping requirements, Securities.

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

Accordingly, 26 CFR part 1 is corrected by making the following amendments:

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

Authority: 26 U.S.C. 7805. * * *

§ 1.355-2 [Corrected]

2. In § 1.355-2, paragraph (d)(3)(iv), the reference to "section 243(c)(2) or (3)" is revised to read "section 243(a)(2) or (3)".

Dale D. Goode,

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

[FR Doc. 92-14883 Filed 6-24-92; 8:45 am]

BILLING CODE 4830-01-M

26 CFR Part 1

[T.D. 8404]

RIN 1545-AQ35

Election by Shareholders of Certain Passive Foreign Investment Companies; Correction

AGENCY: Internal Revenue Service, Treasury.

ACTION: Correction to temporary regulations.

SUMMARY: This document contains corrections to the temporary regulations (T.D. 8404), which was published Wednesday, April 1, 1992 (57 FR 10992). The regulations provide guidance to shareholders of certain passive foreign investment companies that are qualified electing funds about the time, manner, and other requirements for making the deemed dividend election.

EFFECTIVE DATE: The temporary regulations and these corrections are effective April 1, 1992.

FOR FURTHER INFORMATION CONTACT: Gayle E. Novig (202) 377-9059, (not a toll-free call).

SUPPLEMENTARY INFORMATION:**Background**

The temporary regulations that are the subject of these corrections are issued under section 1291(d)(2)(B) of the Internal Revenue Code of 1986, and provide amendments to § 1.1291-10T.

Need for Correction

As published, the temporary regulations contain errors which may prove to be misleading and are in need of clarification.

Correction of Publication

Accordingly, the publication of the temporary regulations (T.D. 8404), which

was the subject of FR Doc. 92-6704, is corrected as follows:

§ 1.1291-9T [Corrected]

Paragraph 1. On page 10995, column two, in § 1.1291-9T, paragraph (e), line 4, the language "or before May 1, 1992 will satisfy the" is corrected to read "or before May 1, 1992, will satisfy the".

Par. 2. On page 10995, column two, in § 1.1291-9T, paragraph (e), line 13, the language "on or before May 1, 1992 and included" is corrected to read "on or before May 1, 1992, and included".

§ 1.1291-10T [Corrected]

Par. 3. On page 10996, column one, in § 1.1291-10T, paragraph (b)(2)(ii), line 5, the language "election after May 1, 1992 as the first", is corrected to read "election after May 1, 1992, is the first".

Dale D. Goode,

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

[FR Doc. 92-14872 Filed 6-24-92; 8:45 am]

BILLING CODE 4830-01-M

DEPARTMENT OF DEFENSE**Department of the Navy****32 CFR Part 706****Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972; Amendment**

AGENCY: Department of the Navy, DoD.

ACTION: Final Rule.

SUMMARY: The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), to reflect that the Judge Advocate General of the Navy has determined that USS VICKSBURG (CG 69) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with certain provisions of the 72 COLREGS without interfering with its special functions as a naval cruiser. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

EFFECTIVE DATE: June 10, 1992.

FOR FURTHER INFORMATION CONTACT: Captain R. R. Rossi, JAGC, U.S. Navy,

Admiralty Counsel, Office of the Judge Advocate General, Navy Department, 200 Stovall Street, Alexandria, VA 22332-2400, Telephone number: (202) 325-9744.

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted in 33 U.S.C. 1605, the Department of the Navy amends 32 CFR part 706. This amendment provides notice that the Judge Advocate General of the Navy, under authority delegated by the Secretary of the Navy, has certified that USS VICKSBURG (CG 69) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with 72 COLREGS, Annex 1, section 3(a), pertaining to the location of the forward masthead light in the forward quarter of the ship, the placement of the after masthead light, and the horizontal distance between the forward and after masthead lights, without interfering with its special functions as a naval cruiser. The Judge Advocate General of the Navy has also certified that the aforementioned lights are located in closest possible compliance with the applicable 72 COLREGS requirements.

Moreover, it has been determined, in accordance with 32 CFR parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary, and contrary to public interest since it is based on technical findings that the placement of lights on USS VICKSBURG (CG 69) in a manner differently from that prescribed herein will adversely affect the vessel's ability to perform its military functions.

List of Subjects in 32 CFR Part 706

Marine Safety, Navigation (Water), and Vessels.

PART 706—[AMENDED]

Accordingly, 32 CFR part 706 is amended as follows:

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

Authority: 33 U.S.C. 1605.

5. Table Five of § 706.2 is amended by adding the following ship:

TABLE FIVE

Vessel	Number	Masthead lights not over all other lights and obstructions. Annex I sec. 2(f)	Forward masthead light not in forward quarters of ship Annex I sec. 3(a)	After masthead light less than 1/2 ship's length aft of forward masthead light Annex I, sec. 3(a)	Percentage horizontal separation attained
USS VICKSBURG	CG69	N/A	X	X	38

Approved:

Dated: June 10, 1992.

W. L. Schachte, Jr.,

Acting Judge Advocate General.

[FR Doc. 92-14966 Filed 6-24-92; 8:45 am]

BILLING CODE 3810-01-M

POSTAL SERVICE

39 CFR Part 111

Eligibility Requirements for Certain Special Bulk Rate Third-Class Mail

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: Section 625.522(b) of the Domestic Mail Manual (DMM) is amended to state what is meant by the term "not generally otherwise commercially available" when making determinations about the eligibility of promotional materials pertaining to the coverage provided by insurance policies to be mailed at the special bulk third-class rates of postage by authorized nonprofit organizations.

EFFECTIVE DATE: June 25, 1992.

FOR FURTHER INFORMATION CONTACT: Martin L. Cohen (202) 268-5169.

SUPPLEMENTARY INFORMATION: On December 6, 1991, the Postal Service published a proposal to amend the Domestic Mail Manual to provide guidelines in conjunction with the Postal Service Appropriations Act of 1991 (Pub. L. No. 101-509) for determining when promotional materials that pertain to an insurance policy may be mailed by an authorized nonprofit organization at the special (nonprofit) bulk third-class rates of postage. (56 FR 63895-63896).

Ten written comments were received. Six commenters support the adoption of the proposed changes to DMM 625.522(b), two commenters make comments, but do not take a position, and two commenters oppose the adoption of the amendments.

Included among the commenters who support the proposal are three nonprofit organizations which provide counseling or otherwise work on issues related to health insurance. At least two of these organizations appear to concentrate on

issues relating to senior citizens. Each states that types of insurance sold to senior citizens, such as medigap, long-term care, and hospital indemnity insurance, are generally commercially available.

Indeed, one of the commenters appears to urge the Postal Service to revise the proposal to eliminate a mailer's opportunity to demonstrate that any specific medigap policy is not commercially available. The Postal Service does not believe it appropriate to revise the proposal in this manner. As written, the provision allowing the mailer to demonstrate that a policy is not commercially available to a target group is general and is not limited to specific types of policies. Moreover, even if it were true that medigap insurance is generally commercially available at this time to all potential target groups, which is a determination the Postal Service has not, and need not, make here, that circumstance could change in the future. If it does, the mailer should be able to take advantage of the procedure allowing it to rebut the presumption of availability.

Another commenter supporting the proposal, a provider of insurance coverages to various organizations, states that the adoption of the proposed revision would allow it and similar organizations to develop unique and innovative coverages for their members that could be promoted by mailing promotional materials at the special bulk third-class rates. As explained in the proposal (56 FR 63896), the Postal Service does not believe that the presence of unique elements in a type of policy which is otherwise commercially available is sufficient for a determination that the policy is not commercially available.

Of the commenters not taking a clear position supporting or opposing adoption, one requests that the Postal Service publish examples of mailpieces promoting insurance policies that would qualify for the special bulk third-class rates. Since the determining criterion is based on whether the insurance coverage "is not generally otherwise commercially available," and not solely on the contents of the mailpiece, it

would not appear to be helpful to publish such examples.

The other commenter not supporting or opposing the proposal asserts that the rule regarding the mailing of promotional materials at the special bulk third-class rates should not apply to fraternal benefit societies because their mailings do not involve cooperative ventures between profit-making companies and the societies. However, Public Law No. 101-509 does not provide an exception for mailings of fraternal benefit societies. Moreover, the statute established new restrictions in addition to the preexisting prohibition on cooperative mailings. See 56 FR 46551 (September 13, 1991). Thus, there is no basis for the Postal Service to extend the special bulk third-class rates to insurance-related mailings of fraternal benefit societies.

One of the commenters, a nonprofit labor organization opposing the proposed amendments to DMM 625.522(b), states that one of its principal activities is to provide members with specialized benefit programs, among which are various insurance programs. In addition, that organization has established a nonprofit insurance trust through which it also offers insurance coverage to members. The commenter believes that its mailings and those of its trust do not fall within the purview of Public Law No. 101-509 because they were formed specifically to engage in providing insurance benefits to members. The commenter believes it is incumbent upon the Postal Service to create an exception in the rule for labor organizations whose core purposes include the provision of certain types of health, life, and disability benefits to members.

There are no specific exclusions in Public Law No. 101-509 for labor organizations. Moreover, while one of the conditions for permissible mailings relating to travel arrangements concerns the fulfillment of "one or more of the purposes which constitute the basis for the organization's authorization to mail at" the special rates, 39 U.S.C. 3626(j)(1)(C), a similar provision is not included (much less included as the sole

basis for eligibility) in the corresponding provision concerning insurance mailings, 39 U.S.C. 3626(j)(1)(B). Thus, there is no basis for the Postal Service to create an exception in the rules on commercial availability for mailings of promotional materials by labor organizations.

The same commenter also states that the proposal "creates, in effect, a nonrebuttable presumption" contrary to the statute and its intent. (The other commenter opposing the rules appears to raise a similar argument.) It states that no specific criteria or examples are offered to assist mailers in their efforts to overcome this presumption. The proposed rule, however, does provide that the presumption is rebuttable and provides guidance and factors that will be considered in this decision.

The commenter's underlying concern appears to be a disagreement with the substantive aspects of the proposal. The commenter argues that the term "commercial availability" should refer to the availability of a particular policy, with the same features and options and at the same rates, directly from a commercial insurer rather than through an organization. The Postal Service believes that this is a too restrictive reading of the legislation. As explained in the proposal, the Postal Service does not believe that differences in price, features, or other unique elements between policies are appropriate factors for consideration (56 FR 63896). Further, whether a policy is directly available from a commercial insurer or through an organization (and generally thereby from an insurer) does not appear to warrant disparate treatment; the important consideration is whether coverage is available to the individual.

The commenter also proposes that annuity programs should not be considered "insurance" for the purpose of Public Law No. 101-509. This suggestion appears to go beyond the scope of this rulemaking. Questions whether specific solicitations concern insurance, and thereby are subject to the statute and implementing regulations, may be raised with mail classification officials. If a need arises for guidelines concerning the definition of insurance, the Postal Service will consider a future rulemaking to provide such guidance.

The other commenter who opposes the adoption of the amendments to DMM 625.522(b) does so because it claims the rule excludes variables directly affecting the availability of health insurance for the elderly. These variables include loss ratios, underwriting, and limited policy availability due to marketing features. The commenter believes that the

implementation of the amendments should be delayed with respect to health insurance for the elderly because of recent and upcoming changes in the medigap and long-term insurance industries. Furthermore, it urges the Postal Service to conduct substantive rulemaking to determine whether or not health insurance for the elderly is "not generally otherwise commercially available." The commenter also states that available evidence does not substantiate that medigap insurance and long-term care insurance are generally available on a nationwide basis and that information relating to the general availability of hospital indemnity policies nationwide does not exist. Thus, the commenter concludes that the Postal Service must bear the burden of proof of showing that health insurance for the elderly is generally commercially available.

The Postal Service believes that the terms of the policy, e.g., the scope of the coverage, limitations, and exclusions, should be the primary factor in determining commercial availability. The availability of coverage to the targeted category of mailing recipients is also an appropriate factor. This factor may be based upon geographic (i.e., national, statewide, or citywide) or demographic restrictions. That is, coverage not available in the targeted mailing area or to the demographic group targeted in the mailing would be considered not generally commercially available.

As a general matter, the Postal Service does not believe that price, loss ratios, financial condition of the insurer, or underwriting, promotional, marketing, or distribution practices are appropriate factors for determining whether a policy is generally commercially available.

The Postal Service's obligation in establishing these regulations is to adhere to the intent of Congress (56 FR 46551). The statute specifically looks to "the coverage provided by the policy," 39 U.S.C. 3626(j)(1)(B), without any indication that price or the financial condition or practices of the insurer should modify the rule. Nevertheless, as explained in the proposal, other factors, such as underwriting and marketing practices, may be considered to the extent that they affect the availability of coverage to the targeted category of mailing recipients.

The appropriate test for determining whether a policy is commercially available is whether the targeted individuals may obtain that coverage from any other source, such as by the purchase of an individual policy or participation in a group policy through another organization. In accordance

with this test and the comments discussed above, the Postal Service believes that certain lines of insurance are generally commercially available. Life, automobile, airplane, travel, accidental death and dismemberment, homeowner's, property, casualty, and marine insurance were cited in earlier comments as examples that might be placed in this category. The Postal Service is inclined to agree with each of these suggestions. Medicare supplement (medigap), catastrophic care, health, truck, motorhome, motorbike, motorcycle, boat, nursing home, professional liability (including malpractice), and hospital indemnity insurance are other types of coverage which appear to be generally commercially available. Other types of insurance might be added to the list as appropriate. This list is not meant to be exhaustive, and other lines of coverage not on the list might be determined to be generally commercially available. It is again cautioned that inclusion on this list would not necessarily be determinative but would create a strong presumption that a policy is generally commercially available. The mailer might rebut this presumption with respect to a specific policy by demonstrating that it is not commercially available to the target group of recipients, based upon the factors discussed above.

The application of the rules regarding the mailing of promotional materials about insurance policies at the special bulk third-class rates is always based on the commercial availability of a similar type of insurance at any given time, and it is recognized that there may be changes in the types of insurance coverages offered to potential policy holders. The rule's list of insurance considered to be generally commercially available will be revised as appropriate. In addition, mailers may use current information to rebut the presumption of availability with respect to specific policies. Thus, the Postal Service does not believe that it is necessary to delay the implementation of the amendments with respect to health insurance for the elderly in anticipation of upcoming changes in the medigap and long-term insurance industries. Moreover, Public Law No. 101-509 did not authorize any delays in implementation.

The Postal Service does not believe that it is necessary to conduct a separate rulemaking to determine whether or not health insurance for the elderly is "not generally otherwise commercially available." There is no direction in the statute, or elsewhere, to single out one specific type of insurance

for scrutiny. Moreover, there is ample evidence, including that set forth in comments submitted in this rulemaking, that health insurance for the elderly is generally commercially available. In any case, a mailer may rebut this presumption with respect to a specific policy by demonstrating that it is not commercially available to the target group of recipients, based upon the factors discussed above.

As stated above, the availability of coverage to the targeted category of mailing recipients is an appropriate factor in determining commercial availability of a particular type of insurance coverage. This factor may be based upon geographic (i.e., national, statewide, or citywide) or demographic restrictions. That is, coverage not available in the targeted mailing area or to the demographic group targeted in the mailing would be considered not generally commercially available. Therefore, the finding that available evidence substantiates that medigap insurance, long-term care, and hospital indemnity insurance are generally available on a nationwide basis does not necessarily preclude authorized nonprofit organizations from mailing promotional materials about insurance policies at the special bulk third-class rates, particularly if it can be shown that the insurance is not available to the recipients of the mailing.

The Postal Service believes that mailers must bear the burden of proof when it comes to substantiating that their mailings qualify for the special bulk third-class rates of postage. Indeed, nonprofit organizations have historically borne the burden of proving eligibility to mail at the special rates. See former 39 U.S.C. 4452(d). Accordingly, it is incumbent upon them to provide evidence, such as information from insurance underwriters and others, to support any claim that particular types of insurance coverage are not commercially available. Indeed, the comments indicate that there is a vast amount of publicly available evidence, which, contrary to the commenter's assertions, is available concerning these matters. Moreover, nothing in the statute or elsewhere authorizes the Postal Service to single out specific types of coverage for special treatment. Thus, if the Postal Service were to assume the task of conducting extended evidentiary hearings to establish rules concerning the availability of one type of coverage, as the commenter appears to urge, it might be subject to demands to undertake such procedures for all other coverages. This burdensome task would unduly delay implementation of Public

Law No. 101-509, and would be an inefficient use of resources.

In view of the reasons discussed above, the Postal Service hereby adopts the following amendments of the Domestic Mail Manual, which is incorporated by reference in the Code of Federal Regulations (see 39 CFR 111.1).

List of Subjects in 39 CFR Part 111

Postal service.

PART 111—[AMENDED]

1. The authority citation for 39 CFR part 111 continues to read as follows:

Authority: 5 U.S.C. 552(a), 39 U.S.C. 101, 401, 403, 404, 3001-3011, 3201-3219, 3403-3406, 3621, 5001.

2. Section 625.522(b) of the Domestic Mail Manual is revised to read as follows:

PART 625—ADDITIONAL CONDITIONS FOR SPECIAL BULK RATES ELIGIBILITY

* * * * *

625.522 Nonpermissible mailings.

* * * * *

b. Any insurance policy, unless the organization promoting the purchase of such policy is authorized to mail at the special bulk rates at the entry post office; the policy is designed for and primarily promoted to the members, donors, supporters, or beneficiaries of that organization; and the coverage provided by the policy is not generally otherwise commercially available.

The term "not generally otherwise commercially available" applies to the actual coverage stated in the insurance policy, without regard to the amount of the premiums, the underwriting practices, and the financial condition of the insurer. When comparisons are made with other policies, consideration will be given to policy coverage benefits, limitations, and exclusions, and to the availability of coverage to the targeted category of recipients. When insurance policy coverages are compared for the purpose of determining whether coverage in a policy offered by an organization is not generally otherwise commercially available, the comparison will be based on the specific characteristics of the recipients of the piece in question (e.g., geographic location or demographic characteristics).

Note: The types of insurance considered to be generally commercially available include but are not limited to: Homeowner's, property, casualty, marine, professional liability (including malpractice), travel, health, life, airplane, automobile, truck, motorhome, motorbike, motorcycle, boat, accidental death and dismemberment,

medicare supplement (medigap), catastrophic care, nursing home, and hospital indemnity insurance.

A transmittal letter making these changes in the Domestic Mail Manual will be published and transmitted automatically to subscribers. Notice of issuance of the transmittal letter will be published in the Federal Register as provided by 39 CFR 111.3.

Stanley F. Mires,

Assistant General Counsel, Legislative Division.

[FR Doc. 92-14891 Filed 6-24-92; 8:45 am]

BILLING CODE 7710-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 22

[CC Docket No. 91-34; FCC 92-207]

Bundling of Cellular Customer Premises Equipment and Cellular Service

AGENCY: Federal Communications Commission.

ACTION: Final rule; Interpretation.

SUMMARY: This rulemaking proceeding clarifies and modifies the Commission's policies to allow all cellular customer premises equipment (CPE) and cellular service to be offered on a bundled basis, provided that cellular service is also separately on a nondiscriminatory basis. The Commission's decision is based on the unique conditions in the cellular industry today and on the public interest benefits associated with bundling. Allowing cellular carriers to offer packaged offerings of cellular CPE and service will provide new customers with CPE and service more economically than if it were prohibited.

EFFECTIVE DATE: July 27, 1992.

FOR FURTHER INFORMATION CONTACT: Dan Abeyta, Mobile Services Division, Common Carrier Bureau (202) 632-6450.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order in CC Docket No. 91-34, adopted May 14, 1992, and released June 10, 1992. The full texts of Commission decisions are 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, 1114 21st Street, NW., Washington, DC 20036.

Summary of Report and Order

In the Notice of Proposed Rulemaking (Bundling of Cellular Customer Premises Equipment and Cellular Service) (Notice), 6 FCC Rod 1732 (1991), 56 FR 16050 (April 19, 1991), the Commission sought comment on whether it should clarify or modify its policy governing the bundling of cellular customer premises equipment (CPE) and cellular service. The Commission indicated in the Notice that it was appropriate to reevaluate the bundling policy in light of the changes that have occurred in the cellular industry.

The record is uncontroverted that the cellular CPE market is extremely competitive both locally and nationally. CPE is manufactured nationally and internationally with new CPE manufacturers entering the market annually. This competition has resulted in the widespread availability of CPE. The record also shows that no single manufacturer dominates the market and that CPE is marketed through a diverse distribution network. In view of the large number of CPE manufacturers competing in the United States cellular industry and the fact that new manufacturers are continuously entering the market and given the broad national distribution network for cellular CPE, the Commission concluded that it is highly unlikely that one manufacturer can control the market.

Nevertheless, the record is not conclusive as to whether the cellular service market is competitive. While it appears that the two facilities-based cellular carriers in each market compete on the basis of market share, technology, service offerings and service prices, the record does not support a finding that the cellular service market is fully competitive.

However, the Commission agrees with the position taken by the Department of Justice and the Federal Trade Commission Staff that the inability to find the cellular service market fully competitive does not provide a basis to prohibit bundling *per se*. Despite some reservations about the status of competition in the cellular service market, the record supports the

conclusion that clarifying the bundling policy to allow carriers to bundle cellular CPE and service provided that service is offered separately on a nondiscriminatory basis would not adversely impact the cellular CPE market. In this regard, it is unlikely that individual cellular carriers, which operate locally, possess market power that could impact the numerous CPE manufacturers which operate nationally and internationally.

Notwithstanding the state of competition in the cellular service industry, there appear to be significant public interest benefits associated with the packaging or bundling of cellular CPE and service. Bundling is an efficient promotional device which reduces barriers to new customers and which can provide new customers with CPE and cellular service more economically than if it were prohibited. Moreover, with the influx of new subscribers due to carriers' discounting practices, the fixed cost of providing cellular service are spread over a larger population of users. Rapid growth of the subscriber base also promotes efficient use of the spectrum and further stimulates competition in the cellular industry. Finally, these packaging practices can also provide carriers a mechanism to encourage customers to trade in their analog cellular CPE for more spectrum efficient digital telephones.

The Commission also indicates in the Report and Order that there is no evidence in the record showing that bundling cellular CPE and cellular service has led to an increase in service prices or has resulted in discriminatory cellular service rates. The record is also inconclusive as to whether carriers are using their service revenues to subsidize their discounting practices. In any event, there is no convincing evidence that if these packaging practices were eliminated, that cellular service prices would decline.

The record also reveals that cellular service is unregulated at the federal level and largely unregulated at the state level. While the non-regulation of cellular service does not in itself demonstrate that the cellular service market is competitive, it does suggest

that states have chosen not to regulate cellular service because they do not consider it a monopoly service.

The record is also inconclusive as to what extent resellers would be affected if facilities-based carriers were allowed to bundle cellular CPE and cellular service. Nevertheless, the Commission agrees with several of the commenters that the possibility that one type of retailer may be harmed does not provide a basis for a rule that limits the use of a potentially efficient contract retail distribution system.

In conclusion, despite some concerns about the status of competition in the cellular service market, the record supports the conclusion that clarifying the current bundling policy to allow facilities-based carriers to bundle cellular CPE and service would not have an adverse impact on the cellular CPE market. Moreover, the theoretical potential for any anticompetitive behavior is outweighed by the public interest benefits of permitting bundling. While the Commission recognizes the customer benefits of CPE discounting as a part of the sale of cellular service, it intends to monitor the bundling of cellular service and CPE to ensure that bundling not be used anticompetitively. If parties can demonstrate that carriers' packaged offerings lead to anticompetitive abuses, the Commission will be open to further action.

Ordering Clauses

Accordingly, it is ordered, pursuant to sections 1, 4(i), 4(j) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. sections 151, 154(i), 154(j) and 303(r), that the cellular bundling policy is clarified and modified as set forth above.

List of Subjects

47 CFR Part 22

Domestic public cellular radio telecommunications service, radio.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 92-15010 Filed 6-24-92; 8:45 am]

BILLING CODE 6712-01-M

Proposed Rules

Federal Register

Vol. 57, No. 123

Thursday, June 25, 1992

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

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

7 CFR Part 1410

Agricultural Resources Conservation Program

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would amend 7 CFR part 1410 to expand the Conservation Reserve Program (CRP) to allow small farmed wetlands to be enrolled in the CRP. This action will allow producers greater flexibility in enrolling in the CRP and will provide enhanced environmental benefits under the CRP.

DATES: Comments must be received on or before July 27, 1992, in order to be assured of consideration.

ADDRESSES: Comments should be mailed to Director, Conservation and Environmental Protection Division, ASCS, P.O. Box 2415, Washington, DC 20013.

FOR FURTHER INFORMATION CONTACT: James R. McMullen, Director, Conservation and Environmental Protection Division, ASCS, P.O. Box 2415, Washington, DC 20013. Phone 202-720-6221.

SUPPLEMENTARY INFORMATION: This proposed rule has been reviewed under USDA procedures established in accordance with Executive Order 12291 and provisions of Departmental Regulation 1512-1 and has been classified as "non major." It has been determined that these provisions will not result in an annual effect on the national economy of \$100 million or more; major increases in costs or prices for consumers, individual industries, State or local agencies, or geographic regions; significant adverse effects on competition, employment, investment, productivity, or innovation, or a

substantial effect on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. It has been determined that the Regulatory Flexibility Act is not applicable to this rule since the Commodity Credit Corporation (CCC) is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this rule.

It has been determined by an environmental assessment that this action will not have any significant adverse impact on the quality of the human environment. Therefore, an environmental impact statement is not needed.

Copies of a final environmental assessment are available upon written request.

This proposed rule has been reviewed in accordance with Executive Order 12778. This proposed rule is not retroactive and does not pre-empt State laws. Before any judicial action may be taken with respect to the provisions of this proposed rule, administrative remedies at 7 CFR part 780 must be exhausted.

This program/activity is not subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. See notice related to 7 CFR part 3015, subpart V, published at 48 FR 29115 (June 24, 1983).

The title and number of the Federal Domestic Assistance Program, as found in the catalog of Federal Domestic Assistance, to which this rule applies are: Conservation Reserve Program—10.069.

The Office of Management and Budget has approved the information collection requirements contained in the current regulations at 7 CFR part 1410 under provisions of 44 U.S.C. chapter 33 and OMB number 0560-0125 has been assigned, effective through April 30, 1993.

The public reporting burden for the information collection requirements contained in these regulations is estimated to vary from 3 minutes to 45 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and

completing and reviewing the collection of information.

Comments are requested with respect to this proposed rule and such comments shall be considered in issuing the final rule.

Discussion of Program

The proposed change will allow producers with eligible fields that include small farmed wetlands to enroll the whole field in the CRP rather than deleting the wetlands areas from their CRP bid offers. This proposed change provide producers greater flexibility and aid producers for planning purposes. CCC does not intend to utilize this authority to adversely impact participation in the Wetlands Reserve Program.

List of Subjects in 7 CFR Part 1410

Administrative practices and procedures, Conservation plan, Contracts, Technical assistance, Natural resources, Environmental indicators, and Easements.

Proposed Rule

Accordingly, it is proposed that 7 CFR part 1410 be amended as follows:

1. The authority citation for 7 CFR part 1410 continues to read as follows:

Authority: 15 U.S.C. 714b and 714c; 16 U.S.C. 3831-3847.

2. Section 1410.103 is amended by revising paragraph (f)(2) to read as follows:

§ 1410.103 Eligible Land.

* * * * *

(f) * * *

(2) Farmed wetland which may be eligible for the Wetlands Reserve Program under 7 CFR part 703, except that this restriction shall not apply to those farmed wetlands which are considered by CCC to be small farmed wetlands.

Signed on June 18, 1992, in Washington, DC.

John A. Stevenson,

Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc. 92-14981 Filed 6-24-92; 8:45 am]

BILLING CODE 3410-05-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 92-ASW-18]

Proposed Alteration of Jet Routes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter the descriptions of Jet Routes J-29, J-101 and J-180 located in the State of Texas. The realignment of these jet routes is necessary to resolve traffic congestion at a crossing point north of Dallas, TX. This action would relocate the crossing point northeast of Lufkin, TX, thereby permitting departures from Dallas/Fort Worth, TX, to reach cruising altitude before crossing the intersection.

DATES: Comments must be received on or before August 7, 1992.

ADDRESSES: Send comments on the proposal in triplicate to:

Manager, Air Traffic Division, ASW-500, Docket No. 92-ASW-18, Federal Aviation Administration, P. O. Box 1689, Fort Worth, TX 76101.

The official docket may be examined in the Rules Docket, Office of the Chief Counsel, room 916, 800 Independence Avenue, SW., Washington, DC, weekdays, except Federal holidays, between 8:30 a.m. and 5 p.m.

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-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. 92-ASW-18." 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 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-220, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267-3485.

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 part 71 of the Federal Aviation Regulations (14 CFR part 71) to realign three jet routes located in the State of Texas. The realignment of these jet routes is necessary to resolve traffic congestion at a crossing point north of Dallas, TX. This amendment would relocate the intersection east thereby allowing the Dallas/Fort Worth departures to reach cruising altitude before crossing that intersection. This action would reduce controller workload. The airspace designations for the existing jet routes listed in this document are published in section 75.100 of Handbook 7400.7 effective November 1, 1991, which is incorporated by reference in 14 CFR 71.1. The amended designations for these jet routes proposed in this document would be published subsequently in section 71.607 of the Handbook, if the regulation is promulgated.

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 14 CFR Part 71

Aviation safety, Jet routes, Incorporation by reference.

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. app. 1348(a), 1354(a), 1510; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.7, Compilation of Regulations, published April 30, 1991, and effective November 1, 1991, is amended as follows:

Section 75.100 Jet Routes

* * * * *

J-29 [Revised]

From the INT of the United States/Mexican Border and the Corpus Christi, TX, 229° radial via Corpus Christi; Palacios, TX; Humble, TX; Lufkin, TX; Elm Grove, LA; El Dorado, AR; Memphis, TN; Pocket City, IN, INT Pocket City 051° and Rosewood, OH, 230° radials; Rosewood; DRYER, OH; Jamestown, NY; Syracuse, NY; Plattsburgh, NY; Bangor, ME; to Presque Isle, ME. The airspace within Mexico is excluded.

* * * * *

J-101 [Revised]

From Humble, TX, via Lufkin, TX; Elm Grove, LA; Little Rock, AR; St Louis, MO; Capital, IL; Pontiac, IL; Joliet, IL; Northbrook,

IL; Badger, WI; Green Bay, WI; to Sault Ste Marie, MI.

J-180 [Revised]

From Humble, TX; Daisetta, TX; INT Daisetta 030°T(022°M) and El Dorado, AR, 206°T(199°M) radials; El Dorado; to Little Rock, AR.

Issued in Washington, DC, on June 15, 1992.

Harold W. Becker,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 92-14922 Filed 6-24-92; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[PS-264-82]

RIN 1545-AE88

Adjustments to Basis of Stock and Indebtedness to Shareholders of S Corporations and Treatment of Distributions by S Corporations to Shareholders; Correction

AGENCY: Internal Revenue Service, Treasury.

ACTION: Correction to notice of proposed rulemaking.

SUMMARY: This document contains a correction to the notice of proposed rulemaking (PS-264-82), which was published in the *Federal Register* for Tuesday, June 9, 1992 (57 FR 24426). The proposed rules relate to adjustments to the basis of a shareholder's stock in an S corporation and the basis of indebtedness of an S corporation to a shareholder.

FOR FURTHER INFORMATION CONTACT: Christine Ellison, 202-566-3352 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The notice of proposed rulemaking that is the subject of this correction contains proposed amendments to part 1 of title 26 of the Code of Federal Regulations that provide rules under sections 1367 and 1368 of the Internal Revenue Code of 1986, as amended (the Code). The proposed amendments would conform the regulations to amendments made to sections 1367 and 1368 by sections 2 and 6 of the Subchapter S Revision Act of 1982, section 305 of the Technical Corrections Act of 1982, sections 721(d), (r) and (w) and 722(e)(2) of the Tax Reform Act of

1984, and section 1879(m)(1)(B) of the Tax Reform Act of 1986.

Need for Correction

As published, the proposed regulations contain an error which may prove to be misleading and are in need of clarification.

Correction of Publication

Accordingly, the publication of the proposed regulations (PS-264-82), which was the subject of FR Doc. 92-13262, is corrected as follows:

1. On page 24427, column 1, in the preamble under the heading "FOR FURTHER INFORMATION CONTACT", second line from the bottom of the paragraph, the language "Ellison, (202) 377-3352 (not a toll-free)" is corrected to read "Ellison, (202) 566-3352 (not a toll-free)".

Dale D. Goode,

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

[FR Doc. 92-14874 Filed 6-24-92; 8:45 am]

BILLING CODE 4830-01-M

26 CFR Part 1

[INTL-0309-88]

RIN 1545-AL84

Determination of Interest Expense Deduction of Foreign Corporations; Correction

AGENCY: Internal Revenue Service, Treasury.

ACTION: Correction to notice of proposed rulemaking.

SUMMARY: This document contains corrections to the notice of proposed rulemaking (INTL-0309-88), which was published on Friday, April 24, 1992 (57 FR 15038). The proposed regulations relate to the determination of the interest expense deduction of foreign corporations.

FOR FURTHER INFORMATION CONTACT: Karl T. Walli, (202-566-6284, not a toll free call).

SUPPLEMENTARY INFORMATION:

Background

The notice of proposed rulemaking that is the subject of these corrections contains proposed amendments to the Income Tax Regulations (26 CFR part 1) under section 882 of the Internal Revenue Code of 1986. These regulations are proposed to revise existing § 1.882-5.

Need for Correction

As published, the proposed regulations contain errors which may

prove to be misleading and are in need of clarification.

Correction of Publication

Accordingly, the publication of the proposed regulations (INTL-0309-88), which was the subject of FR Doc. 92-9289, is corrected as follows:

Paragraph 1. On page 15039, column 3, in the preamble under the heading "B. Explanation of Specific Provisions", the first full paragraph, line 5, the language "of § 1.884-T(d)(11) permits reinvestment" is corrected to read "of § 1.884-1T(d)(11) permits reinvestment".

§ 1.882-5 [Corrected]

Par. 2. On page 15041, column 3, in § 1.882-5, paragraph (b)(1)(ii)(A)(1), lines 1 and 2 are corrected to read: "(1) An asset described in § 1.884-1T(d)(5), except in the year that gain".

Par. 3. On page 15043, column 1, in § 1.882-5, paragraph (c)(3), line 9, the language "§ 1.864(c)(5)(i) nor an insurance" is corrected to read "§ 1.864-4(c)(5)(i) nor an insurance".

Par. 4. On page 15043, column 3, in § 1.882-5, paragraph (d)(2)(iii)(B), line 6, the language "higher than the adjusted federal rate for" is corrected to read "higher than the applicable Federal rate for".

Dale D. Goode,

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

[FR Doc. 92-14879 Filed 6-24-92; 8:45 am]

BILLING CODE 4830-01-M

26 CFR Part 301

[GL-173-89]

RIN 1545-AN46

Property Exempt From Levy; Correction

AGENCY: Internal Revenue Service, Treasury.

ACTION: Correction to notice of proposed rulemaking.

SUMMARY: This document contains corrections to the notice of proposed rulemaking (GL-173-89), which was published in the *Federal Register* for Wednesday, May 27, 1992 (57 FR 22189). The proposed rules relate to property exempt from levy.

FOR FURTHER INFORMATION CONTACT: Robert A. Miller, (202) 535-9668 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The notice of proposed rulemaking that is the subject of these corrections

contains proposed regulations amending the Procedure and Administration Regulations (26 CFR part 301) under section 6334 of the Internal Revenue Code (the Code). The regulations reflect the amendment of section 6334 by sections 1015(o) and 6236(c) of the Technical and Miscellaneous Revenue Act of 1988, Public Law 100-647, as well as the Tax Reform Act of 1986, Public Law 99-514, the Tax Equity and Fiscal Responsibility Act of 1982, Public Law 97-248, and the Tax Reform Act of 1976, Public Law 94-455.

Need for Correction

As published, the proposed regulations contain errors which may prove to be misleading and are in need of clarification.

Correction of Publication

Accordingly, the publication of the proposed regulations (GL-173-89), which was the subject of FR Doc. 92-11134, is corrected as follows:

1. On page 22190, column 3, in the preamble under the heading "Explanation of Provision", first full paragraph, line 2, the language "revise the text of § 301.6331-3," is corrected to read "revise the text of § 301.6334-3,".

2. On page 22190, column 3, in the preamble under the heading "Explanation of Provision", second paragraph, line 1, the language "Proposed § 301.6331-3 defines the" is corrected to read "Proposed § 301.6334-3 defines the".

3. On page 22190, column 3, in the preamble under the heading "Explanation of Provision", second paragraph, line 11, the language "entitled over the period of time in the" is corrected to read "entitled over the period of time in which the".

Dale D. Goode,

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

[FR Doc. 92-14873 Filed 6-24-92; 8:45 am]

BILLING CODE 4830-01-M

SUMMARY: EPA is correcting certain omissions and other errors in the notice of proposed rulemaking on reportable quantity adjustments for lead metal, lead compounds, lead-containing hazardous wastes, and methyl isocyanate which appeared in the *Federal Register* on May 8, 1992 (57 FR 20014).

DATES: Comments on the May 8, 1992 proposed rule, as amended by this notice, must be received on or before July 7, 1992.

ADDRESSES: Comments should be submitted in triplicate to: Emergency Response Division, Attention: Superfund Docket Clerk, Docket Number 102 RQ-31L, Superfund Docket Room M2427, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

Docket: Copies of materials relevant to the May 8, 1992 proposed rulemaking are contained in room M2427 at the U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460 (Docket Number 102 RQ-31L). The docket is available for inspection between the hours of 9 a.m. and 4 p.m., Monday through Friday, excluding Federal holidays. Appointments to review the docket can be made by calling 1-202/260-3046. The public may copy up to 100 pages from any regulatory docket at no cost. For 101 pages or more, copies will cost the public \$.15 per page.

FOR FURTHER INFORMATION CONTACT: Ms. Gerain H. Perry, Response Standards and Criteria Branch, Emergency Response Division (OS-210), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460; or the RCRA/Superfund Hotline at 1-800/424-9346 (in the Washington, DC metropolitan area, contact 703/920-9810). The Telecommunications Device for the Deaf (TDD) Hotline number is 1-800/553-7672 (in Washington, DC metropolitan area, contact 703/486-3323).

SUPPLEMENTARY INFORMATION:

Background

On May 8, 1992, EPA published a notice of proposed rulemaking (NPRM) (57 FR 20014) to adjust the reportable quantities (RQs) for 31 substances designated as hazardous under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended. These 31 substances include lead metal, 13 lead compounds, 15 lead-containing hazardous waste streams listed under the Resource Conservation and Recovery Act (RCRA), RCRA characteristic wastes that fail the

Toxicity Characteristic Leaching Procedure ("TC wastes") based on their lead constituents, and methyl isocyanate (MIC).

Corrections to Regulatory Text

In the preamble to the May 8, 1992 proposed rule, the Agency indicated that the RQ for MIC was proposed to be adjusted from its statutory one-pound level to 100 pounds. However, this proposed 100-pound RQ adjustment for MIC was inadvertently omitted from the May 8, 1992 proposed regulatory text amendments to table 302.4 in 40 CFR 302.4 on page 20023. Therefore, today's notice corrects the proposed amendments to the alphabetical list of hazardous substances in table 302.4 of 40 CFR 302.4 to include an entry, as well as a proposed RQ adjustment of 100 pounds, for "Methyl isocyanate" and for its regulatory synonym, "Methane, isocyanato-." Specifically, the corrections to the regulatory text in today's notice insert an entry for "Methane, isocyanato-" followed by an entry for "Methyl isocyanate" between the entries for "Lead thiocyanate" and "Phosphoric acid, lead(2+) salt (2:3)" that appeared on page 20023 of the May 8, 1992 proposed rule. The complete listings for methane, isocyanato- and methyl isocyanate, including entries under the columns titled "Hazardous Substance," "CASRN," "Regulatory Synonyms," "Statutory," and "Final RQ," are provided in table 302.4 that appears in the regulatory text of today's notice.

The proposed 100-pound RQ adjustment for MIC was also inadvertently omitted from the proposed amendments to appendices A and B to the 40 CFR part 355 list of extremely hazardous substances (EHSs) and their threshold planning quantities that appeared in the second and third columns on page 20024 of the May 8, 1992 NPRM. Today's notice corrects the proposed amendments to appendices A and B to the 40 CFR part 355 list of EHSs by adding an entry for "methyl isocyanate" to precede the entries for "tetramethyl lead" in both the alphabetical list in appendix A and the sequential Chemical Abstracts Service (CAS) Registry Number list in appendix B. The complete information under the column headings for "CAS No.," "Chemical name," "Notes," "Reportable quantity (pounds)," and "Threshold planning quantity (pounds)" is shown in appendices A and B to part 355 that appear at the end of the regulatory text in today's notice.

In addition, footnote "F" that appears in both appendix A and appendix B of

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 117, 302, and 355

[SWH-FRL-4144-1]

Reportable Quantity Adjustments for Lead Metal, Lead Compounds, Lead-Containing Hazardous Wastes, and Methyl Isocyanate; Correction

AGENCY: U.S. Environmental Protection Agency (EPA).

ACTION: Proposed rule; correction.

40 CFR part 355 states that "[t]he statutory 1 pound reportable quantity for methyl isocyanate may be adjusted in a future rulemaking action." The May 8, 1992 NPRM did not propose to remove footnote "f" from appendices A and B of 40 CFR part 355. Because the May 8, 1992 NPRM, as amended by this notice, proposes a 100-pound RQ adjustment for MIC, the amendatory language for part 355 in today's notice proposes to remove footnote "f" from appendices A and B.

The preamble to the May 8, 1992 NPRM also indicated that the RQs for three RCRA hazardous waste streams (K064, K065, and K066) that contain lead were proposed to be adjusted from their statutory one-pound level to 10 pounds. The entries for K064, K065, and K066, as well as their proposed 10-pound RQ adjustments, were inadvertently omitted from the proposed amendments to table 302.4 (40 CFR 302.4) that appeared in the regulatory text on page 20024 of the May 8, 1992 NPRM. Today's notice corrects the proposed amendments to table 302.4 to include entries, as well as proposed RQ adjustments of 10 pounds, for waste streams K064, K065, and K066. Specifically, this notice inserts the entries for waste streams K064, K065, and K066 between the entry for "K062—Spent pickle liquor from steel finishing operations" and the entry for "K069—Emission control dust/sludge from secondary lead smelting" on page 20024 of the May 8, 1992 NPRM. The complete entries for waste streams K064, K065, and K066 are shown in table 302.4 in the regulatory text of today's notice.

In the first column of page 20023 of the May 8, 1992 NPRM, the note preceding table 302.4 refers to the column of statutory sources for hazardous substances defined in section 101(14) of CERCLA or designated under section 102 of CERCLA as the "Statutory Source" column. The correct heading for this column is the "Statutory Code" column. Therefore, the term "Statutory Source" is replaced with the term "Statutory Code" in the fourth sentence of the note that appears immediately preceding table 302.4 in the regulatory text of today's notice. In addition, the note preceding table 302.4 includes only four categories of statutory sources for hazardous substances; a fifth category of statutory sources for hazardous substances was mistakenly omitted from the note. This fifth category includes SARA Title III section 302 substances. In order to be consistent with table 302.4 as published in the May 8, 1992 NPRM, today's notice revises the note preceding table 302.4 by adding to the end of the second complete sentence in the second column on page 20023 of

the May 8, 1992 NPRM the phrase "and '5' indicates SARA Title III section 302 substances."

Footnote "#" in table 302.4 of 40 CFR 302.4 denotes CERCLA hazardous substances whose RQ are "*" * * subject to change when the assessment of potential carcinogenicity is completed." The substances in table 302.4 to which the footnote applies are lead metal; four lead compounds (lead acetate, lead phosphate, lead stearate, lead sulfide); 11 RCRA hazardous waste streams (K002, K003, K005, K048, K049, K051, K061, K062, K069, K086, and K100) that contain lead, and lead-containing TC wastes. As noted on page 20016 of the May 8, 1992 proposed rule, the Agency has completed its evaluation of the potential carcinogenicity of lead metal and lead compounds. Therefore, footnote "#" is no longer needed. The May 8, 1992 NPRM failed to include a proposal to delete footnote "#" from Table 302.4 in 40 CFR 302.4. Because the potential carcinogenicity evaluation of lead and lead compounds has been completed, the amendatory language for 40 CFR 302.4 in today's notice proposes to remove footnote "#" from Table 302.4.

List of Subjects

40 CFR Part 117

Hazardous substances, Penalties, Reporting and recordkeeping Requirements, Water pollution control.

40 CFR Part 302

Air pollution control, Chemicals, Emergency Planning and Community Right-to-Know Act, Extremely hazardous substances, Hazardous chemicals, Hazardous materials, Hazardous materials transportation, Hazardous substances, Hazardous wastes, Intergovernmental relations, Natural resources, Pesticides and pests, Reporting and recordkeeping requirements, Superfund, Waste treatment and disposal, Water pollution control.

40 CFR Part 355

Air pollution control, Chemical accident prevention, Chemical emergency preparedness, Chemicals, Community emergency response plan, Community right-to-know, Contingency planning, Emergency Planning and Community Right-to-Know Act, Extremely hazardous substances, Hazardous substances, Intergovernmental relations, Reportable quantity, Reporting and recordkeeping requirements, Superfund Amendments and Reauthorization Act, Threshold planning quantity.

Dated: June 6, 1992.

Don R. Clay,

Assistant Administrator.

Corrections to Preamble Language

In addition to the changes to the proposed regulatory text, the following corrections are made in the preamble to the May 8, 1992 NPRM (57 FR 20014):

1. The third complete sentence from the top of the second column on page 20014 is revised to read: "For 101 pages or more, copies will cost the public \$.15 per page."

2. The toll-free telephone number of the National Response Center, in the first paragraph of the second column on page 20014, is revised to read: "1-800/424-8302."

3. The toll-free telephone number of the RCRA/Superfund Hotline under "For Further Information Contact:", second column on page 20014 is revised to read: "1-800/424-9346."

4. The fourth sentence in the last paragraph of the second column on page 20021 is revised to read: "Where there is a release of a hazardous substance in a quantity equal to or greater than an RQ into navigable waters, a single report to the National Response Center by the person in charge will satisfy the notification requirements of both statutes."

For the reasons set out in the preamble, it is proposed to amend Title 40, Chapter I of the Code of Federal Regulations as follows:

PART 302—DESIGNATION, REPORTABLE QUANTITIES, AND NOTIFICATION

1. The authority citation for part 302 continues to read as follows:

Authority: 42 U.S.C. 9602, 9603, and 9604; 33 U.S.C. 1321 and 1361.

2. Section 302.4 is amended by removing footnote "#" from table 302.4 and by revising the note preceding table 302.4 and the following entries in table 302.4 to read as set forth below. The remaining footnotes to table 302.4 are republished without change.

§ 302.4 Designation of hazardous substances.

* * * * *

Note: The numbers under the column headed "CASRN" are the Chemical Abstracts Service Registry Numbers for each hazardous substance. Other names by which each hazardous substance is identified in other statutes and their implementing regulations are provided in the "Regulatory Synonyms" column. The "Statutory RQ" column lists the RQs for hazardous substances established by section 102 of CERCLA. The "Statutory Code" column indicates the statutory source

for hazardous substances defined in section 101(14) of CERCLA or designated under section 102 of CERCLA: "1" indicates that the statutory source is section 311(b)(4) of the Clean Water Act, "2" indicates that the source is section 307(a) of the Clean Water Act, "3" indicates that the source is section

112 of the Clean Air Act, "4" indicates that the source is RCRA section 3001, and "5" indicates SARA Title III section 302 substances. The "RCRA Waste Number" column provides the waste identification numbers assigned to various substances by RCRA regulations. The column headed

"Category" lists the code letters "X," "A," "B," "C," and "D," which are associated with reportable quantities of 1, 10, 100, 1000, and 5000 pounds, respectively. The "Pounds (kg)" column provides the reportable quantity adjustment for each hazardous substance in pounds and kilograms.

TABLE 302.4.—LIST OF HAZARDOUS SUBSTANCES AND REPORTABLE QUANTITIES

[NOTE—All Comments/Notes Are Located at the End of This Table]

Hazardous substance	CASRN	Regulatory synonyms	Statutory		Final RQ		
			RQ	Code†	RCRA waste number	Category	Pounds (kg)
Methane, isocyanato.....	624839	Methyl isocyanate.....	(1*)	(2*)	PO64	B	100 (45.4)
Methyl isocyanate.....	624839	Methane, isocyanato.....	(1*)	(2*)	PO64	B	100 (45.4)
KO64..... Acid plant blowdown slurry/sludge resulting from thickening of blowdown slurry from primary copper production.			(1*)	(1)	KO64	A	10 (4.54)
KO65..... Surface impoundment solids contained in and dredged from surface impoundments at primary lead smelting facilities.			(1*)	(1)	KO65	A	10 (4.54)
KO66..... Sludge from treatment of process wastewater and/or acid plant blowdown from primary zinc production.			(1*)	(1)	KO66	A	10 (4.54)

† Indicates the statutory source as defined by 1, 2, 3, 4, or 5 below.

2 Indicates that the statutory source for designation of this hazardous substance under CERCLA is CAA Section 112.

3 Indicates that the statutory source for designation of this hazardous substance under CERCLA is RCRA Section 3001.

4 * Indicates that the 1-pound RQ is a CERCLA statutory RQ.

PART 355—EMERGENCY PLANNING AND NOTIFICATION

3. The authority citation for part 355 continues to read as follows:

Authority: 42 U.S.C. 11002, 11004, and 11048.

4. Part 355 is amended by removing and reserving footnote "F" from appendices A and B and by revising the

following entry in appendices A and B to read as set forth below. The remaining footnotes to appendices A and B of part 355 are republished without change.

APPENDIX A TO PART 355—THE LIST OF EXTREMELY HAZARDOUS SUBSTANCES AND THEIR THRESHOLD PLANNING QUANTITIES

[Alphabetical Order]

CaS no.	Chemical name	Notes	Reportable quantity* (pounds)	Threshold planning quantity (pounds)
624-83-9.....	Methyl isocyanate.....		100	500

*Only the statutory or final RQ is shown. For more information see 40 CFR Table 302.4.

APPENDIX B TO PART 355—THE LIST OF EXTREMELY HAZARDOUS SUBSTANCES AND THEIR THRESHOLD PLANNING QUANTITIES

[CAS Number Order]

Cas no.	Chemical name	Notes	Reportable quantity* (pounds)	Threshold planning quantity (pounds)
624-83-9.....	Methyl isocyanate.....		100	500

*Only the statutory or final RQ is shown. For more information see 40 CFR Table 302.4.

40 CFR Part 455

[FRL-4148-4]

Pesticide Chemicals Manufacturing Category Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Extension of comment period.**SUMMARY:** EPA is extending the comment period for the proposed effluent limitations guidelines and standards for the Pesticide Chemicals Manufacturing Category to June 29, 1992. The proposed rule appeared in the *Federal Register* on April 10, 1992 (57 FR 12560).**DATES:** Comments on the proposal must be received by June 29, 1992.**ADDRESS:** Comments are to be submitted to: Dr. Thomas E. Fielding, Engineering and Analysis Division (WH-552), U.S. EPA, 401 M St., SW., Washington, DC 20460.**FOR FURTHER INFORMATION CONTACT:** For additional information contact Dr. Thomas E. Fielding at the above address or telephone (202) 260-7156.**SUPPLEMENTARY INFORMATION:** On April 10, 1992, EPA published a proposed rule setting forth proposed effluent limitations guidelines and standards ("effluent guidelines") under the Clean Water Act for the pesticide chemicals manufacturing industrial point source category (57 FR 12560). This rule is being developed in accord with a schedule set forth in a Consent Decree in *NRDC et al v. Reilly* (D.D.C., Civ. No. 89-2980, January 31, 1992). In the notice of proposed rulemaking, EPA invited the public to comment on the proposed regulations. EPA set June 9, 1992 as the date by which comments must be received.

Since publication of the proposal, EPA has received requests from a number of

parties to extend the period for public comment. In general, the requesters state that they have had difficulty in getting access to the record data compiled by EPA in support of the proposed regulations. In fact, all of the data used by EPA to support the proposed regulations were accessible in the public docket for this rulemaking at EPA Headquarters in Washington, DC as of the publication of the notice on April 10, 1992 (except for data in the confidential record). Some parties contacted EPA to request that they be sent development documents that support the rule. Other parties requested copies of data and calculations that pertain only to their own company and are in the confidential record for this rulemaking. EPA responded to these requests; however, some parties did not receive these materials for varying periods of time.

The Agency wishes to ensure that all parties have had an adequate opportunity to comment on this proposed rulemaking. Therefore, EPA has decided to extend the period for public comment on the proposed effluent guidelines covering the pesticide chemicals manufacturing category. The new deadline for public comments is June 29, 1992. All comments must be received by that date at the address shown above.

EPA notes that it often receives comments after the close of a public comment period. Although the Agency is not required to consider late comments, in certain cases the Agency has been able to consider them. For the pesticides manufacturers effluent guidelines, EPA will attempt to consider late comments although it is not obligated to do so. Of course, the sooner such late comments are submitted, the greater the chance that EPA will be able to take them into account.

Dated: June 18, 1992.

Martha Prothro,*Acting Assistant Administrator for Water.*

[FR Doc. 92-15106 Filed 6-24-92; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Notice of 90-Day Finding on Petition To List the Northern Goshawk as Threatened or Endangered in the Western United States**AGENCY:** Fish and Wildlife Service, Interior.**ACTION:** Notice of petition finding.**SUMMARY:** The U.S. Fish and Wildlife Service (Service) announces a 90-day finding for a petition to add the northern goshawk (*Accipiter gentilis*) in the United States west of the 100th meridian of the List of Endangered and Threatened Wildlife. The Service finds the petition did not present substantial information indicating the requested action may be warranted. The northern goshawk (*Accipiter gentilis*) in the United States west of the hundredth meridian does not meet the definition of species under Section 3(15) of the Endangered Species Act.**DATES:** The finding announced in this notice was made on June 16, 1992. Comments and materials related to this petition finding may be submitted to the Field Supervisor at the address listed below until further notice.**ADDRESSES:** Information, comments, or questions concerning the northern goshawk petition may be submitted to the Field Supervisor, Phoenix Field Office, U.S. Fish and Wildlife Service, 3616 West Thomas Road, suite 6, Phoenix, Arizona 85019. The petition, finding, supporting data, and comments will be available for public inspection, by appointment, during normal business hours at the above address.**FOR FURTHER INFORMATION CONTACT:** Sam Spiller, Field Supervisor at the above address (telephone 602/379-4720 or FTS 261-4720).

SUPPLEMENTARY INFORMATION:**Background**

Section 4(b)(3)(A) of the Endangered Species Act of 1973 (Act) (18 U.S.C. 1531-1544) requires the Service make a finding on whether a petition to list, delist, or reclassify a species presents substantial scientific or commercial information indicating the petitioned action may be warranted. To the maximum extent practicable, this finding is to be made within 90 days of receipt of the petition, and the finding is to be promptly published in the *Federal Register*. If the finding is positive, the Service is also required to promptly commence a status review of the species.

On September 26, 1991, a coalition of conservation organizations (Babbitt, *et al.* 1991) submitted a letter to the Service, requesting to amend a petition (received July 19, 1991) under consideration by the Service to list the northern goshawk (*Accipiter gentilis*) as an endangered species in Utah, Colorado, New Mexico, and Arizona (Silver *et al.* 1991). The coalition requested expanding the geographic region under consideration to include the "forested west." The petitioners subsequently defined "forested west" to mean the forested United States west of the 100th meridian (hereafter referred to as petitioned region). Because the letter of September 26, 1991, requested consideration of a substantially different listing action than the petition of July 19, 1991, the Service informed the petitioners that their September letter would be considered a separate petition.

This finding is based on various documents, including published and unpublished studies, agency files, field survey records, and consultation with Service, Bureau of Land Management (BLM), and U.S. Forest Service (FS) personnel. All documents on which this finding is based are on file in the Fish and Wildlife Service Field Office in Phoenix, Arizona.

A species that is in danger of extinction throughout all or a significant portion of its range may be declared an endangered species under the Act. A species that is likely to become endangered (as defined above) within the foreseeable future throughout all or a significant portion of its range may be declared a threatened species under the Act. The term "species" is defined by the Act to include "subspecies . . . and any distinct population segment of any species which interbreeds when mature" (16 U.S.C. 1532(16)). The goshawk has a wide distribution. The Service's primary evaluation was to determine whether the petition presented substantial information that indicated northern

goshawks in the petitioned region meet the definition of species under section 3(15) of the Act.

The northern goshawk occurs in forested regions throughout the higher latitudes of the northern hemisphere. Approximately 12 subspecies have been recognized, with seven to nine occurring across northern Europe and Asia (Palmer 1988, Gladkov 1941). Three subspecies have been recognized in North America: *A. g. atricapillus* throughout northern North America, and south through the western states to southern Arizona and New Mexico; *A. g. laingi* in coastal British Columbia and southeastern Alaska; and, *A. g. apache* in the southern portions of Arizona and New Mexico, and south into the Sierra Madre de Mexico (Johnsgard 1990, Webster 1988, Palmer 1988, Wattel 1973, Monson and Phillips 1981, Phillips *et al.* 1964, American Ornithologists' Union [AOU] 1957, van Rossem 1938). The petitioned action therefore involved the three subspecies of goshawk found in North America.

Eastern and western subspecies of the "American Goshawk" were once recognized (Baird *et al.* 1874 as cited in Taverner 1940). This taxonomy was recognized by Wolfe (1932), Dixon and Dixon (1938), and Abbott (1941). However, Taverner (1940) discovered that the plumage variations on which these distributions were made were related to age, not geographic variation.

The Service evaluated the petition's contention that goshawks in the petitioned region may be a population segment distinct from the adjacent, remaining range of the goshawk in North America. Currently known distributions indicate that within the contiguous United States, goshawk habitat and breeding goshawks are separable into two regions: (1) The forested east, including the Appalachian mountains and northern portions of the Great Lakes states, and (2) montane forests west of the 100th meridian (Johnsgard 1990, Jones 1981). The intervening Great Plains lack goshawk nesting habitat. However, in Alaska and in Canada north of the Great Plains, goshawk habitat is continuous across the continent from east to west. Potential goshawk habitat also exists in Mexico.

The degree of genetic interchange between goshawks in the eastern and western United States, and between the western United States, Canada, and Mexico is unknown. Goshawks display a high degree of site fidelity, and are generally nonmigratory or weakly migratory (Johnsgard 1990, Anonymous 1990, Kennedy 1989, Palmer 1988, Reynolds 1988, Widen 1985, McGowan

1975, Brown and Amadon 1968). Other authors (e.g., Reynolds 1988) believe the goshawk is more migratory in the northern portions of its range.

Seasonal movements have been documented, but vary considerably over years, in number of individuals, and in distance of movement (Hofslund 1973, Mueller and Berger 1968, Mueller and Berger 1967, Phillips *et al.* 1964). Where seasonal movements occur, they appear to be along north-south axes (Hoffman 1991, Titus and Fuller 1990, Mueller and Berger 1967). Seasonal movements in elevation have also been documented (Phillips *et al.* 1964, Wattel pers. obs. cited in Reynolds 1988). Fledgling goshawks tend to disperse less than 25 miles from their natal sites (Anonymous 1990, Widen 1985, Marquiss and Newton 1982, McGowan 1975). Adult goshawks tend to remain on their breeding territories year round or move relatively short (30 miles) distances (Anonymous 1990, Kennedy 1989, Reynolds 1988, Widen 1985, McGowan 1975). Several authors believe seasonal movements are irregular interruptions caused by intraspecific competition in response to fluctuations in prey availability during winter on the birds' breeding grounds (McGowan 1975, Hofslund 1973, Mueller and Berger 1968).

The coastal subspecies (*A. g. laingi*) persists adjacent to the range of the more widespread *A. g. atricapillus*. Despite limited apparent intermixing where their ranges overlap (Webster 1988), the Queen Charlotte goshawk remains morphologically distinct and widely recognized as a valid subspecies (Johnsgard 1990, Webster 1988, Jones 1981, Wattel 1973, AOU 1957, Taverner 1940). The range of the Apache goshawk (*A. g. apache*) also contacts that of the widely distributed *A. g. atricapillus* in southern Arizona and southern New Mexico. The Apache goshawk is recognized by Johnsgard (1990), Monson and Phillips (1981), Wattel (1973), Phillips *et al.* (1964), van Rossem (1938), and Hubbard (1978, 1972). The Apache and Queen Charlotte goshawks have persisted as morphologically distinct forms. Studies describing intergrades between *A. g. apache* and *A. g. atricapillus*, or between *A. g. atricapillus* and *A. g. laingi* are very limited (Webster 1988, Hubbard 1972).

Within the contiguous United States, goshawk habitat in the eastern and western states is separated by the Great Plains. However, goshawk distribution is continuous from Alaska into Mexico. In Canada, goshawk distribution is transcontinental from east to west, and is continuous with goshawk habitat in the eastern and western United States.

This evidence suggests that immigration and emigration of large numbers of goshawks over large geographic areas is uncommon, and thus the rate of gene flow across large geographic areas may be low in short time intervals. Genetic variation among subunits of an existing population is determined by the effects of selection, gene flow, drift, mutation, population size, and time. Genetic drift is the principal factor controlling loss of genetic variation in small populations (Lacy 1987). As already noted, gene flow among goshawks across large geographic areas may be low, but relatively little gene flow may be required to prevent differentiation. As a rule of thumb, genetic drift (differentiation) is prevented in small populations (< 100 individuals) if the exchange of animals is about one individual per generation or every other generation (Dr. Robert Lacy, Population Geneticist, Chicago Zoological Society, pers. comm., 1992, Lacy 1987, Ryman and Utter 1987, Crow 1986, Allendorf 1983). Large populations lose genetic variation by drift much more slowly than small populations. Our present knowledge of goshawk movements, and potential gene flow, suggest that although movement of goshawks may be limited, there is opportunity for genetic interchange. Goshawk habitat and populations are virtually continuous from the petitioned region into Canada and Mexico, and across Canada to the goshawk population in the eastern United States. Genetic interchange may be sufficient to prevent genetic

differentiation between the petitioned region and bordering goshawk habitats. The petitioners provided no genetic evidence that differentiation is occurring or has occurred.

The Service finds that the petitioners have failed to satisfy the requirement to present substantial scientific or commercial information indicating the petitioned action may be warranted. Based on the current knowledge, goshawks in the petitioned region do not meet the definition of a species, subspecies, or distinct population segment under section 3(15) of the Act.

The northern goshawk (*A. gentilis*) is currently a Category 2 candidate in the Endangered and Threatened Wildlife and Plants; Animal Notice of Review, throughout its range in North America (56 FR 58804). Category 2 taxa are those for which information now in the possession of the Service indicates that proposing to list as endangered or threatened is possibly appropriate, but for which conclusive data on biological vulnerability and threat are not currently available to support a proposed rule. Initiation of a status review for the goshawk was announced in the *Federal Register*, January 7, 1992 (57 FR 544). That status review specifically solicits information regarding the potential for distinct population segments within the range of the northern goshawk in North America.

In summary, the Service finds that the data contained in the petition, referenced in the petition, and otherwise available to the Service do not present substantial information indicating that

northern goshawks in the petitioned region meet the definition of species under Section 3(15) of the Act. The Service therefore finds that the petition failed to present substantial scientific or commercial information indicating the petitioned action may be warranted.

References Cited

A complete list of all references cited herein is available on request from the Field Supervisor, Phoenix Field Office (See **ADDRESSES** section).

Authors

The primary authors of this notice are Dr. Renne Lohoefer, Endangered Species Coordinator, Phoenix Field Office, (See **ADDRESSES**) (602/379-4720 or FTS 261-4720) and Dr. James Lewis, Endangered Species Biologist, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico, 87103, (505/766-2914 or FTS 474-2914).

Authority

The authority citation for this action is 16 U.S.C. 1531-1544.

List of Subjects in 50 CFR Part 17

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

Dated: June 16, 1992.

Richard N. Smith,

Acting Director, Fish and Wildlife Service.

[FR Doc. 92-14973 Filed 6-24-92; 8:45 am]

BILLING CODE 4310-55-M

Notices

Federal Register

Vol. 57, No. 123

Thursday, June 25, 1992

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

DEPARTMENT OF AGRICULTURE

Forms Under Review by Office of Management and Budget

June 19, 1992.

The Department of Agriculture has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35) since the last list was published. This list is grouped into new proposals, revisions, extension, or reinstatements. Each entry contains the following information:

(1) Agency proposing the information collection; (2) Title of the information collection; (3) Form number(s), if applicable; (4) How often the information is requested; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to provide the information; (8) Name and telephone number of the agency contact person.

Questions about the items in the listing should be directed to the agency person named at the end of each entry. Copies of the proposed forms and supporting documents may be obtained from: Department Clearance Officer, USDA, OIRM, room 404-W Admin. Bldg., Washington, DC 20250, (202) 690-2118.

Extension

- Animal and Plant Health Inspection Service

Certificate for Poultry and Hatching Eggs for Export

VS 17-6

On occasion

Individuals or households; State or local governments; Farms; Businesses or other for-profit; Federal agencies or employees; Small businesses or organizations; 21,000 responses; 10,500 hours

Dr. Lisa Ferguson, (301) 436-8383

- Agricultural Marketing Service

Cotton Classification, Market News Service, and Cotton Fiber and Processing Tests

CN-59

On occasion; Weekly; Annually
Farms; Businesses or other for-profit;
7,465 responses; 470 hours

Elvis W. Morris, (901) 766-2921

- Food and Nutrition Service Operating Guidelines, Forms and Waivers

FNS-366A, 366B

Annually

State or local governments; 256 responses; 3,505 hours

(703) 305-2386

- Food Safety and Inspection Service Net Weight Labeling of Meat and Poultry Products

Annually

State or local governments; Businesses or other for-profit; Federal agencies or employees; Small businesses or organizations; 35,337 responses; 2,955 hours

Roy Purdie, Jr., (202) 720-5372

- Forest Service

36 CFR part 228, Subpart A—Locatable Minerals

FS-2800-5

Individuals or households; businesses or other for-profit; Small businesses or organizations; 8,000 responses; 16,000 hours

Sam Hotchkiss, (202) 205-1535

- Animal and Plant Health Inspection Service

User Fees

PPQ Forms 250

On occasion; Quarterly; Monthly
Individuals or households; Businesses or other for-profit; Federal agencies or employees; Small businesses or organizations; 134,381 responses; 4,602 hours

Donna J. Ford, (301) 436-5752

Reinstatement

- Animal and Plant Health Inspection Service

Proceeds from Animals Sold for Slaughter

VS Form 1-24

On occasion

Businesses or other for-profit; 470 responses; 94 hours

R. Stenseng, (301) 436-8715

- Animal and Plant Health Inspection Service

9 CFR 85 Pseudorables

VS Form 7-1

Recordkeeping; On occasion; Quarterly

Farms; Businesses or other for-profit;
80,200 responses; 1,668 hours

Dr. William Stewart, (301) 436-7767

New Collection

- Food and Nutrition Service WIC Local Agency Directory Report FNS-648

On occasion

State or local government; 86 responses;
64 hours

Joan Carroll, (703) 305-2710

- Animal and Plant Health Inspection Service

Gypsy Moth Identification Worksheet
PPQ Form 305

Daily and Biweekly

State or local governments; Federal agencies or employees; 214,400 responses; 68,608 hours

Milt Holmes, (301) 436-8247

Revision

- Cooperative State Research Service Application for Funding Forms CSRS-661, 662, 663, and 55

Annually

Individuals or households; State or local governments; Businesses or other for-profit; Federal agencies or employees; Non-profit institutions; 5,000 responses; 22,500 hours

Pat Shelton, (202) 401-5050.

Larry K. Roberson,

Deputy Departmental Clearance Officer.

[FR Doc. 92-14978 Filed 6-24-92; 8:45 am]

BILLING CODE 3410-01-M

Forest Service

Exemption of Red Salvage Timber Sale Project From Appeal

AGENCY: Forest Service, Northern Region, USDA.

ACTION: Notification that a salvage timber sale project is exempted from appeals under provisions of 36 CFR part 217.

SUMMARY: As a result of the unusually severe winter temperatures in 1989 and subsequent drought, 23 acres of timber within the Gold Red Salvage Timber Sale area on the Helena National Forest were damaged or killed and have continued to deteriorate. In 1992, the Lincoln District Ranger proposed to salvage timber in the affected area.

The District Ranger has determined, through an environmental analysis

documented in the Supplement to the Gold Red Salvage Timber Sale Environmental Assessment (EA), that there is good cause to expedite these actions in order to rehabilitate National Forest System lands and recover damaged resources. Salvage of commercial sawtimber within the damaged area must be accomplished within the summer of 1992 to avoid further deterioration and loss of merchantable sawtimber.

EFFECTIVE DATE: Effective on June 25, 1992.

FOR FURTHER INFORMATION CONTACT: Tom Liebscher, District Ranger, Lincoln Ranger District, Helena National Forests, Box 219, Lincoln, MT 59639.

SUPPLEMENTARY INFORMATION: During February of 1989, an unseasonably warm week was followed by a severe and rapid drop in temperature which caused foliage freeze and desiccation (commonly referred to as "Red Belt") and stressed, severely damaged and/or killed timber on approximately 7,300 acres within the Lincoln Ranger District. The degree of damage to both the overstory and understory vegetation varied from a few trees per acre to near total mortality. Within the immediate area of the proposed Red Salvage Timber Sale an estimated 300 acres were affected.

The Helena National Forest identified the need to quickly salvage the timber before it became unmerchantable and promptly reforest these areas. In 1990, about 100 acres were harvested in this area. However, during the post harvest evaluation, an additional 23 acres were identified for salvage. Removal of the dead and severely damaged timber will accelerate the rehabilitation of the affected areas by: (1) Eliminating the probability of delayed reforestation and reduction of future timber yield on lands allocated as suitable timber lands in the Helena National Forest Land and Resource Management Plan, (2) re-establishing wildlife cover more quickly, (3) providing more rapid hydrologic recovery, (4) improved visual condition, and (5) reducing the potential for wildfire in the damaged stands. The condition of the trees has continued to decline, and currently nearly 100 percent of the trees proposed for harvest are dead. Urgent removal is needed while there is still marketable value in the dead sawlogs. Continued drying will cause checking and the onset of other defects which will reduce the material to lower value pulp and unmerchantable material. Unless the material is salvaged soon, the opportunities for salvage and initiation of activities for long term site recovery will be foregone.

Analysis conducted by a Forest Service interdisciplinary team determined that stands with less than 25 percent of the trees damaged do not require treatment. Application of this criterion led to a proposal to salvage timber resources through timber harvest and rehabilitate damaged timber stands on approximately 150 acres. An EA evaluating this proposed action, including alternatives to the proposed action, was prepared during early 1990, and a Decision Notice was signed in April 1990. The decision was appealed and in August 1990 the Lincoln District Ranger modified his decision to defer harvest on 43 acres to provide leave areas throughout the damaged area. The Gold Red Salvage Timber Sale was sold and harvested in 1991. The post harvest evaluation determined that an additional 23 acres should be harvested due to the continued deterioration of the trees and general forest condition. The Lincoln District Ranger has supplemented the EA to reflect these changed conditions and proposed activity.

The planned restoration project includes recovery of the killed and heavily damaged trees which are still merchantable, and rehabilitation of the stands through artificial regeneration. The proposal includes 23 acres in five individual harvest units recovering 250 MBF of damaged or dead pole, sawtimber and some pulp. Artificial regeneration will be used to stock the stands on the 23 acres where salvage harvest will occur.

Further delay in removal of the dead trees will render them unmerchantable as sawtimber, and lack of followup treatment to the sites will result in unacceptable regeneration delays affecting long-term timber yields, hydrologic recovery, wildlife use of the area and effects on visual quality.

Due to the length of time it has taken to develop an acceptable rehabilitation project and salvage program and to properly evaluate its effects the time remaining for accomplishment has become critical. Any additional delays will result in further damage and could result in a complete loss of the salvageable resources as well.

To expedite this sale project and the initiation of long-term vegetative recovery of the treated stands, the process according to 36 CFR 217.4(a)(11) is being followed. Under this Regulation the following are exempt from appeal:

Decisions related to rehabilitation of National Forest System lands and recovery of forest resources resulting from natural disasters or other natural phenomena . . . when the Regional Forester . . . determines and gives notice in the *Federal Register* that

good cause exists to exempt such decisions from review under this part.

Based upon the environmental analysis documented in the Gold Red Salvage Timber Sale EA and Supplement, I have determined that good cause exists to exempt this decision from administrative review. Therefore, upon publication of this notice, this project will not be subject to review under 36 CFR part 217.

Dated: June 19, 1992.

John M. Hughes,

Deputy Regional Forester, Northern Region.

[FR Doc. 92-14940 Filed 6-24-92; 8:45 am]

BILLING CODE 3410-11-M

Exemption of Grassytop Fire Salvage Project from Appeal

AGENCY: Forest Service, Northern Region, USDA.

ACTION: Notification that a fire recovery and timber salvage sale project is exempt from appeals under provisions of 36 CFR part 217.

SUMMARY: In October 1991, a wildlife burned approximately 153 acres of the Priest Lake Ranger District of the Idaho Panhandle National Forests. During the fire suppression efforts, lands within the burn area were treated to stabilize slopes and prevent damage to watersheds and other resources. The District Ranger has determined these initial efforts were not sufficient to meet long-term objectives of the Idaho Panhandle National Forest Land and Resource Management Plan (Forest Plan). In December 1991, the District Ranger proposed a timber salvage and rehabilitation project consisting of, (1) salvaging timber damaged by fire where fire-caused mortality was high, (2) reforesting and revegetating by planting coniferous tree species, and (3) reducing fuel concentrations.

The District Ranger has determined, through an environmental analysis documented in the Grassytop Salvage Environmental Assessment (EA), that there is good cause to expedite these actions for rehabilitation of National Forest System lands and recovery of damaged resources. Salvage of commercial sawtimber within the fire area must be accomplished quickly to avoid further deterioration of sawtimber and avoid potential damage to other resources.

This is notification that the decision to implement the Grassytop Salvage on the Idaho Panhandle National Forests is exempted from appeal.

EFFECTIVE DATE: Effective on June 25, 1992.

FOR FURTHER INFORMATION CONTACT: Albert W. Collotzi, District Ranger, Priest Lake Ranger District, Idaho Panhandle National Forests, HCR 5, Box 207, Priest River, ID 83856.

SUPPLEMENTARY INFORMATION: In October 1991, a wildfire burned timber on 153 acres of the Priest Lake Ranger District of the Idaho Panhandle National Forests. The acres affected by the fire contain timber stands within Management Areas that are considered suitable for timber production under the Forest Plan. A rehabilitation team surveyed the area and assessed damage to forest resources. Wildlife habitats were altered when vegetation was removed by the fire, reducing effective cover and security areas. Fisheries and riparian areas were altered when stabilizing woody material in stream channels was partly or completely removed by the fire. In October and November of 1991, the most severely burned and disturbed areas were hand seeded.

In December 1991, the Priest Lake District Ranger proposed projects to rehabilitate areas affected by the fire and recover damaged timber. The proposal was designed to meet the following needs:

- (1) Recover merchantable timber products;
- (2) Protect adjacent timber stands against bark-beetle damage resulting from infestation of the dead timber;
- (3) Manage seasonal habitats to support Selkirk caribou populations;
- (4) Rehabilitate, through reforestation and revegetation, stands damaged by fire to expedite establishment of wildlife hiding cover and security, promote watershed stabilization, restore visual quality, enhance future timber production; and
- (5) Reduce the likelihood of another fire on the site which would endanger additional wildlife habitat, soil and water resources, and affect adjacent stands.

An interdisciplinary team of District resource specialists was formed to analyze opportunities to accomplish the identified purpose and need. Scoping of issues and the environmental analysis of these actions was started in January 1992. Approximately 180 letters were mailed to interested individuals, agencies, and organizations. Five environmental issues were identified and formed the foundation for the analysis of environmental effects disclosed in the EA. On April 1, 1992, interested individuals and organizations were invited to review and discuss the

alternatives. The concerns discussed at this meeting were incorporated into the issues and analysis of alternatives.

The Grassytop EA discloses the environmental effects of five alternatives, efforts include taking no action beyond initial fire rehabilitation. Action alternatives analyzed investigated recovery treatment ranging from 30 to 100 acres. The selected alternative (Alternative 6) includes four major actions. The first is to harvest 637 MMBF of fire-killed and blowdown timber from approximately 84 acres. No roads would be constructed or reconstructed in this alternative, and logging would be accomplished on 30 acres using existing roads and on 54 acres using helicopter yarding. Second, treatment of fuels would be accomplished by grapple piling and yarding of unmerchantable material. The objectives for these treatments include reducing fuel loadings to lower the potential of a secondary wildfire and to break up continuous fuels to assist in future wildfire containment. Third, reforestation and revegetation would be accomplished by planting a mixture of coniferous species. The objectives for these plantings include reforesting lands suitable for timber production as soon as possible with species compatible with caribou recovery and planting fast-growing coniferous trees adjacent to Road 302 to improve visual quality and restore wildlife security. Fourth, rehabilitation projects will be completed to protect the soil and watershed resources and include installation of erosion barriers, seeding, and removal of sediment by handtools.

Further delay in removal of the dead and damaged trees will render them unmerchantable as sawtimber, lack of reforestation and revegetation treatments will result in unacceptable delays affecting long-term timber yields and reduced effectiveness of wildlife and fisheries habitat, increased potential for catastrophic wildfire that could affect adjacent areas. Delay of rehabilitation projects would affect soil and water resources. Due to the length of time required to develop an acceptable project and evaluate its environmental effects, the time remaining for accomplishment is critical. Additional delays will result in further damage to resources and would decrease the ability to recover timber and other resources affected by the Grassytop wildfire.

To expedite recovery of salvage timber and associated rehabilitation work, procedures outlined in 36 CFR part 217 are being followed. Under this regulation the following may be exempt from appeal:

Decisions related to rehabilitation of National Forest System Lands and recovery of forest resources resulting from natural disasters or other natural phenomena, such as, wildfires * * * when the Regional Forester * * * determines and gives notice in the *Federal Register* that good cause exists to exempt such decisions from review under this part.

Based upon the environmental analysis documented in the Grassytop Salvage EA and the Priest Lake Ranger District Ranger's Decision Notice for this project, I have determined that good cause exists to exempt this decision from administrative review. Therefore, upon publication of this notice, this project will not be subject to review under 36 CFR part 217.

Dated: June 19, 1992.

John M. Hughes,

Deputy Regional Forester, Northern Region.

[FR Doc. 92-14941 Filed 6-24-92; 8:45 am]

BILLING CODE 3410-11-M

Exemption of the Flat Creek Fire Salvage From Appeal

AGENCY: Forest Service, Northern Region, USDA.

ACTION: Notification that a fire recovery and timber salvage timber project is exempt from appeals under the provisions of 36 CFR part 217.

SUMMARY: On October 16, 1991, a windstorm-driven wildfire burned 610 acres in the Flat Creek drainage on the Rexford Ranger District on the Kootenai National Forest. Areas within the burn most susceptible to erosion (roads, trails, and landings) were seeded immediately after the fire to facilitate the establishment of ground vegetation. The Rexford District Ranger has determined the existing situation does not best meet long-term objectives of the Kootenai Land and Resource Management Plan (Forest Plan). The Rexford District Ranger proposes a project consisting of the following major actions: (1) Re-planting 160 acres of fire damaged seedling stands; (2) planting 144 acres of fire damaged timber stands; and (3) salvage of fire-damaged timber accessible from the existing road system, and reforestation of 130 acres.

All proposed activities are located within lands classified in the Kootenai Forest Plan as suitable for timber management.

The District Ranger has determined, through an environmental analysis documented in the Environmental Assessment (EA) for the Flat Creek Fire

Salvage, that there is good cause to expedite these actions for rehabilitation of National Forest System Lands and recovery of damaged resources. Salvage of commercial sawtimber within the fire area must be accomplished within the spring and summer of 1992 to avoid further deterioration of sawtimber.

This is notification that the decision to implement the Flat Creek Fire Salvage on the Kootenai National Forest is exempted from appeal. This conforms with the provisions of 36 CFR 217.4(a)(11).

EFFECTIVE DATE: Effective on June 25, 1992.

FOR FURTHER INFORMATION CONTACT: Drew Bellon, Rexford District Ranger, Kootenai National Forest, 1299 HWY 93 N., Eureka, MT 59917.

SUPPLEMENTARY INFORMATION: In October 1991, a windstorm-driven wildfire burned 610 acres in the Flat Creek drainage on the Rexford Ranger District on the Kootenai National Forest. The Flat Creek drainage is approximately 12 miles south of Eureka, Montana.

Within the burn area, approximately 434 acres are within Management Areas which are considered suitable for timber production in the Forest Plan. An interdisciplinary team surveyed the burned area to assess damage to timber and other resources. Mature timber and seedling stands were damaged or killed by the fire. Wildfire habitats were directly altered when vegetation was partially or totally consumed in the fire. The team also identified that delays in reforestation will result in reductions in long-term timber yields and establishment of vegetation for wildfire cover, watershed stabilization, and visual rehabilitation.

The Rexford District Ranger designed a proposal to meet the following needs: Recover merchantable timber products from the area; contribute to providing a continuous supply of timber to industry; attain full stocking and improve species composition; revegetate the area with trees for wildlife cover, future timber production, and watershed recovery.

Initial scoping of issues occurred in November 1991. Public input was solicited through newspaper, mailings, and an open house. Environmental issues were identified and served as the foundation for the environmental analysis conducted by an interdisciplinary team.

The Flat Creek Fire Salvage EA discloses the analysis of proposed action and "no action." Estimated salvage of commercial sawtimber ranges from no salvage or rehabilitation activities to salvage of 1.45 million

board feet of timber and rehabilitation of 434 acres affected by the fire.

The selected alternative includes three major actions: (1) Reforestation of 160 acres of fire-damaged seedling stands, (2) reforestation of 144 acres of fire-damaged timber, and (3) salvage harvest and reforestation of 130 acres of burned merchantable timber. The objective of reforesting the total of 434 acres is to ensure optimum tree regeneration, expedite the re-establishment of wildlife security cover, hasten watershed recovery, and maintain timber productivity in the burned area. The objective of harvest is to salvage merchantable trees that were killed and contribute to the sustained yield of timber from the Forest.

Further delay in removal of the dead and damaged trees will render them unmerchantable as sawtimber, and a lack of reforestation and revegetation treatments will result in unacceptable delays affecting long-term timber yields, effectiveness of wildlife habitat, increase time for watershed recovery, and rehabilitation of visual resources. Due to the length of time it has taken to develop an acceptable recovery project and to evaluate its environmental effects, the time remaining for accomplishment has become critical. Additional delays will result in further damage to presently undamaged resources and would decrease the ability to recover timber and other resources affected by the October 1991, windstorm-driven wildfire in the Flat Creek drainage.

To expedite this recovery project and associated timber salvage, procedures outlined in 36 CFR 217.4 (a)(11) are being followed. Under this Regulation the following may be exempt from appeal:

Decisions related to rehabilitation of National Forest System lands and recovery of forest resources resulting from natural disasters or other natural phenomena, such as wildfires * * * when the Regional Forester * * * determines and gives notice in the Federal Register that good cause exists to exempt such decisions from review under this part.

Based upon the environmental analysis documented in the Flat Creek Fire Salvage EA and the Kootenai National Forest's Rexford District Ranger's Decision Notice for this project, I have determined that good cause exists to exempt this decision from administrative review. Therefore, upon publication of this notice, this project will not be subject to review under 36 CFR part 217.

Dated: June 18, 1992.

John M. Hughes,
Deputy Regional Forester, Northern Region.
[FR Doc. 92-14942 Filed 6-24-92; 8:45 am]
BILLING CODE 3410-11-M

Exemption of the Harrison Creek Recovery Project From Appeal

AGENCY: Forest Service, Northern Region, USDA.

ACTION: Notification that a fire recovery and timber salvage project is exempt from appeals under the provisions of 36 CFR part 217.

SUMMARY: During 1991, the Harrison Creek Fire burned 550 acres of the Lewis and Clark National Forest. Lands within the burn area were treated during fire suppression activities to stabilize slopes and prevent damage to watersheds and other resources. The Judith District Ranger has determined these initial efforts were not sufficient to meet long-term objectives of the Lewis and Clark Land and Resource Management Plan (Forest Plan). In January 1992, the District Ranger proposed a recovery project consisting of three major actions: (1) Harvesting merchantable trees and slash disposal on 100 acres, (2) constructing of 1.0 miles of temporary roads to implement timber management practices (all roads would be obliterated upon completion), and (3) planting 50 acres of the burned and salvaged areas to rehabilitate and recover the area for future timber production, watershed recovery, enhancement of visual quality and wildlife hiding cover.

The District Ranger has determined, through an environmental analysis documented in the Environmental Assessment (EA) for the Harrison Creek Fire Recovery Project, that there is good cause to expedite these actions for rehabilitation of National Forest System Lands and recovery of damaged resources. Salvage of commercial sawtimber within the fire area must be accomplished within the summer and early fall of 1992 to avoid further deterioration of sawtimber and to avoid damage to other forest resources.

This is notification that the decision to implement the Harrison Creek Fire Recovery Project on the Lewis and Clark National Forest is exempted from appeal. This conforms with the provisions of 36 CFR 217.4(a)(11).

EFFECTIVE DATE: Effective on June 25, 1992.

FOR FURTHER INFORMATION CONTACT: Larry Timchak, District Ranger, Judith Ranger District, Lewis and Clark

National Forest, P.O. Box 484, Stanford, MT 59479.

SUPPLEMENTARY INFORMATION: In August 1991, the Harrison Creek Fire burned 550 acres of the Lewis and Clark National Forest in the headwaters of the Harrison Creek and West Fork drainages in the south central portion of the Little Belt Mountains. Within the project area, approximately 375 acres of the fire-killed timber are within Management Areas which are considered suitable for timber management in the Forest Plan. A fire rehabilitation team surveyed the burn to assess damage to timber and other resources.

In September of 1991, the fire control lines were treated to control erosion and seeded with grasses. Other areas within the burn were also seeded with grass and fertilizer. An interdisciplinary team was convened to evaluate the effects of the fire and identify possible recovery and rehabilitation measures.

In January, 1992, the District Ranger proposed projects to rehabilitate Forest lands affected by the fire. The proposal was designed to meet the following needs: (a) Recover merchantable timber products from the area and reduce fuel accumulation, (b) contribute to providing a continuous supply of timber to industry, and (c) accelerate revegetation of the area with trees for future timber production, watershed recovery and enhancement of visual quality and wildlife hiding cover. Formal scoping of issues occurred in February 1992. Approximately 100 letters were sent to interested parties including landowners, potential timber purchasers, environmental groups, and representatives from the Montana Department of Fish, Wildlife and Parks. Five environmental issues were identified which formed the foundation for the analysis of environmental effects disclosed in the EA.

The EA discloses the analysis of three alternatives, including a "no action" alternative. Alternatives analyzed actions ranging from treatment of 150 acres, 100 acres and no treatments. Estimated timber salvage ranges from 1.2 MMBF to no harvest.

The Selected Alternative (Alternative 2) includes three major actions. First, harvest would occur on approximately 100 acres of fire killed sawtimber on suitable ground within the project area. Second, an estimated 1.0 miles of temporary road would be constructed to access timber. These temporary roads would be obliterated after timber harvest operations are completed. Third, planting would occur on burned and salvaged areas if monitoring determines

inadequate stocking from natural seed sources. The objectives for planting include: reforestation of lands suitable for timber production as soon as possible and establishment of wildlife hiding cover at a faster rate than natural conditions would allow.

Further delay in removal of the dead and damaged trees will render them unmerchantable as sawtimber; and a lack of reforestation treatments will result in unacceptable delays affecting long-term timber yields, effectiveness of wildlife habitat, and rehabilitation of visual resources. Delays would result in further damage to presently undamaged resources and would decrease the ability to recover timber and other resources affected by the Harrison Creek fire.

To expedite this recovery project and associated timber salvage, procedures outlined in 36 CFR 217.4(a)(11) are being followed. Under this Regulation the following may be exempt from appeal:

Decisions related to rehabilitation of National Forest System lands and recovery of forest resources resulting from natural disasters or other natural phenomena, such as, wildfires * * * when the Regional Forester * * * determines and gives notice in the *Federal Register* that good cause exists to exempt such decisions from review under this part.

Based upon the environmental analysis documented in the Harrison Creek Fire Recovery Project EA and the Judith Ranger District's Decision Notice for this project, I have determined that good cause exists to exempt this decision from administrative review. Therefore, upon publication of this notice, this project will not be subject to review under 36 CFR part 217.

Dated: June 19, 1992.

John M. Hughes,
Deputy Regional Forester, Northern Region.
[FR Doc. 92-14939 Filed 6-24-92; 8:45 am]
BILLING CODE 3410-11-M

Rural Electrification Administration

Change in Location of Public Meeting on Lien Accommodations

AGENCY: Rural Electrification Administration, USDA.

ACTION: Change in location of public meeting.

SUMMARY: This is to notify electric systems financed by the Rural Electrification Administration (REA), lenders, and other interested persons that the location of the public meeting on lien accommodations scheduled by REA for June 30, 1992, has been changed.

DATES: The public meeting will be held on June 30, 1992, starting at 9:30 a.m. eastern time, with registration at 8:30 a.m. The public meeting will end at 4:30 p.m. unless concluded earlier.

ADDRESSES: The location of the public meeting has been changed to the L'Enfant Plaza Hotel, 480 L'Enfant Plaza, SW., Washington, DC. Persons interested in making a presentation at the meeting should send a written request to Blaine D. Stockton Jr., Assistant Administrator, Economic Development and Technical Services, Rural Electrification Administration, room 4025-S, 14th & Independence Avenue, SW., Washington, DC 20250-1500.

FOR FURTHER INFORMATION CONTACT:

Larry A. Belluzzo, Deputy Assistant Administrator—Electric, Rural Electrification Administration, room 4037-S, 14th & Independence Avenue, SW., Washington, DC 20250-1500. Telephone: (202) 720-9547.

SUPPLEMENTARY INFORMATION: For further information, consult the notice of the meeting published in the *Federal Register* on June 1, 1992 (57 FR 23076).

Authority: 7 U.S.C. 901 *et seq.*

Dated: June 22, 1992.

Michael M.F. Liu,

Acting Administrator.

[FR Doc 92-14933 Filed 6-24-92; 8:45 am]

BILLING CODE 3410-15-F

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the New Jersey State 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 New Jersey State Advisory Committee will convene at 12 noon and adjourn at 3 p.m. on Wednesday, July 15, 1992, North Brunswick Municipal Government Center, Council Conference Room, 710 Hermann Road, North Brunswick, NJ 08902. The purpose of the meeting is to consider a draft report of the Committee's forum on police brutality in New Jersey and program planning.

Persons desiring additional information, or planning a presentation to the Committee, should contact John I. Binkley, Director, ERD at (202/523-5264); or TDD (202/3376-8116). 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, DC, June 19, 1992.

Carol-Lee Hurley,

Chief, Regional Programs Coordination Unit.

[FR Doc. 92-14960 Filed 6-24-92; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 18-92]

Foreign-Trade Subzone 29E; Toyota Motor Manufacturing, U.S.A., Inc., Georgetown, KY; Request for Expansion of Subzone Manufacturing Authority

A request for approval of expanded subzone manufacturing authority at the automobile manufacturing plant of Toyota Motor Manufacturing, U.S.A., Inc. (TMM), Georgetown, Kentucky (FTZ Subzone 29E), has been submitted to the Foreign-Trade Zones Board (the Board) pursuant to § 400.32 of the Board's regulations by the Louisville & Jefferson County Riverport Authority, grantee of FTZ 29, Louisville, Kentucky. It was formally filed on June 16, 1992.

The Board authorized subzone status for the TMM plant in December 1987 (Board Order 369, 53 FR 45, 1-4-88). Manufacturing authority presently exists for the assembly of some 200,000 passenger automobiles annually and the assembly of certain components, such as engines and axles for those vehicles.

TMM is constructing additional manufacturing facilities at the Georgetown plant and requests that its subzone authority be extended to include the increased capacity. The company plans to add capacity for the manufacture of an additional 250,000 autos per year (proposed total capacity: Approximately 450,000 autos annually). The company is also planning to add capacity for manufacturing approximately 200,000 six-cylinder engines (current engines produced are four-cylinder type) annually to equip autos assembled at the plant and for export as engines. In addition, axle production capacity would increase from 240,000 annually to about 450,000, with some additional units produced as replacement parts. The applicant states that the additional production at the Georgetown plant will displace imports of finished autos and components. Some finished autos assembled at the plant will be exported.

The expanded operations will involve a continuation of the current scope and level of foreign-sourced materials and components. Parts and materials that would be sourced from abroad would continue to include engines, drivetrain components, steel, steering and brake systems, air conditioning equipment, accessories, plastics, electrical equipment, and subcomponents for assembly of some components such as engines and axles. The application indicates that the extent of domestic sourcing (per unit) of materials and components will continue at least at the current level (approximately 50 percent of total material value involves domestic status (19 CFR 146.43) merchandise), and that the company will continue its efforts to increase the domestic sourcing of materials and components. According to the applicant, total U.S. value added is currently approximately 75 percent and domestically-produced steel now accounts for more than 80 percent of the plant's steel requirements.

The authority requested in the application would allow TMM to extend the use of zone procedures to its expanded production. This would exempt TMM from Customs duty payments on foreign parts that are used in the plant's expanded auto and engine production for export. On domestic sales, it would be able to choose the finished auto duty rate (2.5%) for foreign materials and components used at the plant in the production of automobiles. The duty rates on the foreign materials and components range from zero to 9.5 percent.

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

Public comment on the proposed subzone expansion is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is August 24, 1992. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to September 8, 1992).

A copy of the application and accompanying exhibits will be available for public inspection at the following location: Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, room 3716, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

Dated: June 17, 1992.

John J. Da Ponte, Jr.,

Executive Secretary,

[FR Doc. 92-15001 Filed 6-24-92; 8:45 am]

BILLING CODE 3510-DS-M

[Docket 17-92]

Foreign-Trade Zone 23—County of Erie, NY; Application for Expansion

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the County of Erie, New York, grantee of FTZ 23, requesting authority to expand its foreign-trade zone in Erie County, New York. The application was submitted pursuant to the provisions of the FTZ Act, as amended (19 U.S.C. 81a-81u), and the regulations of the Board (15 CFR part 400). It was formally filed on June 8, 1992.

FTZ 23 was approved on March 31, 1976 (Board Order 110, 41 FR 14824, 4/7/76), and there have been four subsequent changes to the general-purpose zone plan (1979-B.O. 148, 1982-B.O. 187, 1985-B.O. 291, and 1989-B.O. 445). The general-purpose zone currently involves five sites in Erie County: *Site 1* (225 acres)—within the Gateway Trade Center, Buffalo; *Site 2* (33 acres)—within the Wehrle International Business Park, Amherst, adjacent to the Greater Buffalo International Airport; *Site 3* (13 acres)—within the Oak-Michigan Industrial Corridor, Buffalo; *Site 4* (22 acres)—at the former American Standard plant, Rano and Tonawanda Streets, Buffalo; and, *Site 5* (55 acres)—within the 80-acre Grand Island Industrial Park, Grand Island.

The applicant is now requesting authority to expand *Site 2* (airport site) to include the entire Wehrle International Business Park (314 acres), and to add two parcels in the airport area: Parcel A (189 acres)—Aero and Airport Business Parks, Cheektowaga, New York, immediately adjacent to the airport; and Parcel B (194 acres)—the airport's Air Cargo facility and Airport Commerce Park, Cheektowaga.

No manufacturing requests are being made at this time. Such requests would be made to the Board on a case-by-case basis.

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

Public comment on the application is invited from interested parties. Submissions (original and 3 copies) shall

be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is August 24, 1992. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to September 8, 1992.).

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

U.S. Department of Commerce, District Office, 111 W. Huron Street, room 1312, Federal Building, Buffalo, New York 14202.
Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, room 3716, 14th & Pennsylvania Avenue, NW., Washington, DC 20230.

Dated: June 17, 1992.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 92-15000 Filed 6-24-92; 8:45 am]

BILLING CODE 3510-DS-M

[Order No. 582]

Expansion of Foreign-Trade Zone 77, Memphis, TN

Pursuant to the authority granted in the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a-81u), and the Foreign-Trade Zones Board Regulations (15 CFR part 400), the Foreign-Trade Zones Board (the Board) adopts the following Resolution and Order:

Whereas, the City of Memphis, Tennessee, Grantee of Foreign-Trade Zone No. 77, has applied to the Board for authority to expand its general-purpose zone to include a site in Shelby County, Tennessee, within the Memphis Customs port of entry;

Whereas, the application was accepted for filing on July 10, 1991, and notice inviting public comment was given in the *Federal Register* on August 1, 1991 (Docket 42-91, 56 FR 36763);

Whereas, an examiners committee has investigated the application in accordance with the Board's regulations and recommends approval;

Whereas, the expansion is necessary to improve and expand zone services in the Memphis area; and,

Whereas, the Board has found that the requirements of the Foreign-Trade Zones Act, as amended, and the Board's regulations are satisfied, and the approval of the application is in the public interest;

Now, therefore, the Board hereby orders:

That the Grantee is authorized to expand its zone in accordance with the

application filed on July 10, 1991, subject to the Act and the Board's regulations (as revised, 56 FR 50790-50808, October 8, 1991), including § 400.28.

Signed at Washington, DC, this 17th day of June, 1992.

Alan M. Dunn,

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

Attest:

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 92-15008 Filed 6y-24-92; 8:45 am]

BILLING CODE 3510-DS-M

International Trade Administration

[A-588-823]

Initiation of Antidumping Duty Investigations; Professional Electric Cutting Tools and Professional Electric Sanding/Grinding Tools from Japan

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

EFFECTIVE DATE: June 25, 1992.

FOR FURTHER INFORMATION CONTACT: James Maeder, Office of Antidumping Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 377-4949.

INITIATION OF INVESTIGATIONS:

The Petition

On May 29, 1992, we received a petition filed in proper form by Black & Decker (U.S.) Inc. (petitioner). In accordance with 19 CFR 353.12, the petitioner alleges that professional electric cutting tools (PECTs) and professional electric sanding/grinding tools (PESGTs) from Japan being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended (the Act), and that these imports are materially injuring, or threaten material injury to, a U.S. industry.

The petitioner has stated that it has standing to file the petition because it is an interested party, as defined under section 771(9)(C) of the Act, and because the petition was filed on behalf of the U.S. industry producing the products subject to these investigations. If any interested party, as described under paragraphs (C), (D), (E), or (F) of section 771(9) of the Act, wishes to register support for, or opposition to, the petition, it should file a written

notification with the Assistant Secretary for Import Administration.

Under the Department's regulations, any producer or reseller seeking exclusion from a potential antidumping duty order must submit its request for exclusion within 30 days of the date of the publication of this notice. The procedures and requirements are contained in 19 CFR 353.14.

Scope of Investigations

Petitioner asserts that the products covered by these investigations comprise two classes or kinds of merchandise consisting of electric cutting tools and electric sanding/grinding tools of a type suitable for industrial or professional use, whether assembled or unassembled. PECTs have blades or other cutting devices used for cutting wood, metal, and other materials. PECTs include chop saws, circular saws, jig saws, reciprocating saws, miter saws, table saws, planers, routers, jointers, stationary saws, and metal cutting saws. PESGTs have moving abrasive surfaces used primarily for grinding, scraping, cleaning, deburring, and polishing wood, metal, and other materials. PESGTs include angle grinders, finishing sanders, disc sanders, orbital sanders, belt sanders, polishers, and straight/die grinders.

Petitioner asserts that electric power tools that are typically designated, advertised, and sold as being suitable for "professional", "heavy-duty", or "industrial" use are distinguishable from such tools designated for "home" or "consumer" use by their durability and ability to handle heavier workloads.

Given the lack of specificity in the scope definitions concerning this distinction, we are requesting all interested parties to comment on how the scope definitions might be clarified to more accurately describe professional electric power tools and also whether the subject merchandise constitutes more than two classes or kinds. Such comments should be submitted to the Department not later than August 31, 1992.

PECTs are classifiable under the following subheadings of the Harmonized Tariff Schedule of the United States (HTS): 8508.20.00.20, 8508.20.00.70, 8508.20.00.90, 8461.50.00.20, 8465.91.00.35, 8508.80.00.55, and 8508.80.00.65. PESGTs are classifiable under the following subheadings of the HTS: 8508.80.00.10, 8508.80.00.15, 8508.80.00.25, 8508.80.00.35, and 8508.80.00.90.

These investigations do not cover professional electric drilling/fastening tools. They also do not cover chain saws

provided for under subheading 8508.20.40 of the HTS and other cutting and sanding/grinding tools such as planing, shaping, and splitting machines, provided for under subheadings 8461 and 8465 of the HTS, with the exception of those specifically identified within the above product definition.

Although the HTS subheadings are provided for convenience and customs purposes, our written descriptions of the scope of these proceedings are dispositive.

United States Price and Foreign Market Value

For both PECTs and PESGTs, petitioner bases its estimate of United States Price (USP) on Makita U.S.A., Inc.'s (Makita) U.S. distributor price list. Petitioner based USP on exporter's sales price because Makita sells the subject merchandise through its U.S. subsidiary. Petitioner adjusted USP, as appropriate, for discounts and rebates, foreign inland freight, foreign export and handling fees, ocean freight, marine insurance, import duties, U.S. customs fees, U.S. brokerage and handling, U.S. inland freight, credit, warranty expenses, advertising, technical services, royalties and licensing fees, and indirect selling expenses. We have adjusted the USP by adding the amount of Japanese value added tax (VAT) that would have been collected had the exported merchandise been taxed.

For both PECTs and PESGTs, petitioner bases its estimate of Foreign Market Value (FMV) on Makita's domestic wholesale price list. Petitioner adjusted FMV for discounts and rebates, credit, warranty expenses, indirect selling expenses, and differences in merchandise. Petitioner added U.S. packing to the price. In addition, we adjusted FMV by adding the theoretical amount of Japanese VAT that would have been paid on the U.S. merchandise had it been taxed.

The adjusted alleged dumping margins range from 49.95 to 129.84 percent for PECTs and 71.43 to 149.60 percent for PESGTs.

Initiation of Investigations

We have examined the petition on PECTs and PESGTs from Japan and have found that the petition meets the requirements of section 732(b) of the Act. Therefore, we are initiating antidumping duty investigations to determine whether imports of PECTs and PESGTs from Japan are being, or are likely to be, sold in the United States at less than fair value.

ITC Notification

Section 732(d) of the Act requires us to notify the International Trade Commission (ITC) of this action and we have done so.

Preliminary Determination by the ITC

The ITC will determine by July 13, 1992, whether there is a reasonable indication that imports of PECTs and PESGTs from Japan are materially injuring, or threaten material injury to, a U.S. industry. Any ITC determination which is negative will result in the investigation being terminated; otherwise, the investigation will proceed to conclusion in accordance with the statutory and regulatory time limits.

This notice is published pursuant to section 732(c)(2) of the Act and 19 CFR 353.13(b).

Dated: June 18, 1992.

Alan M. Dunn,

Assistant Secretary for Import Administration.

[FR Doc. 92-14997 Filed 6-24-92; 8:45 am]

BILLING CODE 3510-DS-M

Brown University; Disposition of Application for Duty-Free Entry of Scientific Instrument

We have been advised that the entry covered by Docket Number 87-260 (See notice at 52 FR 32824, August 31, 1987) was liquidated on May 8, 1987. We are treating the docket as a withdrawal pursuant to § 301.5(g) of the regulations and have discontinued processing.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 92-14998 Filed 6-24-92; 8:45 am]

BILLING CODE 3510-DS-M

University of Pittsburgh; Decision on Application for Duty-Free Entry of Scientific Instrument

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

Docket Number: 91-161R.

Applicant: University of Pittsburgh, Pittsburgh, PA 15260.

Instrument: Mass Spectrometer.
Manufacturer: ION-TOF GmbH, Germany.

Intended Use: See notice at 56 FR 60971, November 29, 1991.

Advice Received From: National Institute of Standards and Technology, June 2, 1992.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, was being manufactured in the United States at the time the foreign instrument was ordered September 20, 1989.

Reasons: The foreign instrument provides mass range to 40,000 amu with unit resolution for a single sweep and a plasma desorption ²⁵²Cf ionization source. The National Institute of Standards and Technology advises that (1) the capability of the foreign instrument described above is pertinent to the applicant's intended purpose and (2) it knows of no instrument or apparatus of scientific value to the foreign instrument for the applicant's intended use which was being manufactured in the United States at the time the foreign instrument was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, which was being manufactured in the United States at the time the foreign instrument was ordered.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 92-14999 Filed 6-24-92; 8:45 am]

BILLING CODE 3510-DS-M

National Oceanic and Atmospheric Administration

Pacific Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The Pacific Fishery Management Council's (Council) Coastal Pelagic Species Plan Development Team will hold a public meeting on June 29, 1992, beginning at 10 a.m. The meeting will be held at the National Marine Fisheries Service, Southwest Fisheries Science Center, 8604 La Jolla Shores Drive, La Jolla, CA.

The purpose of this meeting is to discuss the current work in progress on the experimental inshore-offshore fishing grounds, and gill and trammel net issues.

For more information contact Patricia Wolf from the California Department of Fish and Game at (213) 590-5117 or Larry Jacobson from the National

Marine Fisheries Service at (619) 546-7117.

Dated: June 19, 1992.

David S. Crestin,

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

[FR Doc. 92-14927 Filed 6-24-92; 8:45 am]

BILLING CODE 3510-22-M

Marine Mammals

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

ACTIONS: Issuance of scientific research permit (P771#62).

On April 7, 1992, notice was published in the *Federal Register* (57 FR 11708) that an application had been filed by the National Marine Fisheries Service's National Marine Mammal Laboratory, 7600 Sand Point Way, NE, BIN C15700, Seattle, WA 98115-0070 for permits to take California sea lions (*Zalophus californianus*) for purposes of scientific research. Application P771#62 proposed research to elucidate the role that organochlorine pollutants residues, such as DDT and PCB's have played in high neonatal pup mortality in southern California. This study is part of a comprehensive Injury Determination Study for the Southern California Damage Assessment.

Notice is hereby given that on June 18, 1992, as authorized by the provisions of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a permit for the above taking subject to certain conditions set forth in the permit.

The permit and associated documents are available for review by appointment, in the following offices:

Office of Protected Resources, National Marine Fisheries Service, NOAA, 1335 East-West Hwy., suite 7324, Silver Spring, MD 20910 (301/713-2289); and

Director, Southwest Region, National Marine Fisheries Service, NOAA, 501 W. Ocean Blvd., suite 4200, Long Beach, CA 90802-4213 (310/980-4016); and

Director, Alaska Region, National Marine Fisheries Service, NOAA, Federal Annex, 9109 Mendenhall Mall Road, suite 6, Juneau, AK 99802.

Dated: June 18, 1992.

Nancy Foster,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 92-15007 Filed 6-24-92; 8:45 am]

BILLING CODE 3510-22-M

Marine Mammals

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

ACTION: Issuance of Public Display Permit No. 775.

SUMMARY: On Tuesday, November 5, 1991, notice was published in the *Federal Register* (56 FR 56504) that an application (P490) had been filed by The Underwater Education Program Corporation at the Cape Cod Aquarium. A public display permit was requested to maintain and care for nine California sea lions (*Zalophus californianus*) and four harbor seals (*Phoca vitulina*) currently held by the applicant under the terms of a NMFS temporary letter of agreement (No. 117).

Notice is hereby given that on June 22, 1992, as authorized by the provisions of the Marine Mammal Protection Act, the National Marine Fisheries Service issued a permit for the above activities subject to the special conditions forth therein.

The permit is available for review by appointment by interested persons in the following offices:

Permits Division, Office of Protected Resources, National Marine Fisheries Service, 1335 East-West Highway, room 7330, SSMC1, Silver Spring, MD 20910, (301) 713-2289; and Director, Northeast Region, National Marine Fisheries Service, NOAA, One Blackburn Drive, Gloucester, MA 01930, (508) 281-9300.

Dated: June 22, 1992.

Nancy Foster,

Director, Office of Protected Resources National Marine Fisheries Service.

[FR Doc. 92-15006 Filed 6-24-92; 8:45am]

BILLING CODE 3510-22-M

Endangered Species; Permits

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

ACTION: Receipt of applications.

Notice is hereby given that the National Marine Fisheries Service, Office of Protected Resources, 1335 East-West Hwy., room 7324, Silver Spring, MD 20910, has received 19 applications for Permits to conduct scientific research/enhancement activities on listed Snake River spring/summer and/or fall chinook (*Oncorhynchus tshawytscha*) as authorized by the Endangered Species Act of 1973 (16 U.S.C. 1531-1543), and the regulations governing endangered fish and wildlife (50 CFR parts 217-222).

These applications were received on or before the regulatory deadline of May 22, 1992 (50 CFR part 227), and are thus

subject to the regulatory exemption which allows for the continuation of scientific research/enhancement activities as requested in the applications until NMFS has had adequate time in which to review the applications and to determine their sufficiency, or until issuance or denial of a permit, or until December 31, 1992, whichever comes first. A public comment period will be opened for each application once NMFS has determined that the applications contain enough information for complete review. These applications include the following:

P497, Idaho Cooperative Fish and Wildlife Research Unit, University of Idaho, Ted Bjornn; P498, University of Idaho, David Bennett; P211C and P211D, Oregon Department of Fish and Wildlife; P500A, Fish Passage Center; P770#63, NMFS Northwest Fisheries Science Center; P504A, US Army Corps of Engineers; P507A, P507B and P507C, Washington Department of Fisheries; P45K, U.S. Fish and Wildlife Service; P503B and P503C, Idaho Department of Fish and Game; P510 and P510A, Shoshone Bannock Tribes; P513, Columbia River Intertribal Commission; P514, Idaho Power Company; and P516, Salmon National Forest.

Any applications not included in the above list were received after the regulatory deadline, and are thus NOT included under the regulatory exemption. These applicants are not permitted to engage in any activities involving a take of listed Snake River salmon until such time as NMFS has completed processing of the permit applications.

Documents submitted in connection with the above applications will be available for review by interested persons in the following offices by appointment:

Office of Protected Resources, National Marine Fisheries Service, 1335 East-West Hwy., room 7324, Silver Spring, MD 20910 (301/713-2289);

Northwest Region, National Marine Fisheries Service, NOAA, 7600 Sand Point Way, NE, BIN C15700—Building 1, Seattle, WA 98115-0070 (206/526-6150); and

Environmental and Technical Services Division, National Marine Fisheries Service, 911 North East 11th Ave., room 620, Portland, OR 97232 (503/230-5400).

Dated: June 22, 1992.

Nancy Foster,

Director, Office of Protected Resources.

[FR Doc. 92-15004 Filed 6-24-92; 8:45 am]

BILLING CODE 3510-22-M

National Technical Information Service

Government-Owned Inventions; Availability for Licensing

The invention listed below is owned by U.S. Government and is available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally funded research and development:

U.S. Patent Application SN 7-858,959 "A cDNA Clone Encoding Brain Amyloid of Alzheimer's Disease," a Reissue Application of U.S. Patent 4,912,206.

Licensing information may be obtained by writing to: Papan Devnani, National Technical Information Service, Center for Utilization of Federal Technology—Patent Licensing, U.S. Department of Commerce, P.O. 1423, Springfield, Virginia 22151 or by telephoning (703) 487-4732. Patent 4,912,206 may be obtained from the Commissioner of Patents, U.S. Patent and Trademark Office, Box 9, Washington, DC 20231.

Douglas J. Campion,

Acting Associate Director, Center for the Utilization of Federal Technology.

[FR Doc. 92-14961 Filed 6-24-92; 8:45 am]

BILLING CODE 3510-04-M

Government-Owned Inventions; Availability for Licensing

The inventions listed below are owned by agencies of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally funded research and development. Foreign patents are filed on selected inventions to extend market coverage for U.S. companies and may also be available for licensing.

Licensing information may be obtained by writing to: National Technical Information Service, Center for Utilization of Federal Technology—Patent Licensing, U.S. Department of Commerce, P.O. Box 1423, Springfield, Virginia 22151 or by telephoning (703) 487-4732. All patent applications may be purchased, specifying the serial number listed below, by writing NTIS, 5285 Port Royal Road, Springfield, Virginia 22161 or by telephoning the NTIS Sales Desk at (703) 487-4650. Issued patents may be obtained from the Commissioner of Patents, U.S. Patent and Trademark Office, Washington, DC 20231.

Please cite the number and title of inventions of interest.

Douglas J. Campion,

Patent Licensing Specialist, Center for the Utilization of Federal Technology.

Department of Health and Human Services

- 7-168,494 (U.S. 5,098,996) Process for Introducing Fluorine into Biologically Active Materials.
- 7-209,108 (U.S. 5,093,115) Activated Killer Monocytes: Tumoricidal Activity and Method of Monitoring Same.
- 7-272,165 (U.S. 5,092,885) Peptides with Laminin Activity.
- 7-400,870 (U.S. 5,092,876) Cell attachment Peptides Derived from Amyloid P Component.
- 7-492,468 (U.S. 5,091,430) O6-Substituted Guanine Compounds and Methods for Depleting O6-Alkylguanine-DNA Alkyltransferase Levels.
- 7-501,797 (U.S. 5,089,392) Fluorogenic Substrates for Measurement of Lysosomal Enzyme Activities Within Intact Cells.
- 7-530,585 (U.S. 5,088,980) Intra-Urethral Valve With Integral Spring.
- 7-557,038 (U.S. 5,100,646) NMR Glomerular Filtration Test and Kit.
- 7-574,972 (U.S. 5,099,616) Apparatus and Method for Reducing Wood Dust Emissions From Large Diameter Disc Sanders While Cleaning A Sanding Disc Thereof.

Department of Interior

- 7-602,598 (U.S. 5,086,568) Geological Gyrocompass.
- 7-610,864 (U.S. 5,089,141) Chemical Process for Removing Selenium from Water.
- 7-642,950 (U.S. 5,098,164) Abrasive Jet Manifold for A Borehole Miner.

Department of Agriculture

- 7-327,064 (U.S. 5,091,301) Diagnostic and Epidemiological Nucleic Acid Probe for Bovine Leptospirosis.
- 7-476,843 (U.S. 5,094,946) Enzymatic Processing of Materials Containing Chromium and Protein.
- 7-641,837 (U.S. 5,087,120) System for Capturing, Pressing and Analyzing Entrained Solids Such as Cotton.
- 7-689,572 (U.S. 5,087,693) Bovine Monoclonal Antibodies to Bovine Herpesvirus I from Sequential Fusion Heterohybridomas.
- 7-712,226 (U.S. 5,095,414) Greenhouse Illumination System.
- 7-801,157 Bagger Receiver Box.
- 7-848,775 Enzymatic Processing of Materials Containing Chromium and Protein.

[FR Doc. 92-14962 Filed 6-24-92; 8:45 am]

BILLING CODE 3510-04-M

Prospective Grant of Exclusive Patent License

This is notice in accordance with 35 U.S.C. 209(c)(1) and 37 CFR 404.7(a)(1)(i)

that the National Technical Information Service (NTIS), U.S. Department of Commerce, is contemplating the grant of an exclusive license in the United States and certain foreign countries to practice the invention embodied in U.S. Patent Application SN 7-364,379.

"Contraceptive Vaccine Based on Cloned Zona Pellucida Gene" to Organon International B.V., having a place of business at Oss in the Netherlands. The patent rights in this invention have been assigned to the United States of America.

The prospective exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 C.F.R. 404.7. The prospective exclusive license may be granted unless, within sixty days from the date of this published notice, NTIS receives written evidence and argument which established that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

The invention relates to contraceptive vaccines based on cloned zona pellucida genes and the strategy of alloimmunization with zona pellucida polypeptides. In particular, the invention relates to a contraceptive vaccine for use in a mammalian female comprising a polypeptide which displays at least one epitope for binding of an antibody that inhibits fertilization of an oocyte by a sperm. This epitope is from a zona pellucida protein of the species in which the said vaccine is used. Further, this invention comprehends vaccines comprising a synthetic peptide that displays an epitope for such an antibody that inhibits fertilization.

The availability of the invention for licensing was published in the *Federal Register* Vol 55, No. 141, p. 29879 (1990). A copy of the above-identified patent application may be purchased from the NTIS Sales Desk by telephoning 1-800-553-NTIS or by writing them at 5285 Port Royal Road, Springfield, VA 22161.

Inquiries, comments and other materials relating to the contemplated license must be submitted to Papan Devnani (telephone 703/487-4732), Center for Utilization of Federal Technology, NTIS, Box 1423, Springfield, VA 22151. Applications for a license filed in response to this notice will be treated as objections to the grant of the contemplated license. Only written comments and/or applications for a license which are received by NTIS

within sixty (60) days of this notice will be considered.

Douglas J. Campion,

*Center for Utilization of Federal Technology
National Technical Information Service U.S.
Department of Commerce.*

[FR Doc. 92-14963 Filed 6-24-92; 8:45 am]

BILLING CODE 3510-04-M

Prospective Grant of Exclusive Patent License

This is notice in accordance with 35 U.S.C. 209(c)(1) and 37 CFR 404.7(a)(1)(i) that the National Technical Information Service (NTIS), U.S. Department of Commerce, is contemplating the grant of an exclusive field of use license in the United States and certain foreign countries to practice the inventions embodied in U.S. Patent Nos. 4,851,291 (Serial No. 7-055,476) and 4,871,615 (Serial No. 6-818,567) and U.S. Patent Application S.N.s 7-371,779 and 6-876,015, each titled "Temperature Adaptable Textile Fibers and Method of Preparing Same," to Sage Products, Inc., having a place of business in Crystal Lake, IL. The patent rights in these inventions have been assigned to the United States of America.

The prospective exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The prospective exclusive license may be granted unless, within sixty days from the date of this published notice, NTIS receives written evidence and argument which establish that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

The present inventions consist of temperature adaptable textile fibers in which phase-change or plastic crystalline materials are filled within hollow fibers or impregnated upon non-hollow fibers. The fibers are produced by applying solutions or melts of the phase-change or plastic crystalline materials to the fibers. Cross-linked polyethylene glycol is especially effective as the phase change material, and, in addition to providing temperature adaptability, it imparts improved properties as to soil release, durable press, resistance to static charge, abrasion resistance, pilling resistance and water absorbency.

The availability of S.N. 7-055,476 and S.N. 6-818,567 for licensing were published in the *Federal Register*, Vol. 55, No. 138, p. 29255 (July 18, 1990). The availability of S.N. 6-876,015 for licensing was published in the *Federal Register*, Vol. 54, No. 63, p. 13549 (April

4, 1989). S.N. 7-371,779 is a division of S.N. 7-055,476.

A copy of the instant patent applications may be purchased from the NTIS Sales Desk by telephoning 1-800-553-NTIS or by writing to the Order Department, NTIS, 5285 Port Royal Road, Springfield, VA 22161. The issued patents are available for \$3.00 each (payable by check or money order) from the Commissioner of Patents and Trademarks, Box 9, Washington, DC 20231.

Inquiries, comments and other materials relating to the contemplated license must be submitted to Neil L. Mark, Center for the Utilization of Federal Technology, NTIS, Box 1423, Springfield, VA 22151. Properly filed competing applications received by the NTIS in response to this notice will be considered as objections to the grant of the contemplated license.

Douglas J. Campion,

*Center for the Utilization of Federal
Technology, National Technical Information
Service, U.S. Department of Commerce.*

[FR Doc. 92-14964 Filed 6-24-92; 8:45 am]

BILLING CODE 3510-04-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Cotton and Wool Textile Products Produced or Manufactured in Poland

June 22, 1992.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs adjusting limits.

EFFECTIVE DATE: June 29, 1992.

FOR FURTHER INFORMATION CONTACT: Naomi Freeman, 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 limits for certain categories are being adjusted, variously,

for carryover and swing.

A description of the textile and apparel categories in terms of HTS numbers is available in the **CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States** (see **Federal Register** notice 56 FR 60101, published on November 27, 1991). Also see 56 FR 57518, published on November 12, 1991.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Auggie D. Tantillo,

*Chairman, Committee for the Implementation
of Textile Agreements.*

Committee for the Implementation of Textile Agreements

June 22, 1992.

Commissioner of Customs,
*Department of the Treasury, Washington, DC
20229.*

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on November 5, 1991, 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 Poland and exported during the twelve-month period which began on January 1, 1992 and extends through December 31, 1992.

Effective on June 29, 1992, you are directed to amend the directive dated November 5, 1991 to adjust the limits for the following categories, as provided under the terms of the current bilateral agreement between the Governments of the United States and the Republic of Poland:

Category	Adjusted twelve-month limit ¹
335.....	127,390 dozen.
433.....	18,249 dozen.
443.....	247,800 numbers.

¹ The limits have not been adjusted to account for any imports exported after December 31, 1991.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Auggie D. Tantillo,

*Chairman, Committee for the Implementation
of Textile Agreements.*

[FR Doc. 92-15002 Filed 6-24-92; 8:45 am]

BILLING CODE 3510-DR-F

Adjustment of Import Limits for Certain Cotton, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Apparel Produced or Manufactured in Sri Lanka

June 19, 1992.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs increasing limits.

EFFECTIVE DATE: June 26, 1992.

FOR FURTHER INFORMATION CONTACT: Jennifer Tallarico, 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) 343-6580. 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 Categories 338/339, 347/348/847 and 634 are being increased for carryforward. As a result, the limits for Categories 338/339 and 634, which are currently filled, will reopen.

A description of the textile and apparel categories in terms of HTS numbers is available in the **CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States** (see **Federal Register** notice 56 FR 60101, published on November 27, 1991). Also see 56 FR 29232, published on June 26, 1991.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

June 19, 1992.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on June 21, 1991, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports

of certain cotton, wool and man-made fiber textile products and silk blend and other vegetable fiber apparel, produced or manufactured in Sri Lanka and exported during the twelve-month period which began on July 1, 1991 and extends through June 30, 1992.

Effective on June 26, 1992, you are directed to amend further the directive dated June 21, 1991 to increase the limits for the following categories, as provided under the terms of the current bilateral agreement between the Governments of the United States and Sri Lanka:

Category	Adjusted twelve-month limit ¹
338/339	1,045,117 dozen.
347/348/847	1,031,025 dozen of which not more than 557,395 dozen shall be in Categories 347-T/348-T/847-T ²
634	200,090 dozen.

¹ The limits have not been adjusted to account for any imports exported after June 30, 1991.

Category	347-T: only	HTS numbers
6103.19.2015,	6103.19.4020,	6103.22.0030,
6103.42.1020,	6103.42.1040,	6103.49.3010,
6112.11.0050,	6113.00.0038,	6203.19.1020,
6203.19.4020,	6203.22.3020,	6203.42.4005,
6203.42.4010,	6203.42.4015,	6203.42.4025,
6203.42.4035,	6203.42.4045,	6203.49.3020,
6210.40.2035,	6211.20.1520,	6211.20.3010 and
6211.32.0040;	Category 348-T: only	HTS numbers
6104.12.0030,	6104.19.2030,	6104.22.0040,
6104.29.2034,	6104.62.2010,	6104.62.2025,
6104.69.3022,	6112.11.0060,	6113.00.0042,
6117.90.0042,	6204.12.0030,	6204.19.3030,
6204.22.3040,	6204.29.4034,	6204.62.3000,
6204.62.4005,	6204.62.4010,	6204.62.4020,
6204.62.4030,	6204.62.4040,	6204.62.4050,
6204.69.3010,	6204.69.9010,	6210.50.2035,
6211.20.1550,	6211.20.6010,	6211.42.0030 and
6217.90.0050;	Category 847-T: only	HTS numbers
6103.29.2044,	6103.49.3017,	6103.49.3024,
6104.29.2041,	6104.29.2045,	6104.69.3034,
6104.69.3038,	6112.19.2080,	6112.19.2090,
6117.90.0051,	6203.29.3046,	6203.49.3040,
6203.49.3045,	6204.29.4041,	6204.29.4047,
6204.69.3052,	6204.69.9044,	6211.20.3040,
6211.20.6040,	6211.39.0040,	6211.49.0040 and
6217.90.0070.		

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 92-15003 Filed 6-24-92; 8:45 am]

BILLING CODE 3510-DR-F

DEPARTMENT OF DEFENSE

Office of the Secretary

Department of Defense Education Benefits Board of Actuaries, Meetings

AGENCY: Office of the Secretary, DoD.

ACTION: Notice of meeting.

SUMMARY: A meeting of the board has been scheduled to execute the provisions of chapter 101, title 10, United

States Code (10 U.S.C. 2006 *et. seq.*). The Board shall review DoD actuarial methods and assumptions to be used in the valuation of the G.I. Bill. Persons desiring to (1) attend the DoD Education Benefits Board of Actuaries meeting or (2) make an oral presentation or submit a written statement for consideration at the meeting must notify Pamela Samuels at (703) 696-6336 by July 2, 1992. Notice of this meeting is required under the Federal Advisory Committee Act.

DATES: July 23, 1992, 1 p.m. to 4 p.m.

ADDRESSES: Room 3E752.

FOR FURTHER INFORMATION CONTACT: Benjamin I. Gottlieb, Executive Secretary, DoD Office of the Actuary, 4th floor, 1600 Wilson Boulevard, Arlington, VA 22209-2593, (703) 696-5869.

Dated: June 22, 1992.

L. M. Bynum,

Alternate OSD Federal Register, Liaison Officer, Department of Defense.

[FR Doc. 92-14943 Filed 6-24-92; 8:45 am]

BILLING CODE 3810-01-M

DOD Advisory Group on Electron Devices; Notice of Advisory Committee Meeting

SUMMARY: Working Group B (Microelectronics) of the DoD Advisory Group on Electron Devices (AGED) announces a closed session meeting.

DATES: The meeting will be held at 0900, Thursday, 23 July 1992.

ADDRESSES: The meeting will be held at Palisades Institute for Research Services, Inc., 2011 Crystal Drive, Suite 307, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: Warner Kramer, AGED Secretariat, 2011 Crystal Drive, Suite 307, Arlington, Virginia 22202.

SUPPLEMENTARY INFORMATION: The mission of the Advisory Group is to provide the Under Secretary of Defense for Acquisition, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group B meeting will be limited to review of research and development programs which the military proposes to initiate with industry, universities or in their laboratories. The microelectronics area includes such programs on semiconductor materials, integrated circuits, charge coupled devices and

memories. The review will include classified program details throughout.

In accordance with Section 10(d) of Public Law No. 92-463, as amended, (5 U.S.C. App. II § 10(d) (1988)), it has been determined that this Advisory Group 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: June 19, 1992.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 92-14945 Filed 6-24-92; 8:45 am]

BILLING CODE 3810-01-M

DOD Advisory Group on Electron Devices; Advisory Committee Meeting

SUMMARY: Working Group A (Microwave Devices) of the DoD Advisory Group on Electron Devices (AGED) announces a closed session meeting.

DATES: The meeting will be held at 0900, Wednesday, 15 July 1992.

ADDRESSES: The meeting will be held at Palisades Institute for Research Services, Inc. 2011 Crystal Drive, suite 307, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: Walter Gelnovatch, AGED Secretariat, 2011 Crystal Drive, suite 307, Arlington, Virginia 22202.

SUPPLEMENTARY INFORMATION: The mission of the Advisory Group is to provide the Under Secretary of Defense for Acquisition, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group A meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities or in their laboratories. This microwave device area includes programs on developments and research related to microwave tubes, solid state microwave devices, electronic warfare devices, millimeter wave devices, and passive devices. The review will include details of classified defense programs throughout.

In accordance with section 10(d) of Pub. L. No. 92-463, as amended, (5 U.S.C. App. II 10(d) (1988)), it has been determined that this Advisory Group 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: June 19, 1992.

L. M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 92-14946 Filed 6-24-92; 8:45 am]

BILLING CODE 8810-10-M

Department of Defense Retirement Board of Actuaries, Meetings

AGENCY: Office of the Secretary, DoD.

ACTION: Notice of meeting.

SUMMARY: A meeting of the board has been scheduled to execute the provisions of chapter 74, title 10, United Code (10 U.S.C. 1464 *et. seq.*). The Board shall review DoD actuarial methods and assumptions to be used in the valuation of the Military Retirement System. Persons desiring to (1) attend the DoD Retirement Board of Actuaries meeting or (2) make an oral presentation or submit a written statement for consideration at the meeting must notify Pamela Samuels at (703) 696-6336 by July 2, 1992. Notice of this meeting is required under the Federal Advisory Committee Act.

DATES: July 24, 1992, 10 a.m. to 1 p.m.

ADDRESSES: Room 3E752.

FOR FURTHER INFORMATION CONTACT: Benjamin I. Gottlieb, Executive Secretary, DoD Office of the Actuary, 4th floor, 1600 Wilson Boulevard, Arlington, VA 22209-2593, (703) 696-5869.

Dated: June 22, 1992.

L. M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 92-14944 Filed 6-24-92; 8:45 am]

BILLING CODE 3810-01-M

Department of the Army

Re-emphasis for Participation in the Joint Military Ashtray Freight Program (JMAFP)

AGENCY: Military Traffic Management Command (MTMC), DOD.

ACTION: Request all mode carriers make a thorough search of their freight terminals and warehouses to help in locating government frustrated property or ashtray freight.

SUMMARY: The Military Traffic Management Command (MTMC) announces a re-emphasis upon the need for the carrier industry to participate in the Joint Military Ashtray Freight Program (JMAFP).

Once again the Commander of the Military Traffic Management Command is asking the transport carrier industries

for their help. According to Major General Richard G. Larson, MTMC Commander, the Department of Defense (DOD) needs the carriers to help locate frustrated and ashtray freight shipments.

MTMC officials say that they are encouraging the carrier industries to cooperate in the Joint Military Ashtray Freight Program because doing so can help both DOD and all carriers. If industry and DOD cooperate, says the MTMC Program Management Office (PMO), they will have a more effective ashtray freight program that will save the carriers millions of dollars in claims as well as recover valuable DOD cargo.

The JMSFP relies on the active participation of all government transportation offices in contacting every carrier terminal and warehouse storage area for shipments that cannot be properly delivered for any reason. MTMC officials stress, however, that the full cooperation of all carriers is necessary to make the program work properly.

The location and return of ashtray or frustrated freight is an important element of the DOD Cargo Loss and Damage Prevention Reporting and Analysis System. Information obtained from the recovery of ashtray cargo is used to assist all government traffic and transportation managers in instituting preventive action programs to help reduce and eliminate the number of future incidents.

During the recent Desert Shield-Desert Storm operations in Southwest Asia, more government shipments were present in the Defense Transportation System (DTS) than at any time since the height of the Vietnam war years.

With the termination of actions in the Gulf region, much of the government property once again was inserted into the DTS as part of the retrograde shipments returning to the United States, or to the military units relocating back to their European stations.

At the height of the Gulf campaign more than 500 shipments carrying 945,000 pieces of cargo weighing 6.5 million measurement tons were moved to support the military forces involved. Sustainment supplies alone filled 37,000 40-foot containers.

Records indicate some of this freight is still located somewhere in the DTS, with the majority of undelivered military shipments believed to be in hands of same carrier to whom the cargo was initially tendered. It is important to appreciate that this program covers all government agency shipments, not only those of DOD.

As an example of the magnitude of this program, JMAFP personnel located

government property valued at \$1 million in 1991, and shipments valued over \$5 million in the first three months of fiscal year 1992.

Major General Larson has directed a revitalization of the JMAFP with the goal of locating and returning 100 percent of the shipments that have gone astray or are frustrated in a carrier's terminal or warehouse.

This effort can be of substantial benefit to the carrier by freeing up storage space that is occupied by nonrevenue shipments, and by helping the carrier obtain proper documentation to receive reimbursement for services already rendered in the movement of the shipments to their present locations.

Toll free lines are open for both industry and government agencies to report astray or frustrated freight. All callers east of the Mississippi River can call 1-800-631-0434. All callers west of the Mississippi River can call 1-800-331-1822.

According to the HQ MTMC PMO, their goal is to make sure every shipment is delivered safely, in undamaged condition, and on time. Should any cargo go astray, MTMC's objective is to recover 100 percent of those shipments as quickly as possible.

FOR FURTHER INFORMATION CONTACT: For further information on the JMAFP, the HOTLINE numbers, and how you can participate, please contact Robert O. Saxton or Crystal Hunter at (703) 756-1680 or HQ, Military Traffic Management Command, 5611 Columbia Pike, Falls Church, VA 22041-5050. This document was submitted for publication in the Federal Register by the HQ, MTMC Office of Public Affairs, Mona Lee Goss.

Kenneth L. Denton,

Army Federal Register Liaison Officer.

[FR Doc. 92-14965 Filed 6-24-92; 8:45 am]

BILLING CODE 3710-08-M

Army Science Board; Open Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee Meeting:

Name of the Committee: Army Science Board (ASB).

Dates of the Meeting: 30-31 July 1992.

Time: 0830-1700 Hours.

Place: Washington, DC and vicinity.

Agenda: The Army Science Board Infrastructure and Environment Panel Issue Group will meet to discuss the study on "Groundwater Modeling in the Army's Environmental Restoration Programs." This meeting will be open to the public. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the

committee. The ASB Administrative Officer, Sally Warner, may be contacted for further information (703) 695-0781.

Sally A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 92-14993 Filed 6-24-92; 8:45 am]

BILLING CODE 3710-08-M

Army Science Board; Closed Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee Meeting:

Name of the Committee: Army Science Board (ASB).

Dates of the Meeting: July 13 and 14, 1992.

Time: 1300-1700 Daily.

Place: The Pentagon, Washington, DC.

Agenda: The Army Science Board (ASB) Systems Issue Group Study on "Evaluation of Longbow for Apache and Comanche" will meet during the period 13-14 July. The members of the ASB will review the progress of the Longbow RF Missile. The ASB members will finalize the content of the 6 month IPR for the sponsor. This meeting will be closed due to the proprietary and classified nature of the discussions. This meeting will be closed to the public in accordance with section 552b(c) of title 5, U.S.C., specifically subparagraphs (1) and (4) thereof, and title 5, U.S.C., appendix 2, subsection 10(d). The classified and unclassified matters and proprietary information to be discussed is so inextricably intertwined so as to preclude opening any portion of the meeting. The ASB Administrative Officer, Sally Warner, may be contacted for further information (703) 695-0781.

Sally A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 92-14994 Filed 6-24-92; 8:45 am]

BILLING CODE 3710-08-M

Army Science Board; Closed Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee Meeting:

Name of the Committee: Army Science Board (ASB).

Dates of the Meeting: 16 and 17 July 1992.

Time: 0900-1500 Hours.

Place: The Pentagon, Washington, DC.

Agenda: The Army Science Board (ASB) Ad Hoc Subgroup on Space Systems and Airland Operations will meet for discussions focused on current operational concept and the Army Long Range Plan for Space. Additionally, operational commands and TRADOC Schools will present lessons learned in Operations Desert Shield/Storm. This meeting will be closed to the public in accordance with section 552b(c) of title 5, U.S.C., specifically subparagraph (1) thereof, and title 5, U.S.C., appendix 2, subsection 10(d). The classified material and information to be discussed will be so enmeshed with the

unclassified material as to preclude opening any portion of the meeting. The ASB Administrative Officer, Sally Warner, may be contacted for further information (703) 695-0781.

Sally A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 92-14995 Filed 6-24-92; 8:45 am]

BILLING CODE 3710-08-M

Defense Logistics Agency

Privacy Act of 1974; Amend and Delete Record Systems

AGENCY: Defense Logistics Agency, DOD.

ACTION: Amend and delete record systems.

SUMMARY: The Defense Logistics Agency proposes to amend six existing record systems and delete five from the DLA inventory of record system notices subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: The deletions will be effective June 25, 1992. The amendments will be effective without further notice on July 27, 1992, unless comments are received that result in a contrary determination.

ADDRESSES: Privacy Act Officer, Administrative Management Branch, Planning and Resource Management Division, Defense Logistics Agency, Room 5A120, Cameron Station, Alexandria, VA 22304-6100.

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

SUPPLEMENTARY INFORMATION: The complete inventory of Defense Logistics Agency record system notices subject to the Privacy Act of 1974, as amended, have been published in the Federal Register as follows:

50 FR 22897, May 29, 1985 (DOD Compilation, changes follow)
 50 FR 51898, Dec. 20, 1985
 51 FR 27443, Jul. 31, 1986
 51 FR 30104, Aug. 22, 1986
 52 FR 35304, Sep. 18, 1987
 52 FR 37495, Oct. 7, 1987
 53 FR 04442, Feb. 16, 1988
 53 FR 09965, Mar. 28, 1988
 53 FR 21511, Jun. 8, 1988
 53 FR 26105, Jul. 11, 1988
 53 FR 32091, Aug. 23, 1988
 53 FR 39129, Oct. 5, 1988
 53 FR 44937, Nov. 7, 1988
 53 FR 48708, Dec. 2, 1988
 54 FR 11997, Mar. 23, 1989
 55 FR 21918, May 30, 1990 (Updated Mailing Addresses)
 55 FR 32284, Aug. 8, 1990
 55 FR 32947, Aug. 13, 1990
 55 FR 34050, Aug. 21, 1990
 55 FR 42755, Oct. 23, 1990
 55 FR 53178, Dec. 27, 1990
 56 FR 5806, Feb. 13, 1991

56 FR 8987, Mar. 4, 1991
 56 FR 11207, Mar. 15, 1991
 56 FR 19838, Apr. 30, 1991
 56 FR 31392, Jul. 10, 1991 (Updated Index)
 56 FR 35852, Jul. 29, 1991
 56 FR 52017, Oct. 17, 1991
 56 FR 55910, Oct. 30, 1991
 56 FR 56065, Oct. 31, 1991
 56 FR 65245, Dec. 16, 1991

The deletions are a result of changes in information collection and retrieval requirements. The specific changes to the record systems being amended are set forth below, followed by the systems notices, as amended, in their entirety. The notices are not within the purview of subsection (r) of the Privacy Act which requires the submission of altered systems reports.

Dated: June 19, 1992.

L. M. Bynum,

Alternate OSD Federal Register Liaison
 Officer, Department of Defense.

DELETIONS

S111.11 DLA-KS

SYSTEM NAME: Rotation of Employees from Foreign Areas and the Canal Zone. (50 FR 22897, May 29, 1985).

Reason: System is no longer required.

S111.12 DLA-KS

SYSTEM NAME: Bye-Bye Retirement System, (50 FR 22897, May 29, 1985).

Reason: System is no longer required.

S270.10 DLA-KS

SYSTEM NAME: Request for Assistance and Information. (50 FR 22897, May 29, 1985).

Reason: Records are not retrieved by personal identifier.

S332.01 DLA-KS

SYSTEM NAME: Employment Inquiries, (50 FR 22897, May 29, 1985).

Reason: Records are not retrieved by personal identifier.

S339.50 DLA-KS

SYSTEM NAME: Supervisors' Personnel Records, (50 FR 22897, May 29, 1985).

Reason: This system is a duplicate of OPM/GOVT-1.

AMENDMENTS

S111.13 DLA-KS

SYSTEM NAME:

Official Records for Host Enrollee Programs, (50 FR 22897, May 29, 1985).

CHANGES:

SYSTEM IDENTIFIER:

Delete entry and replace with "S330.10 DLA-KS"

* * * * *

CATEGORIES OF RECORDS IN THE SYSTEM:

Delete entry and replace with "Various forms and records pertaining to the selection, tenure, and separation of individuals in the Host Enrollee Program. Records contain time and attendance data, training information, periodic evaluations, data on enrollee designee for emergency contact, and similar employment related information."

* * * * *

PURPOSE(S):

Delete entry and replace with "This information is used to assist personnel and management officials in administering a uniform employment and training program and to make a proper evaluation of the enrollee."

* * * * *

STORAGE:

Delete entry and replace with "Records are maintained in computerized and paper form."

* * * * *

SAFEGUARDS:

Delete entry and replace with "Records are maintained in areas accessible only to DLA personnel who must access the records to perform their duties. The computerized files are password protected with access restricted to authorized users."

* * * * *

S330.10 DLA-KS

SYSTEM NAME:

Official Records for Host Enrollee Programs.

SYSTEM LOCATION:

Defense Logistics Agency Primary Level Field Activities. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

Primary Level Field Activities (PLFAs) act as hosts for individuals sponsored by local, state and federal agencies who seek work experience and training with DLA activities with or without DLA participation relative to compensation and reimbursement.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All applicants and selectees of Host Enrollee Programs.

CATEGORIES OF RECORDS IN THE SYSTEM:

Various forms and records pertaining to the selection, tenure, and separation of individuals in the Host Enrollee Program. Records contain time and attendance data, training information, periodic evaluations, data on enrollee

designee for emergency contact, and similar employment related information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Rehabilitation Act of 1973 (29 U.S.C. 701, et seq.); Emergency Jobs and Unemployment Assistance Act of 1974 (Pub. L. 93-567); Comprehensive Employment and Training Act (CETA) (29 U.S.C. 801, et seq.).

PURPOSE(S):

This information is used to assist personnel and management officials in administering a uniform employment and training program and to make a proper evaluation of the enrollee.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The Defense Logistics Agency "Blanket Routine Uses" set forth at the beginning of DLA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in computerized and paper form.

RETRIEVABILITY:

Retrieved by employee name under particular type of Host Enrollee Program.

SAFEGUARDS:

Records are maintained in areas accessible only to DLA personnel who must access the records to perform their duties. The computerized files are password protected with access restricted to authorized users.

RETENTION AND DISPOSAL:

Records are maintained for the duration of the enrollee's program assignment. They are held for two years after separation from the program and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Primary Level Field Activities Civilian Personnel Officers. Official mailing addresses are published as an appendix to DLA's compilation of system of records notices.

NOTIFICATION PROCEDURES:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the PLFA Civilian Personnel Office where the enrollment occurred. Individuals currently enrolled in the Host Enrollee

Program may obtain information directly from the system manager. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

Written inquiries should contain the full name of the individual and the name of the program enrolled or formerly enrolled in.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the PLFA Civilian Personnel Office where enrollment occurred. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

Written requests should include requester's full name, name of program enrolled or formerly enrolled, and job title held. For personal visits employees should be able to provide some acceptable identification.

CONTESTING RECORD PROCEDURES:

The Defense Logistics Agency rules for contesting contents and appealing initial agency determinations are contained in DLA Regulation 5400.21, Personal Privacy and Rights of Individuals Regarding Their Personal Records; 32 CFR part 323; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information is obtained from the employee, program sponsor, educational institutions, supervisors and others who contribute to the work and training experience of the enrollee while registered in the respective PLFA Host Enrollee Program.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

S243.30 DLA-KS

SYSTEM NAME:

Complaints, (50 FR 22897, May 29, 1985).

CHANGES:

SYSTEM IDENTIFIER:

Delete entry and replace with "S330.20 DLA-KS"

SYSTEM LOCATION:

In the first line, insert the word "Civilian" in front of Personnel."

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Delete entry and replace with "DLA current and former civilian and military

personnel, contractor employees, union spokesmen, and other individuals and organizations who have presented complaints to Members of Congress which have been referred to the Staff Director, Civilian Personnel, Headquarters DLA, for response, actions, or information."

CATEGORIES OF RECORDS IN THE SYSTEM:

Delete entry and replace with "Case files of complaints to Members of Congress. Cases include correspondence, reports, input from staff elements and field activities, and related supporting papers regarding specific complaint."

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete entry and replace with "10 U.S.C. 133; 5 U.S.C., Chap. 29; and Department of Defense Directive 5400.4."

RETRIEVABILITY:

Delete entry and replace with "Complaints are retrieved alphabetically by last name of individual. Group complaints are retrieved alphabetically by activity where originated. Complaints from organizations are filed alphabetically by organization or activity name."

RETENTION AND DISPOSAL:

Delete entry and replace with "Records are destroyed after 8 years."

S330.20 DLA-KS

SYSTEM NAME:

Complaints.

SYSTEM LOCATION:

Staff Director, Civilian Personnel, Headquarters Defense Logistics Agency, Cameron Station, Alexandria, VA 22304-6100, and Defense Logistics Agency (DLA) Primary Level Field Activities. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

DLA current and former civilian and military personnel, contractor employees, union spokesmen, and other individuals and organizations who have presented complaints to Members of Congress which have been referred to the Staff Director, Civilian Personnel,

Headquarters DLA, for response, actions, or information.

CATEGORIES OF RECORDS IN THE SYSTEM:

Case files of complaints to Members of Congress. Cases include correspondence, reports, input from staff elements and field activities, and related supporting papers regarding specific complaint.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 133; 5 U.S.C., Chap. 29; and Department of Defense Directive 5400.4.

PURPOSE(S):

Information is collected in order to base reply to complainant and to determine need for and course of action to be taken regarding complaint. Information is used by Director, DLA, and DLA staff, field commanders, managers, and supervisors in replying to additional inquiries and for bringing to attention of higher level management, when appropriate.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Information is furnished to individuals or organizations who wrote to DLA on behalf of the complainant and who use it to respond to the complainant, or for other related purposes. The Defense Logistics Agency "Blanket Routine Uses" set forth at the beginning of DLA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and a log book.

RETRIEVABILITY:

Complaints are retrieved alphabetically by last name of individual. Group complaints are retrieved alphabetically by activity where originated. Complaints from organizations are filed alphabetically by organization or activity name.

SAFEGUARDS:

Records are maintained in locked filing cabinets in areas accessible only to Agency personnel.

RETENTION AND DISPOSAL:

Records are destroyed after 8 years.

SYSTEM MANAGER(S) AND ADDRESS:

Staff Director, Civilian Personnel, Headquarters Defense Logistics Agency, Cameron Station, Alexandria, VA 22304-6100, and Defense Logistics

Agency Primary Level Field Activities. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

NOTIFICATION PROCEDURES:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries or make a personal visit to the Staff Director, Civilian Personnel, Headquarters Defense Logistics Agency, Cameron Station, Alexandria, VA 22304-6100, or the Defense Logistics Agency Primary Level Field Activities. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

Individual must provide full name, the name of any DLA activity involved, and general nature of complaint individual believes to be filed in the system.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the Staff Director, Civilian Personnel, Headquarters Defense Logistics Agency, Cameron Station, Alexandria, VA 22304-6100, or the Defense Logistics Agency Primary Level Field Activities. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

The request should contain the full name, current address and telephone number of the individual, and the general nature of complaint individual believes to be filed in this system. For personal visits, individual should also be able to provide some acceptable identification, that is, driver's license, work identification card, and give some verbal information that could be verified with his/her case folder.

CONTESTING RECORD PROCEDURES:

The Defense Logistics Agency rules for contesting contents and appealing initial agency determinations are contained in DLA Regulation 5400.21, Personal Privacy and Rights of Individuals Regarding Their Personal Records; 32 CFR part 323; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Employee's supervisor, civilian personnel office of employee's activity, U.S. Office of Personnel Management, staff elements, other Federal agencies, DLA activities or other parties that may have information pertinent to specific complaint, or an interest in the complaint.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

S337.01 DLA-KS

SYSTEM NAME:

Labor Management Relations Records System, (50 FR 22897, May 29, 1985).

CHANGES:

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CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Delete entry and replace with "Civilian employees who are involved in grievances which have been referred to an arbitrator for resolution; civilian employees involved in the filing of Unfair Labor Practice complaints which are being processed by the Federal Labor Relations Authority; and union officials and union representatives."

* * * * *

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete entry and replace with "Chapter 71 of Title 5 of the U.S. Code, Labor-Management Relations."

* * * * *

PURPOSE(S):

In the first sentence, delete "Executive Order" and replace with "statute." In the last sentence, delete "hearing examiner or."

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ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In the third sentence, delete "The Office of the Assistant Secretary of Labor for Management Relations" and replace with "The Federal Labor Relations Authority."

* * * * *

STORAGE:

Delete entry and replace with "Records are stored in paper and computerized form."

* * * * *

RETRIEVABILITY:

Delete the words "Manual records" and replace with "Records."

* * * * *

SAFEGUARDS:

Delete entry and replace with "Records are maintained in areas accessible only to DLA personnel who must access the records to perform their duties. The computerized files are password protected with access restricted to authorized users."

* * * * *

RETENTION AND DISPOSAL:

Delete entry and replace with "Records are destroyed 5 years after final resolution of case."

* * * * *

RECORD SOURCE CATEGORIES:

Delete "Office of Assistant Secretary of Labor for Labor-Management Relations," and replace with "the Federal Labor Relations Authority, and"

* * * * *

S337.01 DLA-KS

SYSTEM NAME:

Labor Management Relations Records System.

SYSTEM LOCATION:

Headquarters, Defense Logistics Agency, Cameron Station, Alexandria, VA 22304-6100, and Defense Logistics Agency Primary Level Field Activities. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian employees who are involved in grievances which have been referred to an arbitrator for resolution; civilian employees involved in the filing of Unfair Labor Practice complaints which are being processed by the Federal Labor Relations Authority; and union officials and union representatives.

CATEGORIES OF RECORDS IN THE SYSTEM:

Folder contains all information pertaining to a specific arbitration case or specific alleged Unfair Labor Practice involving DLA or the Department of Defense; field activities maintain roster of local union officials and union stewards.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Chapter 71 of Title 5 of the U.S. Code, Labor-Management Relations.

PURPOSE(S):

Officials and employees of the Department of Defense (to include Army, Navy, Air Force, and other DoD agencies) in the performance of their official duties related to the Labor-Management Relations Program, e.g., administration/implementation of arbitration awards, interpretation of the statute through third party case decisions; and national consultation and other dealings with the recognized unions. Officials and employees of the components of the Department of Defense in the performance of their official duties related to the

administration of the Labor Management Relations Program; a duly appointed arbitrator for the purpose of conducting a hearing in connection with an employee's grievance.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Representatives of the U.S. Office of Personnel Management (OPM) on matters relating to the inspection, survey, audit or evaluation of Civilian Personnel Management Programs. The Comptroller General or any of his authorized representatives, in the course of the performance of duties of the General Accounting Office relating to the Labor-Management Relations Program. The Federal Labor Relations Authority to respond to inquiries from that office regarding complaints referred to or filed with that office.

The Defense Logistics Agency "Blanket Routine Uses" set forth at the beginning of DLA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in paper and computerized form.

RETRIEVABILITY:

Records are retrieved by case subject, case numbers, and/or individual employee names.

SAFEGUARDS:

Records are maintained in areas accessible only to DLA personnel who must access the records to perform their duties. The computerized files are password protected with access restricted to authorized users.

RETENTION AND DISPOSAL:

Records are destroyed 5 years after final resolution of case.

SYSTEM MANAGER(S) AND ADDRESS:

Civilian Personnel Officer or comparable official of the Civilian Personnel Office servicing the Headquarters, Defense Logistics Agency, Cameron Station, Alexandria, VA 22304-6100, and Defense Logistics Agency Primary Level Field Activities. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

NOTIFICATION PROCEDURES:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Civilian

Personnel Officer or comparable official of the Civilian Personnel Office servicing the Headquarters, Defense Logistics Agency, Cameron Station, Alexandria, VA 22304-6100, and Defense Logistics Agency Primary Level Field Activities. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

The letter should contain the full name and signature of the requester. The individual may visit the DLA activity at which he or she is employed.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system should address written inquiries to the Civilian Personnel Officer or comparable official of the Civilian Personnel Office servicing the Headquarters, Defense Logistics Agency, Cameron Station, Alexandria, VA 22304-6100, and Defense Logistics Agency Primary Level Field Activities. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

The letter should contain the full name and signature of the requester. The individual may visit the DLA activity at which he or she is employed. In addition, requester must be able to provide some suitable type of identification.

CONTESTING RECORD PROCEDURES:

The Defense Logistics Agency rules for contesting contents and appealing initial agency determinations are contained in DLA Regulation 5400.21, Personal Privacy and Rights of Individuals Regarding Their Personal Records; 32 CFR part 323; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Servicing Civilian Personnel Officers, arbitrator's office, the Federal Labor Relations Authority, and union officials.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.
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S337.25 DLA-KS

SYSTEM NAME:

Employee Relations under Negotiated Grievance Procedures, (50 FR 22897, May 29, 1985).

CHANGES:

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CATEGORIES OF RECORDS IN THE SYSTEM:

Delete entry and replace with "This system contains information and

documents pertaining to discipline, grievance, complaints, and appeals."
* * * * *

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete entry and replace with "E.O. 9830, Amending the Civil Service Rules and Providing for Federal Personnel Administration; Equal Employment Opportunity Act of 1972, Pub. L. 92-261; 5 U.S.C. Chap. 33, Examination, Selection, and Placement; 29 U.S.C. Chap. 14, Age Discrimination Employment; 5 U.S.C. Chap 75, Adverse Actions; and 5 U.S.C. Chapter 71, Labor-Management Relations."
* * * * *

PURPOSE(S):

Delete entry and replace with "Records are used by officials of the Department of Defense in the performance of their official duties related to the management of civilian employees in the processing, administration and adjudication of discipline, grievance, complaints, and appeal actions. Records are also used for litigation and program evaluation purposes."
* * * * *

STORAGE:

Delete entry and replace with "Records are stored in paper and computerized form."
* * * * *

RETRIEVABILITY:

Delete entry and replace with "Records are retrieved by name."
* * * * *

SAFEGUARDS:

Delete entry and replace with "Records are maintained in areas accessible only to DLA personnel who must access the records to perform their duties. The computer files are password protected with access restricted to authorized users."
* * * * *

RETENTION AND DISPOSAL:

Delete entry and replace with "Records are destroyed three years after case is closed."
* * * * *

S337.25DLA-KS

SYSTEM NAME:

Employee Relations Under Negotiated Grievance Procedures.

SYSTEM LOCATION:

Headquarters, Defense Logistics Agency, Cameron Station, Alexandria, VA 22304-6100, and Defense Logistics Agency Primary Level Field Activities. Official mailing addresses are published as an appendix to the DLA's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Department of Defense civilian employees on whom discipline, grievance, and complaint records exist. Discrimination complaints of civilian employees, applicants for employment and former employees in appropriated and nonappropriated positions.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains information and documents pertaining to discipline, grievance, complaints, and appeals.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 9830, Amending the Civil Service Rules and Providing for Federal Personnel Administration; Equal Employment Opportunity Act of 1972, Pub. L. 92-261; 5 U.S.C. Chap. 33, Examination, Selection, and Placement; 29 U.S.C. Chap. 14, Age Discrimination Employment; 5 U.S.C. Chap 75, Adverse Actions; and 5 U.S.C. Chapter 71, Labor-Management Relations.

PURPOSE(S):

Records are used by officials of the Department of Defense in the performance of their official duties related to the management of civilian employees in the processing, administration and adjudication of discipline, grievance, complaints, and appeal actions. Records are also used for litigation and program evaluation purposes.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Representatives of the Office of Personnel Management (OPM) on matters relating to the inspection, survey, audit or evaluation of civilian personnel management programs or personnel actions, or such other matters under the jurisdiction of the OPM. Appeals authority for the purpose of conducting hearings in connection with employee's appeals from adverse actions and formal discrimination complaints. The Comptroller General or any of his authorized representatives in the course of the performance of duties of the General Accounting Office relating to the civilian manpower management program. The Attorney General of the United States or his

authorized representatives in connection with litigation, law enforcement or other matters under the direct jurisdiction of the Department of Justice or carried out as the legal representative of the Executive Branch agencies. The Senate or the House of Representatives of the United States or any member, committee or subcommittee or joint committees on matters within their jurisdiction relating to the above programs.

The Defense Logistics Agency "Blanket Routine Uses" set forth at the beginning of DLA's compilation of systems of records notices also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Records are stored in paper and computerized form.

RETRIEVABILITY:

Records are retrieved by name.

SAFEGUARDS:

Records are maintained in areas accessible only to DLA personnel who must access the records to perform their duties. The computer files are password protected with access restricted to authorized users.

RETENTION AND DISPOSAL:

Records are destroyed three years after case is closed.

SYSTEM MANAGER(S) AND ADDRESS:

Civilian Personnel Officer or comparable official of the Civilian Personnel Office servicing the Headquarters, Defense Logistics Agency, Cameron Station, Alexandria, VA 22304-6100, and Defense Logistics Agency Primary Level Field Activities. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

NOTIFICATION PROCEDURES:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Civilian Personnel Officer or comparable official of the Civilian Personnel Office servicing the Headquarters, Defense Logistics Agency, Cameron Station, Alexandria, VA 22304-6100, or Defense Logistics Agency Primary Level Field Activities. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

The letter should contain the full name and signature of the requester and the type of record sought. The individual

may visit the activity at which he or she is employed.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system should address written inquiries to the Civilian Personnel Officer or comparable official of the Civilian Personnel Office servicing the Headquarters, Defense Logistics Agency, Cameron Station, Alexandria, VA 22304-6100, and Defense Logistics Agency Primary Level Field Activities. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

The letter should contain the full name and signature of the requester. The individual may visit the Department of the Defense activity at which he or she is employed. In addition, requester must be able to provide some suitable type of identification.

CONTESTING RECORD PROCEDURES:

The Defense Logistics Agency rules for contesting contents and appealing initial agency determinations are contained in DLA Regulation 5400.21, Personal Privacy and Rights of Individuals Regarding Their Personal Records; 32 CFR part 323; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Supervisors or other appointed officials designated for this purpose.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

S380.01 DLA-KS**SYSTEM NAME:**

Employee Assistance Program Case Record Systems, (50 FR 22897, May 29, 1985).

CHANGES:

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SYSTEM IDENTIFIER:

Delete entry and replace with "S330.40 DLA-KS."

* * * * *

SYSTEM LOCATION:

Delete first sentence and replace with "Headquarters Defense Logistics Agency, DLA Primary Level Field Activities, and offices of contractors who provide counseling services."

* * * * *

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Delete entry and replace with "All civilian employees in appropriated and nonappropriated fund activities who are

referred by management or who voluntarily request counseling assistance; military service members assigned to DLA activities who voluntarily request counseling; and family members of military members or civilian employees who voluntarily request counseling."

CATEGORIES OF RECORDS IN THE SYSTEM:

Delete entry and replace with "Individual case records maintained by counselors, supervisors, civilian personnel offices, and social actions offices which consist of information on condition, current status, and progress of individuals who have alcohol, drug, emotional, or other personal problems affecting job performance."

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete entry and replace with "21 U.S.C. Chap 16, Drug Abuse Prevention, Treatment, and Rehabilitation; 42 U.S.C. Chap 6A, Subchapter IIIA, Alcohol, Drug Abuse, and Mental Health Programs; Subchapter A of Chapter I, Title 42, Code of Federal Regulations; 5 U.S.C. Chap. 43, Performance Appraisal."

PURPOSE(S):

Delete entry and replace with "Used in the execution of the counseling function as it applies to the individual; selected information may be provided to and used by other counselors."

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Delete entry and replace with "In order to comply with provisions of 42 U.S.C. 290dd-3 and 290ee-3, the DLA "Blanket Routine Uses" do not apply to this system of records.

Records in this system may not be disclosed without the prior written consent of such patient, unless the disclosure would be:

To medical personnel to the extent necessary to meet a bona fide medical emergency;

To qualified personnel for the purpose of conducting scientific research, management audits, financial audits, or program evaluation, but such personnel may not identify, directly or indirectly, any individual patient in any report of such research, audit, or evaluation, or otherwise disclose patient identities in any manner; and

If authorized by an appropriate order of a court of competent jurisdiction

granted after application showing good cause therefor.

STORAGE:

Delete entry and replace with "Records are stored in paper and computerized form."

SAFEGUARDS:

Delete entry and replace with "Records are maintained in areas accessible only to individuals who must access the records to perform their official duties. Computer files are password protected with access restricted to authorized users."

RETENTION AND DISPOSAL:

Delete entry and replace with "Records are destroyed 3 years after termination of counseling."

NOTIFICATION PROCEDURES:

In first sentence, change "Employer Assistance Program" to "Employee Assistance Program."

S330.40 DLA-KS

SYSTEM NAME:

Employee Assistance Program Case Record Systems.

SYSTEM LOCATION:

Headquarters Defense Logistics Agency, DLA Primary Level Field Activities, and offices of contractors who provide counseling services. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All civilian employees in appropriated and nonappropriated fund activities who are referred by management or who voluntarily request counseling assistance; military service members assigned to DLA activities who voluntarily request counseling; and family members of military members or civilian employees who voluntarily request counseling.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual case records maintained by counselors, supervisors, civilian personnel offices, and social actions offices which consist of information on condition, current status, and progress of individuals who have alcohol, drug, emotional, or other personal problems affecting job performance.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 21 U.S.C. Chap 16, Drug Abuse Prevention, Treatment, and Rehabilitation; 42 U.S.C. Chap 6A, Subchapter IIIA, Alcohol, Drug Abuse, and Mental Health Programs; Subchapter A of Chapter I, Title 42, Code of Federal Regulations; 5 U.S.C. Chap. 43, Performance Appraisal.

PURPOSE(S):

Used in the execution of the counseling function as it applies to the individual; selected information may be provided to and used by other counselors.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In order to comply with provisions of 42 U.S.C. 290dd-3 and 290ee-3, the DLA "Blanket Routine Uses" do not apply to this system of records.

Records in this system may not be disclosed without the prior written consent of such patient, unless the disclosure would be:

To medical personnel to the extent necessary to meet a bona fide medical emergency;

To qualified personnel for the purpose of conducting scientific research, management audits, financial audits, or program evaluation, but such personnel may not identify, directly or indirectly, any individual patient in any report of such research, audit, or evaluation, or otherwise disclose patient identities in any manner; and

If authorized by an appropriate order of a court of competent jurisdiction granted after application showing good cause therefor.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in paper and computerized form.

RETRIEVABILITY:

By employee name, locally assigned identifying number or by case number.

SAFEGUARDS:

Records are maintained in areas accessible only to individuals who must access the records to perform their official duties. Computer files are password protected with access restricted to authorized users.

RETENTION AND DISPOSAL:

Records are destroyed 3 years after termination of counseling.

SYSTEM MANAGER(S) AND ADDRESS:

Personnel Officer or comparable official of the Civilian Personnel Office servicing the activity or installation. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

NOTIFICATION PROCEDURES:

Individuals seeking to determine whether information about themselves is contained in this system of records should address written inquiries to servicing civilian personnel office or to the appropriate Employee Assistance Program administrator at the activity. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

The letter should contain the full name and signature of the requester and the approximate period of time, by date, during which the case record was developed.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address inquiries to the Personnel Officer or comparable official of the Civilian Personnel Office servicing the activity or installation. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

CONTESTING RECORD PROCEDURES:

The Defense Logistics Agency rules for contesting contents and appealing initial agency determinations are contained in DLA Regulation 5400.21, Personal Privacy and Rights of Individuals Regarding Their Personal Records; 32 CFR part 323; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Counselors, other officials, individuals or practitioners, and other agencies both in and outside of Government.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

S493.10 DLA-M**SYSTEM NAME:**

Official Personnel Folders for Nonappropriated Fund Employees, (50 FR 22897, May 29, 1985).

CHANGES:**SYSTEM IDENTIFIER:**

Delete entry and replace with "S330.50 DLA-KS."

SYSTEM NAME:

Delete entry and replace with "Official Personnel Files for Nonappropriated Fund Employees."

SYSTEM LOCATION:

Add at end "Some of the information contained in this system may be duplicated for maintenance at a location closer to the employee's work site (e.g., in an administrative office or supervisor's work folder) and still be covered by this system notice."

CATEGORIES OF RECORDS IN THE SYSTEM:

Delete entry and replace with "Files contain identifying information such as name, date of birth, home address, social security number, home telephone, work experience, educational level, and specialized training. Files will also contain information pertaining to the selection and appointment of NAF employees, along with separation, classification, training, adverse or disciplinary actions, and similar employment-related information."

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete "10 U.S.C. 136" and replace with "10 U.S.C. 133."

PURPOSE(S):

Delete entry and replace with "The files provide the basic source of factual data about a person's NAF employment. The information is collected and maintained to provide personnel services to the employee and to provide personnel and supervisory officials with information on which to base decisions on employee rights, benefits, eligibility and status."

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Delete entry and replace with "The information may be disclosed to government and private vendor training facilities and educational institutions in support of training requirements; to health and life insurance carriers for enrollment purposes; to state unemployment compensation agencies to adjudicate claims; to Federal, state, local, and professional licensing boards concerning the issuance, retention, or revocation of licenses or certificates.

The Defense Logistics Agency "Blanket Routine Uses" set forth at the beginning of DLA's compilation of

systems of records notices also apply to this system."

STORAGE:

Delete section and replace with "Records are stored in paper and computerized form."

RETRIEVABILITY:

Delete entry and replace with "Records are retrieved by name or SSN."

SAFEGUARDS:

Delete entry and replace with "Records are maintained in areas accessible only to DLA personnel who must have access to perform their duties. The computer files are password protected with access restricted to authorized users."

RETENTION AND DISPOSAL:

In the last line, change "180 days" to "one year."

S330.50 DLA-KS**SYSTEM NAME:**

Official Personnel Files for Nonappropriated Fund Employees.

SYSTEM LOCATION:

Geographically and organizationally decentralized to the Defense Logistics Agency Primary Level Field Activities which employ nonappropriated fund employees. Official mailing address are published as an appendix to DLA's compilation of systems of records notices.

Some of the information contained in this system may be duplicated for maintenance at a location closer to the employee's work site (e.g., in an administrative office or supervisor's work folder) and still be covered by this system notice.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All employees of nonappropriated fund (NAF) instrumentalities of DLA and former employees of such activities.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain identifying information such as name, date of birth, home address, social security number, home telephone, work experience, educational level, and specialized training. Files will also contain information pertaining to the selection and appointment of NAF employees, along with separation,

classification, training, adverse or disciplinary actions, and similar employment-related information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and 302; 10 U.S.C. 133; and Executive Order 9397.

PURPOSE(S):

The files provide the basic source of factual data about a person's NAF employment. The information is collected and maintained to provide personnel services to the employee and to provide personnel and supervisory officials with information on which to base decisions on employee rights, benefits, eligibility and status.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The information may be disclosed to government and private vendor training facilities and educational institutions in support of training requirements; to health and life insurance carriers for enrollment purposes; to state unemployment compensation agencies to adjudicate claims; to Federal, state, local, and professional licensing boards concerning the issuance, retention, or revocation of licenses or certificates.

The Defense Logistics Agency "Blanket Routine Uses" set forth at the beginning of DLA's compilation of systems of records notices also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in paper and computerized form.

RETRIEVABILITY:

Records are retrieved by name or SSN.

SAFEGUARDS:

Records are maintained in areas accessible only to DLA personnel who must have access to perform their duties. The computer files are password protected with access restricted to authorized users.

RETENTION AND DISPOSAL:

Folders are maintained for the duration of the employee's employment. They are retired to the National Personnel Records Center (Civilian Personnel Records), 111 Winnebago Street, St. Louis, MO 63118, one year after separation.

SYSTEM MANAGER(S) AND ADDRESS:

Civilian Personnel Officers of Defense Logistics Agency Primary Level Field

Activities where there are NAF employees. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

NOTIFICATION PROCEDURES:

Individuals seeking to determine whether information about themselves is contained in this system of records should address inquiries to the Civilian Personnel Officer of the Defense Logistics Agency Primary Level Field Activity where employed. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

Inquiry should contain requester's full name and location of organization where employed. The requester may visit the Office of Civilian Personnel of the appropriate PLFA to obtain information on whether the system contains records pertaining to him or her.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system of records should address inquiries to the Civilian Personnel Officer of the Defense Logistics Agency Primary Level Field Activity where employed. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

Written requests should include requester's full name, job title and name of organization where employed. For personal visits employee should be able to provide some acceptable identification such as driver's license or employee identification badge.

CONTESTING RECORD PROCEDURES:

The Defense Logistics Agency rules for contesting contents and appealing initial agency determinations are contained in DLA Regulation 5400.21, Personal Privacy and Rights of Individuals Regarding Their Personal Records; 32 CFR part 323; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information contained in the folder is obtained from the employee's previous employer, educational institutions, trade associations, references and others who would have knowledge of the employee's skills or employment characteristics and papers originating with the activity during the employee's work history.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 92-14947 Filed 06-24-92; 8:45 am]
BILLING CODE 3810-01-F

Department of the Navy

Navy Exchange System Advisory Committee; Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. 2), notice is hereby given that the Navy Exchange System Advisory Committee will meet July 16, 1992, in the Pentagon. The meeting will commence at 9 am and will be closed to the public because it is likely to relate solely to internal agency personnel rules and practices; may disclose confidential commercial and financial information; and may involve information which, if disclosed prematurely, would be likely to significantly frustrate implementation of the proposed agency action. The Secretary of the Navy has therefore determined, in writing, that the public interest requires the meeting be closed to the public because it will be concerned with matters listed in section 552b(c) (2), (4) and (9) (B) of Title 5, United States Code.

For further information concerning this meeting contact: Mr. Alexander Douvres, Naval Supply Systems Command (NAVSUP 09B), 1931 Jefferson Davis Highway, CM 3, room 508, Arlington, VA 22202, Telephone (703) 607-0072/3.

Dated: June 18, 1992.

Wayne T. Baucino,

*Lieutenant, JAGC, U.S. Naval Reserve,
Alternate Federal Register Liaison Officer.
FR Doc. 92-14967 Filed 6-24-92; 8:45 am]*
BILLING CODE 3810-AE-F

Naval Research Advisory Committee; Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App.), notice is hereby given that the Naval Research Advisory Committee will meet on July 13-17, and July 20-24, 1992, at the Applied Physics Laboratory, University of Washington, Seattle, Washington. The sessions on July 13-17, and July 20, 22, and 23 will commence at 8:30 a.m. and terminate at 5 p.m.; the session on July 21 will commence at 10:30 a.m. and terminate at 3 p.m.; and the session on July 24, 1992, will commence at 8:30 a.m. and terminate at 12 noon. All sessions of these meetings will be closed to the public.

The purpose of these meetings is to discuss basic and advanced research. The agenda will include briefings and discussions related to Short Take-off Vertical Landing (STOVL)/Strike Fighter (SSF) Replacement Aircraft in

the 2010-2020 Timeframe; Science and Technology (Techbase Strategy for the Year 2010); Delivery of Artificial Blood to the Military; and Navy air-to-ground, attack, and tactical electronic warfare aircraft missions, operations, and capabilities. Some of these briefings and discussions will contain classified information which is specifically authorized under criteria established by Executive order to be kept secret in the interest of national defense and is in fact properly classified pursuant to such Executive order. In addition, some of these briefings and discussions will include confidential commercial proprietary data, or agency protected information from the Food and Drug Administration. Public disclosure of this information will be likely to reveal commercial trade secrets and significantly frustrate implementation of any proposed FDA agency actions related to artificial blood substitute products. The classified, proprietary and agency protected information subject matters to be discussed are so inextricably intertwined with unclassified matters as to preclude opening any portion of these meetings. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of these meetings be closed to the public because they will be concerned with matters listed in section 552b(c) (1), (4) and (9) (B) of title 5, United States Code.

For further information concerning these meetings contact: Commander John Hrenko, U. S. Navy, Office of Naval Research, 800 North Quincy Street, Arlington, VA 22217-5000, Telephone Number: (202) 696-4870.

Dated: June 18, 1992.

Wayne T. Baucino,

*Lieutenant, JAGC, U.S. Naval Reserve,
Alternate Federal Register Liaison Officer.*

[FR Doc. 92-14968 Filed 6-24-92; 8:45 am]

BILLING CODE 3810-AE-F

Intent to Grant Exclusive Patent License

AGENCY: Department of the Navy, DOD.

ACTION: Intent to Grant Exclusive Patent License; Federal Foam Technologies, Inc.

SUMMARY: The Department of the Navy hereby gives notice of its intent to grant to Federal Foam Technologies, Inc. a revocable, nonassignable, exclusive license to practice the Government-owned invention described in U.S. Patent Application Serial No. 07/662,153 filed February 28, 1991, for "Nonpropagating Holder and Package for Explosive Devices".

Anyone wishing to object to the grant of this license has 60 days from the date of this notice to file written objections along with supporting evidence, if any. Written objections are to be filed with the Office of the Chief of Naval Research (Code OOCIP), Arlington, Virginia 22217-5000.

FOR FURTHER INFORMATION CONTACT: Mr. R. J. Erickson, Staff Patent Attorney, Office of the Chief of Naval Research (Code OOCIP), 800 North Quincy Street, Arlington, Virginia 22217-5000, telephone (703) 696-4001.

Dated: June 18, 1992.

Wayne T. Baucino,

*Lieutenant, JAGC, U.S. Naval Reserve,
Alternate Federal Register Liaison Officer.*

[FR Doc. 92-14969 Filed 6-24-92; 8:45 am]

BILLING CODE 3810-AE-F

Privacy Act of 1974; Amend Record Systems

AGENCY: Department of the Navy, DOD.

ACTION: Amend record systems.

SUMMARY: The Department of the Navy proposes to amend three existing systems of records to its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: The amendments will be effective on July 27, 1992, unless comments are received that would result in a contrary determination.

ADDRESSES: Send comments to the Head, PA/FOIA Branch, Office of the Chief of Naval Operations (OP-09B30), Department of the Navy, The Pentagon, Washington, DC 20350-2000.

FOR FURTHER INFORMATION CONTACT: Mrs. Gwendolyn Aitken at (703) 614-2004.

SUPPLEMENTARY INFORMATION: The Department of the Navy systems of records notices for records systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, were published in the Federal Register as follows:

51 FR 12908, Apr. 16, 1986
51 FR 18086, May 16, 1986 (DON Compilation changes follow)
51 FR 19884, Jun. 3, 1986
51 FR 30377, Aug. 26, 1986
51 FR 30393, Aug. 26, 1986
51 FR 45931, Dec. 23, 1986
52 FR 2147, Jan. 20, 1987
52 FR 2149, Jan. 20, 1987
52 FR 8500, Mar. 18, 1987
52 FR 15530, Apr. 29, 1987
52 FR 22671, Jun. 15, 1987
52 FR 45846, Dec. 2, 1987
53 FR 17240, May 16, 1988
53 FR 21512, Jun. 8, 1988
53 FR 25363, Jul. 6, 1988
53 FR 39499, Oct. 7, 1988

53 FR 41224, Oct. 20, 1988
54 FR 8322, Feb. 28, 1989
54 FR 14378, Apr. 11, 1989
54 FR 32682, Aug. 9, 1989
54 FR 40160, Sep. 29, 1989
54 FR 41495, Oct. 10, 1989
54 FR 43453, Oct. 25, 1989
54 FR 45781, Oct. 31, 1989
54 FR 48131, Nov. 21, 1989
54 FR 51784, Dec. 18, 1989
54 FR 52976, Dec. 26, 1989
55 FR 21910, May 30, 1990 (Updated Mailing Addresses)
55 FR 37930, Sep. 14, 1990
55 FR 42758, Oct. 23, 1990
55 FR 47508, Nov. 14, 1990
55 FR 48678, Nov. 21, 1990
55 FR 53167, Dec. 27, 1991
56 FR 424, Jan. 4, 1991
56 FR 12721, Mar. 27, 1991
56 FR 27503, Jun. 14, 1991
55 FR 28144, Jun. 19, 1991
56 FR 31394, Jul. 10, 1991 (DOD Updated Indexes)
56 FR 40877, Aug. 16, 1991
56 FR 46167, Sep. 10, 1991
56 FR 59217, Nov. 25, 1991
56 FR 63503, Dec. 4, 1991
57 FR 2719, Jan. 23, 1992
57 FR 2726, Jan. 23, 1992
57 FR 2898, Jan. 24, 1992
57 FR 5430, Feb. 14, 1992
57 FR 9246, Mar. 17, 1992
57 FR 12914, Apr. 14, 1992
57 FR 14698, Apr. 22, 1992
57 FR 18472, Apr. 30, 1992
57 FR 26422, Jun. 10, 1992

The amendments are not within the purview of subsection (r) of the Privacy Act of 1974 (5 U.S.C. 552a), as amended, which requires the submission of altered systems reports. The specific changes to the systems of records are set forth below followed by the systems of records notices published in their entirety, as amended.

Dated: June 19, 1992.

L. M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

N04066-4

SYSTEM NAME:

Navy Lodge Records, (51 FR 18135, May 16, 1986).

* * * * *

SYSTEM LOCATION:

Delete entry and replace with "Navy Exchange System Worldwide. Coordinator for System: Navy Exchange Service Command, Naval Station New York, Staten Island, NY 10305-5097."

* * * * *

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete entry and replace with "5 U.S.C. 301, Departmental Regulations and Executive Order 9397."

RETRIEVABILITY:

In line one, delete "service number".

SAFEGUARDS:

Delete entry and replace with "Locked file cabinets; supervised records space."

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with "Policy Official: Commander, Navy Exchange Service Command, Naval Station New York, Staten Island, NY 10305-5097.

Record Holder Manager: Navy Lodge Program Director, Navy Exchange Service Command, Naval Station New York, Staten Island, NY 10305-5097.

Individual record holders within the central system may be contacted through the Record Holder Manager."

NOTIFICATION PROCEDURE:

Delete entry and replace with "Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Commander, Navy Exchange Service Command, Naval Station New York, Staten Island, NY 10305-5097.

In the initial inquiry the requester must provide full name, Social Security Number, and location of the last Navy Lodge where they had dealings. A list of other offices the requester may visit will be provided after initial contact is made with the office listed above. At the time of a personal visit, requesters must provide proof of identity containing the requester's signature."

RECORD ACCESS PROCEDURES:

Delete entry and replace with "Individuals seeking access to records should address written inquiries to the Commander, Navy Exchange Service Command, Naval Station New York, Staten Island, NY 10305-5097.

Requesters must provide full name, Social Security Number, and location of the last Navy Lodge where they had dealings. A list of other offices the requester may visit will be provided after initial contact is made with the office listed above. At the time of a personal visit, requesters must provide proof of identity containing the requester's signature."

CONTESTING RECORD PROCEDURES:

Delete entry and replace with "The Department of the Navy rules for

accessing records and contesting contents and appealing initial determinations by the individual concerned are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager."

RECORD SOURCE CATEGORIES:

The individual patron and the charges he/she incurred during a visit at the Navy Lodge.

N04066-4

SYSTEM NAME:

Navy Lodge Records.

SYSTEM LOCATION:

Navy Exchange System Worldwide. Coordinator for System: Navy Exchange Service Command, Naval Station New York, Staten Island, NY 10305-5097.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Patrons and guests authorized lodging at a Navy Exchange Navy Lodge.

CATEGORIES OF RECORDS IN THE SYSTEM:

Reservation request; guest registration card; Navy Lodge guest folio.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations and Executive Order 9397.

PURPOSE(S):

To keep a record of reservations to insure orderly room assignment and avoid improper booking; to record registration and payment of accounts; to verify proper usage by eligible patrons; cash control; to gather occupancy data; to determine occupancy breakdown; and to account for rentals and furnishings.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The "Blanket Routine Uses" that appear at the beginning of the Department of the Navy's compilation of systems notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

The media in which these records are maintained vary, but include: folio card; ledger; guest registration cards; and local copies and reports of central system reports.

RETRIEVABILITY:

Name and Social Security Number.

SAFEGUARDS:

Records are maintained in supervised locked files.

RETENTION AND DISPOSAL:

Records are kept for two years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Policy Official: Commander, Navy Exchange Service Command, Naval Station New York, Staten Island, NY 10305-5097.

Record Holder Manager: Navy Lodge Program Director, Navy Exchange Service Command, Naval Station New York, Staten Island, NY 10305-5097.

Individual record holders within the central system may be contacted through the Record Holder Manager.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Commander, Navy Exchange Service Command, Naval Station New York, Staten Island, NY 10305-5097.

In the initial inquiry the requester must provide full name, Social Security Number, and location of the last Navy Lodge where they had dealings. A list of other offices the requester may visit will be provided after initial contact is made with the office listed above. At the time of a personal visit, requesters must provide proof of identity containing the requester's signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records should address written inquiries to the Commander, Navy Exchange Service Command, Naval Station New York, Staten Island, NY 10305-5097.

Requesters must provide full name, Social Security Number, and location of the last Navy Lodge where they had dealings. A list of other offices the requester may visit will be provided after initial contact is made with the office listed above. At the time of a personal visit, requesters must provide proof of identity containing the requester's signature.

CONTESTING RECORD PROCEDURES:

The Department of the Navy rules for accessing records and contesting contents and appealing initial determinations by the individual concerned are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

The individual patron and the charges he or she incurred during a visit at the Navy Lodge.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N05890-8

SYSTEM NAME:

NAVSEA Radiation Injury Claim Records, (51 FR 18185, May 16, 1986).

CHANGES:

* * * * *

SYSTEM LOCATION:

Delete entry and replace with "Naval Sea Systems Command (Code 08), Washington, DC 20362-5101."

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Delete entry and replace with "Navy employees and contractors who have alleged radiation injury from radiation exposure associated with Naval Nuclear Propulsion Plants."

* * * * *

PURPOSE(S):

Delete entry and replace with "To provide NAVSEA Radiological Control Managers with information necessary to evaluate radiation injury compensation claims."

* * * * *

RETRIEVABILITY:

Delete entry and replace with "Name."

SAFEGUARDS:

Delete entry and replace with "Records are maintained in a safe with controlled access."

RETENTION AND DISPOSAL:

Delete entry and replace with "Permanent."

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with "Naval Sea Systems Command (Code 08), Washington, DC 20362-5101."

NOTIFICATION PROCEDURE:

Delete entry and replace with "Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Commander, Naval Sea Systems Command (Code 08), Washington, DC 20362-5101.

Written requests should include name, organization where employed at time of alleged injury and supporting evidence."

RECORD ACCESS PROCEDURES:

Delete entry and replace with "Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the Commander, Naval Sea Systems Command (Code 08), Washington, DC 20362-5101.

Written requests should include name, organization where employed at time of alleged injury and supporting evidence."

CONTESTING RECORD PROCEDURES:

Delete entry and replace with "The Department of the Navy rules for accessing records and contesting contents and appealing determinations by the individual concerned are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager."

* * * * *

N05890-8

SYSTEM NAME:

NAVSEA Radiation Injury Claim Records.

SYSTEM LOCATION:

Naval Sea Systems Command (Code 08), Washington, DC 20362-5101.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Navy employees and contractors who have alleged radiation injury from radiation exposure associated with Naval Nuclear Propulsion Plants.

CATEGORIES OF RECORDS IN THE SYSTEM:

Excerpts from personnel medical records, Navy field organization and Navy contractor work histories, and Navy and Labor Department correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations.

PURPOSE(S):

To provide NAVSEA Radiological Control Managers with information necessary to evaluate radiation injury compensation claims.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The "Blanket Routine Uses" that appear at the beginning of the Department of the Navy's compilation of systems notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

File folders.

RETRIEVABILITY:

Name.

SAFEGUARDS:

Records are maintained in a safe with controlled access.

RETENTION AND DISPOSAL:

Permanent.

SYSTEM MANAGER(S) AND ADDRESS:

Naval Sea Systems Command (Code 08), Washington, DC 20362-5101.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Commander, Naval Sea Systems Command (Code 08), Washington, DC 20362-5101.

Written requests should include name, organization where employed at time of alleged injury and supporting evidence.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the Commander, Naval Sea Systems Command (Code 08), Washington, DC 20362-5101.

Written requests should include name, organization where employed at time of alleged injury and supporting evidence.

CONTESTING RECORD PROCEDURES:

The Department of the Navy rules for accessing records and contesting contents and appealing determinations by the individual concerned are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Personnel medical records and Navy and contractor work histories.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N12950-4

SYSTEM NAME:

Naval Audit Personnel Development System, (51 FR 18221, May 16, 1986).

CHANGES:**SYSTEM NAME:**

Delete entry and replace with "Naval Audit Training Database."

SYSTEM LOCATION:

Delete entry and replace with "Naval Audit Service Headquarters, 5109 Leesburg Pike, Skyline 6, Suite 517, Falls Church, VA 22041-5109."

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

At end of entry, add "and Executive Order 9397."

STORAGE:

Delete entry and replace with "Hard disk."

RETRIEVABILITY:

Delete entry and replace with "Name and Social Security Number."

SAFEGUARDS:

Delete entry and replace with "Computer terminal is located in supervised area. Access to computer system software is by password."

RETENTION AND DISPOSAL:

Record is retained until the employee retires, is deceased, or leaves the Naval Audit Service for other employment and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with "Director, Naval Audit Service is overall policy official; Director, Career Development Center, Naval Audit Service Headquarters, Falls Church, VA 22041-5080 has direct control."

NOTIFICATION PROCEDURE:

Delete entry and replace with "Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Director, Naval Audit Service Headquarters, 5611 Columbia Pike, Falls Church, VA 22041-5080. The request should contain full name and Social Security Number."

RECORD ACCESS PROCEDURES:

Delete entry and replace with "Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the Director, Naval Audit Service Headquarters, 5611 Columbia Pike, Falls Church, VA 22041-5080. The request should contain full name and Social Security Number."

CONTESTING RECORD PROCEDURES:

Delete entry and replace with "The Department of the Navy rules for accessing records and contesting contents and appealing initial determinations by the individual concerned are published in Secretary of

the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager."

RECORD SOURCE CATEGORIES:

Delete entry and replace with "The individual concerned and his/her civilian personnel file."

N12950-4

SYSTEM NAME:

Naval Audit Training Database.

SYSTEM LOCATION:

Naval Audit Service Headquarters, 5109 Leesburg Pike, Skyline 6, Suite 517, Falls Church, VA 22041-5080.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All personnel employed by the Naval Audit Service.

CATEGORIES OF RECORDS IN THE SYSTEM:

Employee audit experience and historical career development data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations and Executive Order 9397.

PURPOSE(S):

To identify audit task assignments; monitor future career development; and forecast talent requirements.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The "Blanket Routine Uses" that appear at the beginning of the Department of the Navy's compilation of systems notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:
Hard disk.

RETRIEVABILITY:

Name and Social Security Number.

SAFEGUARDS:

Computer terminal is located in supervised area. Access to computer system software is by password.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Naval Audit Service is overall policy official; Director, Career Development Center, Naval Audit Service Headquarters, Falls Church, VA 22041-5080 has direct control.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should

address written inquiries to the Director, Naval Audit Service Headquarters, 5611 Columbia Pike, Falls Church, VA 22041-5080. The request should contain full name and Social Security Number.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the Director, Naval Audit Service Headquarters, 5611 Columbia Pike, Falls Church, VA 22041-5080. The request should contain full name and Social Security Number.

CONTESTING RECORD PROCEDURES:

The Department of the Navy rules for accessing records and contesting contents and appealing initial determinations by the individual concerned are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

The individual concerned and his/her civilian personnel file.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 92-14948 Filed 06-24-92; 8:45 am]
BILLING CODE 3810-01-F

Privacy Act of 1974; Amend Record Systems

AGENCY: Department of the Navy, DOD.
ACTION: Amend record systems.

SUMMARY: The Department of the Navy proposes to delete two and amend five existing systems of records to its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: The amendments will be effective on July 27, 1992, unless comments are received that would result in a contrary determination.

ADDRESSES: Send comments to the Head, PA/FOIA Branch, Office of the Chief of Naval Operations (OP-09B30), Department of the Navy, The Pentagon, Washington, DC 20350-2000.

FOR FURTHER INFORMATION CONTACT: Mrs. Gwendolyn Aitken at (703) 614-2004.

SUPPLEMENTARY INFORMATION: The Department of the Navy systems of records notices for records systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, were published in the *Federal Register* as follows:

51 FR 12908, Apr. 16, 1986

51 FR 18086, May 16, 1986 (DON Compilation changes follow)

51 FR 19884, Jun. 3, 1986
 51 FR 30377, Aug. 26, 1986
 51 FR 30393, Aug. 26, 1986
 51 FR 45931, Dec. 23, 1986
 52 FR 2147, Jan. 20, 1987
 52 FR 2149, Jan. 20, 1987
 52 FR 8500, Mar. 18, 1987
 52 FR 15530, Apr. 29, 1987
 52 FR 22671, Jun. 15, 1987
 52 FR 45846, Dec. 2, 1987
 53 FR 17240, May 16, 1988
 53 FR 21512, Jun. 8, 1988
 53 FR 25363, Jul. 6, 1988
 53 FR 39499, Oct. 7, 1988
 53 FR 41224, Oct. 20, 1988
 54 FR 8322, Feb. 28, 1989
 54 FR 14378, Apr. 11, 1989
 54 FR 32682, Aug. 9, 1989
 54 FR 40160, Sep. 29, 1989
 54 FR 41495, Oct. 10, 1989
 54 FR 43453, Oct. 25, 1989
 54 FR 45781, Oct. 31, 1989
 54 FR 48131, Nov. 21, 1989
 54 FR 51784, Dec. 18, 1989
 54 FR 52976, Dec. 26, 1989
 55 FR 21910, May 30, 1990 (Updated Navy Mailing Addresses)
 55 FR 37930, Sep. 14, 1990
 55 FR 42758, Oct. 23, 1990
 55 FR 47508, Nov. 14, 1990
 55 FR 48678, Nov. 21, 1990
 55 FR 53167, Dec. 27, 1991
 56 FR 424, Jan. 4, 1991
 56 FR 12721, Mar. 27, 1991
 56 FR 27503, Jun. 14, 1991
 55 FR 28144, Jun. 19, 1991
 56 FR 31394, Jul. 10, 1991 (DOD Updated Indexes)
 56 FR 40877, Aug. 16, 1991
 56 FR 46167, Sep. 10, 1991
 56 FR 59217, Nov. 25, 1991
 56 FR 63503, Dec. 4, 1991
 57 FR 2719, Jan. 23, 1992
 57 FR 2726, Jan. 23, 1992
 57 FR 2898, Jan. 24, 1992
 57 FR 5430, Feb. 14, 1992
 57 FR 9246, Mar. 17, 1992
 57 FR 12914, Apr. 14, 1992
 57 FR 14698, Apr. 22, 1992
 57 FR 18472, Apr. 30, 1992

The amendments are not within the purview of subsection (r) of the Privacy Act of 1974 (5 U.S.C. 552a), as amended, which requires the submission of altered systems reports. The specific changes to the systems of records are set forth below followed by the systems of records notices published in their entirety, as amended.

Dated: June 19, 1992.

L. M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

DELETIONS N01420-1

SYSTEM NAME: Officer Promotion System, (51 FR 18108, May 16, 1986).

Reason: Information is now contained in N01070-3, Navy Personnel Records System.

N01740-1

SYSTEM NAME: Personal Services and Dependents Services Support System, (51 FR 18119, May 16, 1986).

Reason: Information is now contained in N01754-1, Navy Family Support Program.

AMENDMENTS N01130-1

SYSTEM NAME:

Low Quality Recruiting Report, (51 FR 18101, May 16, 1992).

CHANGES:
* * * * *

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Delete entry and replace with "Navy recruits that are reported by their Fleet Commanding Officers as below the standard level of acceptance."

CATEGORIES OF RECORDS IN THE SYSTEM:

Delete entry and replace with "Enlistment documents, copy of personnel record of the recruit, investigative reports of the allegations (as warranted), statements, and copy of response to Commanding Officer of the recruit regarding the allegation."
* * * * *

STORAGE:

At end of entry, add "and computerized locator database."

RETRIEVABILITY:

Delete entry and replace with "Name and Social Security Number."

SAFEGUARDS:

At end of entry add "Computerized locator database is password protected."

RETENTION AND DISPOSAL:

Delete entry and replace with "One year and then destroyed."

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with "Commander, Navy Recruiting Command (Code 001), 4015 Wilson Boulevard, Arlington, VA 22203-1991."

NOTIFICATION PROCEDURE:

Delete entry and replace with "Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Commander, Navy Recruiting Command (Code 017), 4015 Wilson Boulevard, Arlington, VA 22203-1991. Requests should contain name and Social Security Number."

RECORD ACCESS PROCEDURES:

Delete entry and replace with "Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the Commander, Navy Recruiting Command (Code 017), 4015 Wilson Boulevard, Arlington, VA 22203-1991. Requests should contain name and Social Security Number."

CONTESTING RECORD PROCEDURES:

Delete entry and replace with "The Department of the Navy rules for accessing records and contesting contents and appealing initial determinations by the individual concerned are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager."

RECORD SOURCE CATEGORIES:

Delete entry and replace with "Service Record entries and Commanding Officers performance evaluations."
* * * * *

N01130-1

SYSTEM NAME:

Low Quality Recruiting Report.

SYSTEM LOCATION:

Headquarters, Navy Recruiting Command, 4015 Wilson Boulevard, Arlington, VA 22203-1991.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Navy recruits that are reported by their Fleet Commanding Officers as below the standard level of acceptance.

CATEGORIES OF RECORDS IN THE SYSTEM:

Enlistment documents, copy of personnel record of the recruit, investigative reports of the allegations (as warranted), statements, and copy of response to Commanding Officer of the recruit regarding the allegation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations and Executive Order 9397.

PURPOSE(S):

Used by the Navy Recruiting Command, the Chief of Naval Education and Training, the Chief of Naval Technical Training and the Recruit Training Center to evaluate the quality of recruits with a view towards improvement of recruitment and training.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The "Blanket Routine Uses" that appear at the beginning of the Department of the Navy's compilation of systems notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folder and computerized locator database.

RETRIEVABILITY:

Name and Social Security Number.

SAFEGUARDS:

Maintained in locked safe in controlled building. Computerized locator database is password protected.

RETENTION AND DISPOSAL:

One year and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Navy Recruiting Command (Code 001), 4015 Wilson Boulevard, Arlington, VA 22203-1991.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Commander, Navy Recruiting Command (Code 017), 4015 Wilson Boulevard, Arlington, VA 22203-1991. Requests should contain name and Social Security Number.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the Commander, Navy Recruiting Command (Code 017), 4015 Wilson Boulevard, Arlington, VA 22203-1991. Requests should contain name and Social Security Number.

CONTESTING RECORD PROCEDURES:

The Department of the Navy rules for accessing records and contesting contents and appealing initial determinations by the individual concerned are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Service record entries and Commanding Officers performance evaluations.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N01133-1

SYSTEM NAME:

NAME/LEAD Processing System, (51 FR 18103, May 16, 1986).

CHANGES:

* * * * *

SYSTEM LOCATION:

Delete entry and replace with "Primary System: For Active Duty Recruiting - Headquarters, Navy Recruiting Command, 4015 Wilson Boulevard, Arlington, VA 22203-1991; For Reserve Recruiting - Naval Reserve Recruiting Command, 4400 Dauphine Street, New Orleans, LA 70146-5001. Decentralized Segments - Navy Opportunity Information Center, P.O. Box 9406, Gaithersburg, MD 20898-6006. Navy Recruiting Area Commands, Districts, Branch Stations, Military Enlisted Processing Stations, Naval Reserve Recruiting Command detachments and reserve field offices. Addresses for these activities are available from the systems manager." * * * * *

CATEGORIES OF RECORDS IN THE SYSTEM:

Delete entry and replace with "Name, home address, education, prior service (if applicable), state medical license information (if applicable) and other information on potential Navy and Naval Reserve applicants."

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete entry and replace with "5 U.S.C. Sections 301 and 302, Departmental Regulations; 44 U.S.C. 3101 and 3702; and, Executive Order 9397." * * * * *

STORAGE:

Delete entry and replace with "Automated records are maintained on disks and magnetic tape in a limited access area. Computer printouts are stored in locked filing cabinets or file folders. Index cards and paper records are maintained in locked offices."

RETRIEVABILITY:

Delete entry and replace with "Name and address."

SAFEGUARDS:

Delete entry and replace with "Lists and files are handled with maximum security during processing and storage, and are accessible to routine users only and then only through a selected group of individuals charged with security of the lists. Files are stored in a limited access area and coded so that only several persons have both knowledge of

the code and access to the files. Computer files are stored on a computer drive with password protection. Computer printouts and diskettes are stored in locked filing cabinets."

RETENTION AND DISPOSAL:

Delete entry and replace with "Records are retained for two years and then destroyed." * * * * *

NOTIFICATION PROCEDURE:

Delete entry and replace with "Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Director, Recruiting Advertising Department, Navy Recruiting Command, 4015 Wilson Boulevard, Arlington, VA 22203-1991. Requester is required to provide a full name, address, and signature."

RECORD ACCESS PROCEDURES:

Delete entry and replace with "Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the Director, Recruiting Advertising Department, Navy Recruiting Command, 4015 Wilson Boulevard, Arlington, VA 22203-1991. Requester is required to provide a full name, address, and signature."

CONTESTING RECORD PROCEDURES:

Delete entry and replace with "The Department of the Navy rules for accessing records and contesting contents and appealing initial determinations by the individual concerned are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager."

RECORD SOURCE CATEGORIES:

Delete entry and replace with "The individual, parents, friends and associates; employees and military personnel of the Department of the Navy, Department of Defense, and the Department of Veterans Affairs." * * * * *

N01133-1

SYSTEM NAME:

NAME/LEAD Processing System.

SYSTEM LOCATION:

Primary System: For Active Duty Recruiting - Headquarters, Navy Recruiting Command, 4015 Wilson Boulevard, Arlington, VA 22203-1991; For Reserve Recruiting - Naval Reserve Recruiting Command, 4400 Dauphine Street, New Orleans, LA 70146-5001.

Decentralized Segments - Navy Opportunity Information Center, P.O. Box 9406, Gaithersburg, MD 20898-6006. Navy Recruiting Area Commands, Districts, Branch Stations, Military Enlisted Processing Stations, Naval Reserve Recruiting Command detachments and reserve field offices. Addresses for these activities are available from the systems manager.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have responded to Navy and Naval Reserve advertising, requested their names not be used in future Navy advertising, students throughout the country who may be qualified for enlistment, first-term enlistees on active duty in the U.S. Navy, veterans, enlisted discharged personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, home address, education, prior service (if applicable), state medical license information (if applicable) and other information on potential Navy and Naval Reserve applicants.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and 302, Departmental Regulations; 44 U.S.C. 3101, 3702; and, Executive Order 9397.

PURPOSE(S):

To provide field recruiters with names of individuals who have responded to Navy or Naval Reserve advertising, students who may be qualified for enlistment, first-term enlistees in the U.S. Navy, veterans, and enlisted personnel who have been discharged.

To provide an interface between Navy Recruiters or Naval Reserve Recruiters and members of the civilian community. To generate prospective applicants for enlistment/commissioning in the U.S. Navy or Naval Reserve.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To officials and employees of the Department of Transportation in the performance of their official duties relating to the recruitment of Merchant Marine personnel.

To officials and employees of other departments and agencies of the Executive Branch of government, upon request, in the performance of their official duties related to the management of quality military recruitment.

To officials and employees of the Department of Veterans Affairs and Selective Service Administration in the performance of their official duties

related to enlistment and reenlistment eligibility and related benefits.

The "Blanket Routine Uses" that appear at the beginning of the Department of the Navy's compilation of systems notices also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated records are maintained on disks and magnetic tape in a limited access area. Computer printouts are stored in locked filing cabinets or file folders. Index cards and paper records are maintained in locked offices.

RETRIEVABILITY:

Name and address.

SAFEGUARDS:

Lists and files are handled with maximum security during processing and storage and are accessible to routine users through a selected group of individuals charged with security of the lists. Files are stored in a limited access area and coded so that only several persons have both knowledge of the code and access to the files. Computer files are stored on a computer drive with password protection. Computer printouts and diskettes are stored in locked filing cabinets.

RETENTION AND DISPOSAL:

Records are retained for two years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Recruiting Advertising Department, Navy Recruiting Command, 4015 Wilson Boulevard, Arlington, VA 22203-1991.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Director, Recruiting Advertising Department, Navy Recruiting Command, 4015 Wilson Boulevard, Arlington, VA 22203-1991. Requester is required to provide a full name, address, and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the Director, Recruiting Advertising Department, Navy Recruiting Command, 4015 Wilson Boulevard, Arlington, VA 22203-1991. Requester is required to provide a full name, address, and signature.

CONTESTING RECORD PROCEDURES:

The Department of the Navy rules for accessing records and contesting contents and appealing initial determinations by the individual concerned are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

The individual, parents, friends and associates; employees and military personnel of the Department of the Navy, Department of Defense, and the Department of Veterans Affairs.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N04066-2

SYSTEM NAME:

Commercial Fidelity Bond Insurance Claims, (51 FR 18134, May 16, 1986).

CHANGES:

* * * * *

SYSTEM LOCATION:

Delete entry and replace with "Navy Exchange Service Command, Naval Station New York, Staten Island, NY 10305-5097 (for all Navy Exchanges)."

* * * * *

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete entry and replace with "5 U.S.C. 301, Departmental Regulations and Executive Order 9397."

* * * * *

RETRIEVABILITY:

Replace "service number" with "Social Security Number".

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with "Commander, Navy Exchange Service Command, Naval Station New York, Staten Island, NY 10305-5097."

NOTIFICATION PROCEDURE:

Delete entry and replace with "Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Commander, Navy Exchange Service Command, Naval Station New York, Staten Island, NY 10305-5097.

In the initial inquiry the requester must provide full name, payroll or military service number and activity where they had their dealings. A list of other offices the requester may visit will be provided after initial contact is made

at the office listed above. At the time of a personal visit, requesters must provide proof of identity containing the requester's signature."

RECORD ACCESS PROCEDURES:

Delete entry and replace with "Individuals seeking access to records about themselves should address written inquiries to the Commander, Navy Exchange Service Command, Resale and Services Support Office, Naval Station New York, Staten Island, NY 10305-5097."

The request should contain full name, payroll or military service number and activity where they had their dealings. A list of other offices the requester may visit will be provided after initial contact is made at the office listed above. At the time of a personal visit, requesters must provide proof of identity containing the requester's signature."

CONTESTING RECORD PROCEDURES:

Delete entry and replace with "The Department of the Navy rules for accessing records and contesting contents and appealing initial determinations by the individual concerned are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager."

* * * * *

N04066-2

SYSTEM NAME:

Commercial Fidelity Bond Insurance Claims.

SYSTEM LOCATION:

Navy Exchange Service Command, Naval Station New York, Staten Island, NY 10305-5097 (for all Navy Exchanges).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian and military personnel assigned to Navy exchanges, who the duly constituted authority (usually a Board of Investigation appointed by the base Commanding Officer) has established to be guilty of a dishonest act which has resulted in a loss of money, securities or other property, real or personal, for which the exchange is legally liable.

CATEGORIES OF RECORDS IN THE SYSTEM:

Equipment Loss Reports, Cash and/or Merchandise Loss Reports from Navy exchanges, including correspondence relating to losses.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations and Executive Order 9397.

PURPOSE(S):

To render proper assistance in processing insurance claims.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To the insurance carrier (Fidelity Bond Underwriter) to ensure appropriate coverage.

The "Blanket Routine Uses" that appear at the beginning of the Department of the Navy's compilation of systems notices also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The media in which these records are maintained varies but includes file folders and ledgers.

RETRIEVABILITY:

Name, payroll number, Social Security Number, and activity.

SAFEGUARDS:

Locked file cabinets; locked offices which when open are supervised by appropriate personnel; security guards.

RETENTION AND DISPOSAL:

Records are kept for four years and then retired to the Federal Records Center, St. Louis, MO.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Navy Exchange Service Command, Naval Station New York, Staten Island, NY 10305-5097.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Commander, Navy Exchange Service Command, Naval Station New York, Staten Island, NY 10305-5097.

In the initial inquiry the requester must provide full name, payroll or military service number and activity where they had their dealings. A list of other offices the requester may visit will be provided after initial contact is made at the office listed above. At the time of a personal visit, requesters must provide proof of identity containing the requester's signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves should address written inquiries to the Commander, Navy Exchange Service Command, Resale and Services Support Office, Naval Station New York, Staten Island, NY 10305-5097.

The request should contain full name, payroll or military service number and activity where they had their dealings. A list of other offices the requester may visit will be provided after initial contact is made at the office listed above. At the time of a personal visit, requesters must provide proof of identity containing the requester's signature.

CONTESTING RECORD PROCEDURES:

The Department of the Navy rules for accessing records and contesting contents and appealing initial determinations by the individual concerned are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

The individual; the insurance underwriter; audit reports; investigatory reports and/or activity loss records.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N04066-3

SYSTEM NAME:

Layaway Sales Records, (51 FR 18135, May 16, 1986).

CHANGES:

* * * * *

SYSTEM LOCATION:

Delete entry and replace with "Navy Exchange Service Command, Naval Station New York, Staten Island, NY 10305-5097 (for all Navy exchanges)."

* * * * *

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete entry and replace with "5 U.S.C. 301, Departmental Regulations and Executive Order 9397."

* * * * *

RETRIEVABILITY:

Replace "service number" with "Social Security Number".

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Delete first two paragraphs and replace with "Policy Official: Commander, Navy Exchange Service Command, Naval Station New York, Staten Island, NY 10305-5097."

Record Holder: Director, Comptroller Nonappropriated Fund Division (CNAFD), Navy Exchange Service Command, Naval Station New York, Staten Island, NY 10305-5037."

NOTIFICATION PROCEDURE:

Delete entry and replace with "Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Commander, Navy Exchange Service Command, Naval Station New York, Staten Island, NY 10305-5097.

In the initial inquiry, the requester must provide full name and activity where layaway sales were transacted. A list of other offices the requester may visit will be provided after initial contact at the office listed above. At the time of personal visit, requesters must provide proof of identity containing the requester's signature."

RECORD ACCESS PROCEDURES:

Delete entry and replace with "Individuals seeking access to records about themselves should address written inquiries to the Commander, Navy Exchange Service Command, Naval Station New York, Staten Island, NY 10305-5097. The requester must provide full name and activity where layaway sales were transacted. A list of other offices the requester may visit will be provided after initial contact at the office listed above. At the time of personal visit, requesters must provide proof of identity containing the requester's signature."

CONTESTING RECORD PROCEDURES:

Delete entry and replace with "The Department of the Navy rules for accessing records and contesting contents and appealing initial determinations by the individual concerned are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager."

* * * * *

N04066-3

SYSTEM NAME:

Layaway Sales Records.

SYSTEM LOCATION:

Navy Exchange Service Command, Naval Station New York, Staten Island, NY 10305-5097 (for all Navy exchanges).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Patrons of Navy exchanges who buy goods on layaway.

CATEGORIES OF RECORDS IN THE SYSTEM:

Layaway tickets and layaway patron lists.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations and Executive Order 9397.

PURPOSE(S):

To record the selection of layaway merchandise, record payments, verify merchandise pick-up and perform sales audits.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The "Blanket Routine Uses" that appear at the beginning of the Department of the Navy's compilation of systems notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Paper records in file folders include layaway tickets and layaway patron lists.

RETRIEVABILITY:

Name, address, Social Security Number or exchange permit number.

SAFEGUARDS:

Locked file cabinets, supervised records space.

RETENTION AND DISPOSAL:

Destroyed after two years per Navy Exchange Manual.

SYSTEM MANAGER(S) AND ADDRESS:

Policy Official: Commander, Navy Exchange Service Command, Naval Station New York, Staten Island, NY 10305-5097.

Record Holder: Director, Comptroller Nonappropriated Fund Division (CNAFD), Navy Exchange Service Command, Naval Station New York, Staten Island, NY 10305-5037. Individual record holders within the central system may be contacted through the central system record holder.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Commander, Navy Exchange Service Command, Naval Station New York, Staten Island, NY 10305-5097.

In the initial inquiry, the requester must provide full name and activity where layaway sales were transacted. A list of other offices the requester may visit will be provided after initial contact at the office listed above. At the time of personal visit, requesters must provide proof of identity containing the requester's signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves should address written inquiries to the Commander,

Navy Exchange Service Command, Naval Station New York, Staten Island, NY 10305-5097. The requester must provide full name and activity where layaway sales were transacted. A list of other offices the requester may visit will be provided after initial contact at the office listed above. At the time of personal visit, requesters must provide proof of identity containing the requester's signature.

CONTESTING RECORD PROCEDURES:

The Department of the Navy rules for accessing records and contesting contents and appealing initial determinations by the individual concerned are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

The individual.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N04066-5

SYSTEM NAME:

NAVRESSO Direct Mail List, (54 FR 14379, April 11, 1989).

CHANGES:**SYSTEM NAME:**

Replace "NAVRESSO" with "NEXCOM".

SYSTEM LOCATION:

Delete entry and replace with "Navy Exchange Service Command, Naval Station New York, Staten Island, NY 10305-5097."

* * * * *

RETENTION AND DISPOSAL:

Delete entry and replace with "The records are retained as long as the customer wishes to receive the materials, then the records are destroyed by the Navy Exchange Service Command."

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with "Policy Official: Commander, Navy Exchange Service Command, Naval Station New York, Staten Island, NY 10305-5097.

Record Holder Manager: Deputy Commander, Marketing Communications Division (MCD), Navy Exchange Service Command, Naval Station New York, Staten Island, NY 10305-5097."

NOTIFICATION PROCEDURE:

Delete entry and replace with "Individuals seeking to determine

whether this system of records contains information about themselves should address written inquiries to the Commander, Navy Exchange Service Command, Naval Station New York, Staten Island, NY 10305-5097."

RECORD ACCESS PROCEDURES:

Delete entry and replace with "Individuals seeking access to records should address written inquiries to the Commander, Navy Exchange Service Command, Naval Station New York, Staten Island, NY 10305-5097."

CONTESTING RECORD PROCEDURES:

Delete entry and replace with "The Department of the Navy rules for accessing records and contesting contents and appealing initial determinations by the individual concerned are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager."

N04066-5

SYSTEM NAME:

NEXCOM Direct Mail List.

SYSTEM LOCATION:

Navy Exchange Service Command, Naval Station New York, Staten Island, NY 10305-5097.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All authorized customers of military resale systems who have requested receipt of promotional, informational and marketing research materials.

CATEGORIES OF RECORDS IN THE SYSTEM:

For each authorized customer: Name, address, rank, branch of service, status (active or retired), Social Security Number, pay grade, age, sex, race, number, names, and birth dates of dependents, date of sign up, telephone number (if available), account number, rotation date (if available), mailings sent to customers and responses available.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; 10 U.S.C. 6011; and Executive Order 9397.

PURPOSE(S):

To maintain a data base which will permit the Navy Exchange Program to mail sales promotional, informational and market research materials to those authorized customers who have requested receipt of materials. The data base will also be used to define target markets among the authorized customers who sign up for the list in

order to develop better merchandise assortments and services to meet the needs of the customers.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The "Blanket Routine Uses" that appear at the beginning of the Department of the Navy's compilation of systems notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The records are stored on computer tape in a single location.

RETRIEVABILITY:

Name, Social Security Number, address and account number.

SAFEGUARDS:

Secured and supervised facility; access restricted.

RETENTION AND DISPOSAL:

The records are retained as long as the customer wishes to receive the materials, then the records are destroyed by the Navy Resale and Services Support Office.

SYSTEM MANAGER(S) AND ADDRESS:

Policy Official: Commander, Navy Exchange Service Command, Naval Station New York, Staten Island, NY 10305-5097.

Record Holder Manager: Deputy Commander, Marketing Communications Division (MCD), Navy Exchange Service Command, Naval Station New York, Staten Island, NY 10305-5097.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Commander, Navy Exchange Service Command, Naval Station New York, Staten Island, NY 10305-5097.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records should address written inquiries to the Commander, Navy Exchange Service Command, Naval Station New York, Staten Island, NY 10305-5097.

CONTESTING RECORD PROCEDURES:

The Department of the Navy rules for accessing records and contesting contents and appealing initial determinations by the individual concerned are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

The individual authorized customer and the Department of Defense/Defense Enrollment Eligibility Reporting System.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 92-14949 Filed 06-24-92; 8:45 am]

BILLING CODE 3810-01-F

DEPARTMENT OF ENERGY

Determination to Establish the Secretary of Energy Advisory Board Task Force on the Department of Energy's Role in Education

Pursuant to section 9(a)(2) of the Federal Advisory Committee Act (FACA) (Pub. L. No. 92-463), and section 624 of the Department of Energy Organization Act (Pub. L. No. 95-91) and in accordance with 41 CFR part 101-6.10, and following consultation with the Committee Management Secretariat, General Services Administration (GSA), notice is hereby given that the Secretary of Energy Advisory Board Task Force on the Department of Energy's Role in Education has been established.

The Task Force will provide a strategy for the Department of Energy's (DOE) future role in supporting the efforts of America 2000, the national strategy to help America reach six ambitious National Education Goals by the turn of the century. The Task Force will develop policy guidance to institutionalize DOE's education goals, ensuring present and future initiatives are carried through to the year 2000.

The membership of the Task Force shall include approximately six individuals, selected on the basis of their professional experience and competence in areas related to education. Appointments will be made for one year. Particular attention will also be paid to obtaining a balance of interests, points-of-view, and geography.

The establishment of the Secretary of Energy Advisory Board Task Force on the Department of Energy's Role in Education has been determined necessary and in the public interest in connection with the performance of duties imposed upon the DOE by law. The Task Force will operate in accordance with the provisions of FACA, the DOE Organization Act, the GSA Final Rule on Federal Advisory Committee Management, and other directives and instructions issued in implementation of those acts.

Further information regarding this advisory committee can be obtained

from Dr. Michele Donovan at (202) 586-7092.

Issued in Washington, DC on June 16, 1992.

Howard H. Raiken,

Advisory Committee Management Officer.

[FR Doc. 92-14992 Filed 6-24-92; 8:45 am]

BILLING CODE 6450-01-M

Intent to Award a Grant to Pennsylvania State University; Advanced Thermally Stable Coal-Derived Jet Fuels Research Program

AGENCY: Department of Energy, Pittsburgh Energy Technology Center.

ACTION: To amend the notice announcing the Intent to make a Noncompetitive Financial Assistance Award published in 57 FR 10654, March 27, 1992.

SUMMARY: This notice revises the first sentence of the final paragraph of the above referenced notice to read as follows: "The term of the grant is for a five (5) year period, with an estimated cost of up to \$9.9 million."

FOR FURTHER INFORMATION CONTACT: U.S. Department of Energy, Pittsburgh Energy Technology Center, Acquisition and Assistance Division, P.O. Box 10940, MS 921-118, Pittsburgh, PA 15236-0940, Attn: John N. Augustine. Telephone: AC (412) 892-4524.

Dated: June 10, 1992.

Richard D. Rogus,

Contracting Officer, Acquisition and Assistance Division, Pittsburgh Energy Technology Center.

Dated: June 11, 1992.

Concur:

Thomas J. Russial,

Assistant Counsel.

[FR Doc. 92-14987 Filed 6-24-92; 8:45 am]

BILLING CODE 64500-01-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, July 9, 1992, 1 pm-5:15 pm.

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: Jake W. Stewart, Designated Federal Officer, 1000 Independence Avenue, SW., Washington, DC 20585, Telephone: (202) 586-7092.

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 analysts and policy makers, and create institutions within DOE that accumulate knowledge gained through the policy making process.

Tentative Agenda

- 1 pm, Call to Order—Roger Noll
- 1:05, Discussion of Progress to Date—Task Force
- 1:30, Alternatives for the Research Agenda—Task Force
- 2:30, Break.
- 2:45, Alternatives for implementing the research Agenda—Task Force
- 3:15, Structuring preliminary advice—Task Force
- 4:15, Scheduling Remaining Task Force activities—Task Force
- 4:30, Discussion of Fuel Cycle Cost Review—Task Force
- 5, Public Comment (10 minute rule)
- 5:15, Adjourn—Roger Noll

Public Participation: The meeting is open to the public. The Chairman of the Task Force is empowered to conduct the meeting in a fashion that will, in the Chairman's judgment, facilitate the orderly conduct of business.

Any member of the public who wishes to make an oral statement pertaining to agenda items should contact the Designated Federal Officer at the address or telephone number listed above. Requests must be received before 3 pm (E.S.T.) Thursday, July 2, 1992, 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 pm (E.S.T.) Thursday, July 2, 1992, 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 am and 4

pm, Monday through Friday except Federal holidays.

Issued: Washington, DC, on: June 19, 1992.

Marcia L. Morris,

Deputy Advisory Committee Management Officer.

[FR Doc. 92-14990 Filed 6-24-92; 8:45 am]

BILLING CODE 6450-01-M

Senior Executive Service; Performance Review Board

AGENCY: U.S. Department of Energy.

ACTION: SES Performance Review Board Standing Register.

SUMMARY: This notice provides the Performance Review Board Standing Register for the Department of Energy. This listing supersedes all previously published lists of PRB members.

EFFECTIVE DATE: These appointments are effective as of July 31, 1992.

Acharya, Sarbeswar	Broughton, James M.
Adams, William D.	Brown, Frederick R.
Adler, Ira M.	Brown, Jacqueline Knox
Ailshie, Stephen A.	Brown, Richard W.
Alessi, Victor E.	Brown, Jr., Charles H.
Allen, Grover L.	Brush, Peter N.
Amick, Richard C.	Bryant, Mckinley E.
Andersen, Arthur T.	Buffum, Elizabeth
Annan, Robert H.	Burns, Thomas F., Jr.
Anttonen, John H.	Canter, Howard R.
Aquilina, Nick C.	Carabetta, Ralph A.
Baca, Frank A.	Carey, Jr., Edwin F.
Bacher, Stephen Eugene	Carlson, Lynda T.
Bamberger, Craig S.	Caruso, Guy F.
Barber, Robert W.	Chapman, Naomi R.
Barker, Jr., William L.	Chappell, Gerald F.
Barrett, Lake H.	Chaput, Ernest S.
Barrow, Raymond S.	Chernock, Warren P.
Bartholomew, John W.	Chesnes, Albert A.
Bartley, William C.	Chiogioji, Melvin H.
Baublitz, John E.	Christensen, William J.
Beach, Rebecca S.	Christopher, Robert K.
Bean, Earl W.	Chun, Sun W.
Bechtel, Thomas F.	Church, Bruce W.
Beckett, Thomas H.	Cipriano, Joseph R.
Beckner, Everet H.	Clafin, Alan B.
Beecy, David J.	Clagett, William H. IV
Bell, George E.	Clark, Charles F.
Bellows, Jerry L.	Clausen, Max Jon
Benedict, George W.	Cobb, Susan Asmus
Bennett, John W.	Coleman, James S.
Bergholz, Jr., Warren E.	Coleman, Howard S.
Bernard, Peter A.	Coleman, David G.
Berniklau, Vladimir V.	Combs, Marshall O.
Berube, Raymond P.	Cone, Ronald E.
Bibb, William R.	Constant, Richard E.
Bickel, James E.	Cook, John S.
Bickford, James E.	Cornwell, Thomas F.
Bingham, Carleton D.	Cowan, Stephen P.
Bishop, Yvonne M.	Crandall, David H.
Bixby, Willis W.	Crawford, Timothy S.
Black, Richard L.	Cross, Robert J.
Blackwood, Edward B.	Culpepper, James W.
Blush, Steven M.	Cumesty, Edward G.
Borgstrom, Carol M.	Curtis, David I.
Borgstrom, Howard G.	Cygelman, Andre I.
Bradley, Theron M., Jr.	Dagostino, Thomas S.
Bray, Donald L.	Daniel, Jr., Robert W.
Bresee, James C.	Davies, Nelia, A.
Breznay, George	Davies, James D.
Brice, James F.	Davis, James T.
Brodman, John R.	Decker, James F.
Brogan, John J.	Dehanas, Thomas W.
Brolin, Edson C.	Dennison, William J.

- Der, Victor K.
 Detchon, Bryan R.
 Diebold, Robert E.
 Dieckhoner, James E.
 Dienes, Nicholas S.
 Difiglio, Carmen
 Divone, Louis V.
 Doherty, Donald P.
 Dorsey, William A.
 Dowling, Robert J.
 Dufour, Peggy
 Durnan, Denis D.
 Ebbecke, Charles W.
 Edmondson, John J.
 Egli, Richard
 Elsasser, Thomas C.
 Engel, Walter P.
 Eppelmann, Andrew D.
 Erb, Donald E.
 Erdahl, Arlen I.
 Esvelt, Terence G.
 Fausett, Stephen A.
 Feibus, Howard
 Fiore, James J.
 Fiori, Mario P.
 Fisher, Silas B.
 Fitzgerald, Jr., Joseph E.
 Fitzsimmons, Allan K.
 Fleming, Gene K.
 Ford, John A.
 Forsythe, Larry A.
 Foster, Thomas L.
 Frank, Clyde William
 Franklin, John R.
 Frei, Mark W.
 Frye, Keith N.
 Furiga, Richard D.
 Fygi, Eric J.
 Gaddis, Carl K.
 Garson, Henry K.
 Gault, Polly L.
 Gebus, George R.
 Geidl, John C.
 Geisbush, Jon C.
 Getz, Carl P.
 Gibbs, Garry W.
 Gibson, Jr., William C.
 Gilbert, Francis C.
 Gilman, John Paul
 Goldenberg, Ralph D.
 Goldenberg, Neal
 Goldman, David Tobias
 Goldsmith, Robert
 Gollomp, Lawrence A.
 Graham, A. Diane
 Greeves, Robert E.
 Greiner, Lloyd M.
 Grewis, Eugene G.
 Griffith, Jerry D.
 Grimm, Paul D.
 Gruenspecht, Howard K.
 Grundy, Jr., Thad
 Guidice, Carl W.
 Guidice, Stephen J.
 Guyer, Arthur E.
 Haberman, Norton
 Hacksaylo, Michael S.
 Hahn, Richard D.
 Hale, Douglas R.
 Hall, James C.
 Halsted, Jr., Charles G.
 Hamric, Jon P.
 Hanessian, Souren
 Hanson, Ronald D.
 Hardin, Michael G.
 Hardy, Randall W.
 Haspel, Abraham E.
 Haymond, George R.
 Heath, Charles C.
 Heenan, Thomas F.
 Heffernan, James H.
 Heitman, Thomas H.
 Hekman, Jr., Peter M.
 Helland, Jr., George A.
 Henderson, Lynwood H.
 Hendrickson, Tom A.
 Hendrie, David L.
 Hess, Wilmont N.
 Heusser, Roger K.
 Hickey, Sue F.
 Hickok, Steven G.
 Hine, Thomas A.
 Hirahara, James S.
 Hoffman, Allan R.
 Hogan, Danny A.
 Howell, Jerry C.
 Hunt, Arlen E.
 Hunter, Ray A.
 Hunter, John R.
 Hutzler, Mary Jean
 Ianniello, Louis C.
 Inge, Jr., Edwin F.
 Inlow, Rush O.
 Issacs, Thomas H.
 Jaffe, Harold
 Jamison, Warren L.
 Jewett, David S.
 Jicha, Sr., John J.
 Johnson, Milton D.
 Johnson, Owen B.
 Johnston, Marc
 Jones, C. Rick
 Jones, David A.
 Jones, James L.
 Jordy, George Y.
 Joseph, Antionette C.
 Juckett, Donald A.
 Karol, Michael S.
 Karpinski, Joseph C.
 Kaspar, Paul W.
 Katz, Maurice J.
 Keating, John J.
 Keheley, Wayne E.
 Kelly, Kevin A.
 Kennedy, John P.
 Kessler, Roland R.
 Key, William Phillip
 Kight, Gene H.
 Kilgore, Webster C.
 Kilpatrick, Michael A.
 Kingsbury, Robert L.
 Klein, Keith A.
 Knuth, Donald F.
 Koontz, Max A.
 Krenz, Dennis L.
 Lagrone, Joe B.
 Landers, James C.
 Lane, Anthony R.
 Lanes, Stephen J.
 Langenfeld, Cheri J.
 Larson, Jr., Victor R.
 Laughon, Kermit O.
 LeClaire, David B.
 Lee, Wayne R.
 Lewis, Jr., Howard E.
 Lewis, Lenora J.
 Lien, Stephen C. T.
 Lightner, Ralph G.
 Lique, E. Daine W.
 Little, Leo E.
 Longton, Joseph N.
 Loose, Ronald R.
 Lorenz, Milton C.
 Louison, Deborah L.
 Lowe, Owen W.
 Lynch, Oliver D. T. Jr.
 Lytle, Jill E.
 Magruder, James K.
 Maher, Joseph R.
 Mangano, James J.
 Mann, Thomas O.
 Mann, Sally A.
 Manning, William F.
 Marchese, Andrew R.
 Marianelli, Robert S.
 Marlay, Robert C.
 Maroldo, James H.
 Marquez, Paul T.
 Marquee, Charles F.
 Martin, Charles F.
 Mason, Charles C.
 Mathias, Robert F.
 May, Stephen L.
 Mayhew, Delmar D.
 McCallum, Edward J.
 McAllister, Jr., John A.
 McCammon, Helen M.
 McCoy, Frank R. III
 McFadden, Jr., George L.
 McGoff, David J.
 McIntyre, Donald D.
 Michelsen, Stephen J.
 Miller, Clarence L.
 Millhone, John P.
 Milner, Ronald A.
 Miranda, Leonel V.
 Mock, John E.
 Moody, Marlene A.
 Moore, Kenneth G.
 Morris, Marcia L.
 Mournighan, Stephen D.
 Mravca, Andrew E.
 Neilsen, Finn K.
 Nelson, David B.
 Nelson, Rodney R.
 Nelson, Jr., Robert M.
 Nettles, Jr., John J.
 Newhouse, Alan R.
 Newman, David G.
 Nichols, Clayton R.
 Nicks, James R.
 Nolan, Elizabeth A.
 Nulton, John D.
 O'Brien, Jr., Robert A.
 O'Fallon, John R.
 Oliver, Lawrence R.
 Olson, Gary C.
 Parker, Randy P.
 Patrinos, Aristides A.
 Patterson, II, John R.
 Patton, Gloria S.
 Paucle, Alvin H.
 Pearman, Jr., Donald W.
 Pelletier, Raymond
 Perin, Stephen G.
 Peters, Franklin G.
 Petersen, Jimmie
 Pettengill, Harry J.
 Pettis, Lawrence A.
 Phalen, James R.
 Pitrolo, Augustine A.
 Plaisance, Jr., Paul J.
 Podonsky, Glenn S.
 Pollock, III, Walter E.
 Powers, James G.
 Price, Jr., Robert S.
 Pride, E. Eugene
 Prudom, Gerald H.
 Pye, David B.
 Rabben, Robert G.
 Rader, Robert G.
 Raiken, Howard H.
 Ramey, Prince M.
 Reddick, William C.
 Redenius, Richard D.
 Reid, James E.
 Repke, Wolfgang C.
 Resendez, Ignacio
 Rhoades, Daniel R.
 Richardson, Steven D.
 Roberts, Michael
 Robertson, Jr., Lawrence
 V.
 Robertson, John S.
 Rock, Bernard J.
 Rodeheaver, Thomas N.
 Rodekohn, Mark E.
 Rollow, Thomas A.
 Rooney, John M.
 Rosen, Sol
 Roselli, Robert M.
 Roth, Berton J.
 Rouso, Samuel
 Rudins, George
 Rudolph, John E.
 Rudy, Gregory P.
 Saba, Peter B.
 Sabre, Randolph E.
 Salm, Philip E.
 Saltzman, Jerome D.
 Salvador, Louis A.
 Samber, Martin
 San Martin, Robert L.
 Scarborough, Muriel L.
 Scheetz, Carl G.
 Schmitt, Carl H.
 Schmitt, Eugene C.
 Schmitt, William A.
 Schmoker, Daniel N.
 Schnapp, Robert
 Schroeder, Mark C.
 Schueler, Jr., Dorner T.
 Scott, David C.
 Scott, Randal
 Season, Jr., Harry T.
 Sewell, Philip G.
 Shafer, John M.
 Shelor, Dwight E.
 Shirley, Sr., John W.
 Siebert, Jr., Arlie B.
 Siegel, Jack S.
 Sienkiewicz, Jr., E. W.
 Silverman, Mark N.
 Simon, Robert M.
 Singer, Marvin I.
 Sjoblom, Glen L.
 Sjostrom, Leonard C.
 Skinner, Steven K.
 Smedley, Elizabeth E.
 Smith, David A.
 Smith, Linda M.
 Smithwick, Grover A.
 Sohinki, Stephen M.
 Spence, David R.
 Spigal, Harvard P.
 Stadler, Silas D.
 Stagliano, Vito A.
 Stallman, Robert M.
 Stark, Richard M.
 Starostecki, Richard W.
 Stello, Jr., Victor
 Stephens, Richard E.
 Stevenson, F. Dee
 Stewart, Jr., Frank M.
 Stewart, Jr., Jake W.
 Stewart, John B.
 Stone, John C.
 Stone, Philip M.
 Stout, James A.
 Strakey, Jr., Joseph P.
 Streb, Alan J.
 Stumbaugh, David C.
 Stuntz, Linda G.
 Swink, Denise F.
 Taboas, Anibal L.
 Tailie, Dennis K.
 Taimi, Kathleen L.
 Teclaw, Charles E.
 Tedrow, Richard T.
 Thomas, Iran L.
 Thompson, Jerry F.
 Tierney, Charles R.
 Tiller, Jr., Robert E.
 Tillman, Luther J.
 Todd, M. Douglas
 Torkos, Thomas M.
 Tseng, John C.
 Tucker, William E.
 Turner, James M.
 Tuttle, III, Edward H.
 Twinning, Bruce G.
 Uhre, Lea J.
 Upchurch, Tony C.
 Uthus, Douglas B.
 Vacek, Charles E.
 Vaeth, Terry A.
 Vagts, Kenneth A.
 Van Orman, Chandler L.
 Voelker, Gary E.
 Volpe, Frederick J.
 Wagenhoffer, Thomas V.
 Wagoner, John D.
 Walsh, Robert J.
 Walsh, Jeremiah E.
 Walter, Donald K.
 Walton, Howard L.
 Warnick, Walter L.
 Weaver, Thomas L.
 Weiner, Lawrence A.
 Weller, Robert L.
 Westerbeck, Gerald W.
 White, James K.
 Whiteman, Albert E.
 Whitfield, Roger P.
 Wieber, Paul R.
 Wieker, Thomas L.
 Wilczynski, John M.
 Wilken, Daniel H.
 Williams, Edward R.
 Williams, Mark H.
 Williamson, Richard H.
 Willis, John W.
 Wilmot, Edwin L.
 Wilson, John S.
 Witherill, Vern F.
 Wolicki, Nancy F.
 Wood, Robert W.

Issued in Washington, DC, June 19, 1992.

Dolores L. Rozzi,

Director of Administration, and Human Resources Management.

[FR Doc. 92-14989 Filed 6-24-92; 8:45 am]

BILLING CODE 6450-01-M

Bonneville Power Administration

Record of Decision, Puget Sound Area Electric Reliability Plan

AGENCY: Bonneville Power Administration (BPA), DOE.

ACTION: Record of Decision (ROD)—Puget Sound Area Electric Reliability Plan.

SUMMARY: This ROD chooses the preferred alternative of the Final Environmental Impact Statement (DOE EIS-0160) and describes BPA's decision to proceed with implementation.

FOR FURTHER INFORMATION CONTACT: Alan Courts, Project Manager, P.O. Box 3621, Portland, Oregon, 97208, 503-230-4503. Information may also be obtained from:

Mr. Terence Esvelt, Puget Sound Area Manager, 201 Queen Anne Avenue North, suite 400, Seattle, Washington, 98109-1030, 206-553-4130.

Mr. Wayne Lee, Upper Columbia Area Manager, Room 561, 920 West Riverside Avenue, Spokane, Washington, 99201, 509-353-2518.

Mr. Ronald Rodewald, Wenatchee District Manager, 301 Yakima Street, Room 307, P.O. 741, 98801-6905, Wenatchee, Washington, 98807-0741.

SUPPLEMENTARY INFORMATION:

I. Background

The Puget Sound area reaches from the Pacific Ocean to the Cascade Mountains and from just south of Centralia, Washington, to the Canadian border. A problem exists on bulk power transmission system serving the Puget Sound area. At certain times of the year, and during certain conditions, there is more demand for power in the Puget Sound area than the transmission system and existing generation can reliably supply. This high demand, called peak demand, occurs during the winter months when unusually cold weather boosts electricity use for

heating. The existing power system can provide enough power now, if no emergencies occur. However, during emergencies, the system will not operate properly. As demand grows, the system becomes more strained. To meet the demand, the rate of growth of demand must be reduced or the ability to serve the demand must be increased, or both.

Booneville Power Administration, Puget Sound Power and Light, Seattle City Light, Snohomish County Public Utility District (PUD), and Tacoma Public Utilities developed and evaluated potential solutions to this problem. After nearly 3 years of technical and environmental studies and extensive public involvement, the notice of availability for BPA's Environmental Impact Statement (EIS) for the Puget Sound Area Electric Reliability Plan was published in the *Federal Register* on May 15, 1992.

II. Record of Decision

Description of Action: This ROD documents the decision to adopt the Puget Sound Area Electric Reliability Plan (PSAERP). The ROD presents my reasons for choosing the preferred alternative in the EIS. The ROD also describes my decision to implement several actions in the plan. To make these decisions, I balanced the projected environmental, social, and economic consequences of the alternatives described in the EIS. A Draft Environmental Impact Statement (DEIS) was filed with the Environmental Protection Agency (EPA) on October 25, 1991. A Final EIS was filed with EPA on May 15. Additional details on public meetings and notices are available in the EIS.

Authority: The EIS and the PSAERP were prepared under authorities assigned to BPA in the following Federal Laws:

National Environmental Policy Act of 1969, as amended, Public Law 91-190, January 1, 1970.

Bonneville Project Act, Public Law 329, August 20, 1937.

Federal Columbia River Transmission System Act, Public Law 93-454, October 18, 1974.

Pacific Northwest Electric Power Planning and Conservation Act, Public Law 96-501, December 5, 1980.

The PSAERP was developed jointly by BPA, Puget Sound Power and Light, Seattle City Light, Snohomish County PUD, and Tacoma Public Utilities. The PSAERP provides a vehicle to coordinate utility actions to correct an electric system problem that exists in the Puget Sound basin. The plan is designed to assure electrical system reliability from 1994-2003.

The Puget Sound utilities were participants in the EIS process, and agree on the need for the actions described in the PSAERP. Decisions to sponsor one or more of the actions called for in the plan will be made individually by each utility following appropriate decision processes. This ROD documents BPA's decision to adopt the PSAERP and BPA's decision to implement certain actions in the plan.

Affected Plan: The Puget Sound area lies in the northwest corner of the State of Washington. The Puget Sound area is bounded by the Cascade Mountains on the east, the Canadian border on the north, the Pacific Ocean on the west, and the city of Centralia on the south. Actions proposed in the PSAERP could potentially affect the counties within the Puget Sound basin, as well as counties east of the Cascade mountains. Counties where actions may occur are: Chelan, Chittam, Douglas, Grant, Grays Harbor, Island, Jefferson, Lewis, King, Kitsap, Kittitas, Mason, Okanogan, Pacific, Pierce, San Juan, Skagit, Snohomish, Thurston, Whatcom, and Yakima.

Public Involvement: BPA conducted an extensive public involvement program to develop the DEIS and EIS for the PSAERP. A year-long scoping period defined the range of alternatives and issues to be addressed in the DEIS. BPA held public scoping meetings both in the Puget Sound area and in Wenatchee, Washington. A Technical Review Group was formed to help define feasible alternatives. To access the business community, labor, government agencies, key interest groups, and others outside the utility industry, a public involvement group called the Sounding Board was organized. This group provided feedback, suggestions, and opinions on elements of the plan as it progressed. Four newsletters were distributed during completion of the EIS. BPA sent the DEIS to more than 1000 individuals. Seven public meetings were held during a 60-day comment period. Chapter 8 of the EIS lists public comments and BPA's responses. I have used this information to make my decision.

Alternatives Considered: The following alternatives were considered in reaching this decision:

- Alternative Strategy 1—Transmission Line.
- Alternative Strategy 2—Voltage Support.
- Alternative Strategy 3—Demand Reduction.
- Alternative Strategy 4—Combustion Turbines.
- No Action Alternative

Each of the above alternatives is composed of several measures. Chapter 2.0 of the FEIS describes each in detail.

Decision Factors: BPA evaluated the alternatives using decision factors. These factors are discussed in Chapter 4.0 of the EIS and are listed below:

- Environmental Factors
 - Land Use
 - Natural Environment
 - Cultural Resources
 - Aesthetics
 - Health and Safety
 - Socio-Economics
- Economic Factors
 - Present Value of Total System Costs
 - Sensitivity to Load Growth
 - Near-term Revenue Requirements
 - Long-term Revenue Requirements
- Technical Factors
 - Reliability
 - Deliverability in View of Social and Political Factors

III. Decisions

Decision to Adopt the Puget Sound Area Electric Reliability Plan: I have decided that the Preferred Alternative of both the DEIS and the EIS—Alternative Strategy 2—presents the best balance of environmental, economic, and technical qualities (see Section IV).

Decision to Accelerate Puget Sound Conservation Programs: One measure proposed in the PSAERP that BPA will sponsor is accelerated conservation. I have authorized an increase of \$3 million for Puget Sound Area conservation programs in fiscal year 1992. I also will increase conservation funding in subsequent years through BPA's Resource Programs to accomplish BPA's share of the accelerated conservation element in the PSAERP. BPA's Resource Program and other programs will be discussed at Programs in Perspective, which will be held in July 1992. BPA conservation staff are working with utility customers to develop methods and plans to achieve accelerated conservation called for in the PSAERP. BPA previously reviewed the conservation programs proposed for acceleration in the PSAERP under NEPA. Acceleration of these programs will have minimal or no environmental impacts. This impact is considered in the EIS. No further environmental review is planned.

Decision to Implement Voltage Support 1: A second measure proposed in the PSAERP that BPA will implement is Voltage Support 1. In Voltage Support 1, electrical devices, called shunt capacitors, will be installed within BPA's Echo Lake Substation, now under construction east of Seattle. Voltage Support 1 will increase east-west

transmission capacity by 600 megawatts. BPA's decision to build Echo Lake Substation was based on a separate environmental analysis which considered the installation of shunt capacitors for voltage support. Voltage Support 1 adds additional capacitors. Voltage Support 2 will have minimal environmental impact. This impact is considered in the EIS.

Decision to Implement Voltage Support 2: BPA will also sponsor and implement Voltage Support 2. As in Voltage Support 1, increased cross-Cascades transfer capability results from adding electrical devices to the existing transmission system. In Voltage Support 2, devices called series capacitors will be installed within a new substation constructed north of Ellensburg, Washington. This location is where four existing cross-Cascade 500-kV lines converge and share a common corridor. The four 500-kV lines will be looped into the substation creating eight operationally independent line sections. This reduces the impact of a transmission line failure because only half of the line is lost rather than the entire line.

Four substation sites were considered in the EIS. I have selected Site 3 (identified in the DEIS and EIS as the preferred site) as the location for this substation. The substation siting and design were coordinated with adjoining landowners to minimize visual impact on a residence, as well as physical disruption of a surrounding cattle operation by the substation's access road. The new substation will be named Schultz Substation in memory of Sol Schultz, BPA's first Chief Engineer.

Environmental impacts predicted to result from Schultz Substation are few and minor. BPA has prepared a mitigation action plan. This plan defines specific actions to be taken by BPA or its construction contractors to minimize environmental impacts. I have decided that, as a minimum, the following mitigation techniques will be used at Schultz Substation:

- Fill material brought in to create a level substation grade will be obtained only from environmentally approved sites.
- Excavated material unsuitable for use at the site will be disposed of in accordance with applicable regulations.
- Construction activity will be conducted in a manner to minimize impacts to adjoining properties.
- Construction equipment will be operated and maintained to minimize noise impacts.
- Dust created by construction will be minimized.

- BPA will appoint a public contact person who will respond to public concerns during construction.
- Procedures to prevent oil or gas spills during construction equipment fueling will be defined in the construction contract.
- Construction equipment entering or departing the site will be thoroughly washed to prevent the spread of noxious weeds.
- If archaeological artifacts are uncovered during construction, construction will be halted pending consultation with the Washington Historic Preservation Office.
- All waste materials created during construction will be disposed of at an approved sanitary landfill.
- No electrical equipment containing PCBs will be installed at the site.
- To prevent erosion, disturbed soils will be seeded following construction.

About 2 years after Schultz Substation is completed, BPA will complete an environmental audit and appraisal of the project to provide assurance that the mitigation commitments are fulfilled.

Decision to Begin an Environmental Impact Statement for the PSAERP

Transmission Line Contingency: Accurately predicting future events is difficult, and uncertainties can significantly alter the magnitude and timing of future capacity needs. The PSAERP identifies contingency measures that would be undertaken if greater than anticipated needs occur. I have decided that BPA should begin preliminary planning and environmental studies on a new cross-Cascades transmission line so if conditions change, the lead-time for building a line will be shorter. Construction of a cross-Cascade transmission line will not be undertaken unless need is clearly established. EIS scoping activities will start in late 1992 or early 1993. Opportunities for public involvement will be provided throughout the EIS Process.

IV. Rationale for Decisions

BPA, because of its unique role in regional transmission of power, took a leadership role in planning, defining solutions, evaluating alternatives, and completing environmental studies for the PSAERP. BPA staff who were involved in conducting the studies have explained the alternatives to me. I had an opportunity to meet with the Sounding Board on February 19 and hear the individual comments of members present at this meeting.

On the basis of these inquiries, I find Alternative Strategy 2 to be clearly superior to all other strategies. Alternative Strategy 2 ranks first

considering cost and technical. While Alternative Strategy 3 is environmentally preferred, Strategy 2 ranks second with only slightly greater predicted environmental impact. Considering that only slight differences in impact are predicted between Alternative Strategy 2 and the environmentally preferred strategy, economic and technical factors influenced my decision to select Alternative Strategy 2. The No Action Alternative does not meet BPA's established reliability standards which were last updated in 1989 after customer and public reviews. Public comments on the DEIS supported taking action to maintain reliability of the power system. High health and safety impacts and socio-economic impacts are attributed in the no action alternative and it is the lowest ranked.

My decision to increase conservation funding in 1992 was based on three considerations: strong public support, the economic value of conservation investments, and the minimal environmental impact of conservation programs.

I decided to proceed with both Voltage Support 1 and 2, as they are cost effective and create low environmental impacts. Both measures make more efficient and effective use of existing BPA transmission lines. I find strong public support for these actions in the comments received on the DEIS, another reason to proceed with implementation.

My rationale to begin an Environmental Impact Statement for a new cross-Cascades transmission line is based on several factors. The EIS (Section 1.4.6) identifies a list of future events that, if they occur, would significantly increase demands on the cross-Cascades transmission system. To provide flexibility to respond to such events and reduce the lead-time for building a line, the PSAERP recommends completing planning, environmental, and permit work on a new cross-Cascades transmission line. I support the PSAERP's concept of providing the flexibility to meet greater than anticipated capacity needs. A new cross-Cascades transmission line would provide ample capacity to meet greater than anticipated demands or other uncertainties.

BPA's traditional role and authorities to provide transmission services are well established in the region. It is appropriate that BPA take a leadership role in planning an environmental analysis of the contingency line. As no adverse environmental impacts would result from environmental studies, and since the cost of these studies is

relatively small, especially compared with the benefits if a line is needed, I authorized BPA staff to begin work on an environmental impact statement for a new cross-Cascades transmission line. I anticipate that this work will be a cooperative effort among BPA, Puget Sound utilities, involved Federal agencies, State and county organizations, environmental groups, and interested private citizens.

I will not make a decision to proceed with construction of the transmission line until need is clearly established, and unless a separate EIS and ROD for such a line have been completed.

V. Implementation

Implementation of decisions is planned as follows:

Accelerate Puget Sound Conservation Programs.....	1992 to 2003
Completion of Voltage Support 1 (Echo Lake Capacitors).....	Fall 1993
Voltage Support 2:	
Begin Site Development.....	Summer 1992
Energize Substation.....	Fall 1994
Prepare EIS On cross-Cascades Transmission Line Contingency:	
Begin Scoping.....	Late 1992 or early 1993
Complete Final EIS.....	1996

Issued in Portland, Oregon on June 16, 1992.

Randall W. Hardy,
Administrator.

[FR Doc. 92-14988 Filed 6-24-92; 8:45 am]
BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. JD92-07222T Texas-56]

Texas; NGPA Determination by Jurisdictional Agency Designating Tight Formation

June 19, 1992

Take notice that on June 15, 1992, the Railroad Commission of Texas (Texas) submitted the above-reference notice of determination pursuant to § 271.703(c)(3) of the Commission's regulations, that the Upper Cretaceous Austin Chalk Formation in portions of Brazos and Burleson Counties, Texas, qualifies as a tight formation under section 107(b) of the Natural Gas Policy Act of 1978. The designated area contains approximately 22,170 acres and includes all or part of the following surveys:

Survey	Abstract
P. Singleton.....	A-56
J. Chance.....	A-9
H. Koontz.....	A-164

Survey	Abstract
J. Fisher.....	A-23
J. Millican.....	A-41
R. Millican.....	A-42
W. Sutherland.....	A-55
W. Devers.....	A-14

The notice of determination also contains Texas' findings that the referenced portion of the Upper Cretaceous Austin Chalk Formation meets the requirements of the Commission's regulations set forth in 18 CFR part 271.

The application for determination is available for inspection, except for material which is confidential under 18 CFR 275.206, at the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington DC 20426. Persons objecting to the determination may file a protest in accordance with 18 CFR 275.203 and 275.204, within 20 days after the date this notice is issued by the Commission.

Lois D. Cashell,

Secretary.

[FR Doc. 92-14906 Filed 6-24-92; 8:45am]

BILLING CODE 6717-01-M

[Docket No. RS92-28-000]

Algonquin Gas Transmission Co.; Conference

June 19, 1992.

Take notice that on June 26, 1992, a Conference will be convened in the captioned restructuring docket. This conference is being convened to discuss Algonquin Gas Transmission Company's (Algonquin) proposed Order No. 636 compliance filing and rates and to discuss issues raised by Algonquin's draft compliance filing, which was circulated to all parties on June 11 and 12, 1992.

The conference will be held at the offices of the Federal Energy Regulatory Commission, 810 First Street, NE., Hearing Room #6, Washington, DC. The conference will begin at 10 a.m. on June 26, 1992. All interested parties are invited to attend. Attendance at the conference however, will not confer party status. For additional information, interested parties can call Rebecca S. Haney at (617) 560-1376 or David T. Andril at (202) 639-6542.

Lois D. Cashell,

Secretary.

[FR Doc. 92-14908 Filed 6-24-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP91-188-000]

EI Paso Natural Gas Co.; Informal Settlement Conference

June 19, 1992.

Take notice that an informal conference will be convened in this proceeding on Friday, June 26, 1992 at 10 a.m. at the offices of the Federal Energy Regulatory Commission, 810 First Street, NE., Washington, DC 20426, for the purpose of exploring the possible settlement of the above-referenced dockets.

Any party, as defined by 18 CFR 385.102(c), or any participant as defined by 18 CFR 385.102(b) is 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, please contact Hollis J. Alpert at (202) 208-0783, or William J. Collins at (202) 308-0248.

Lois D. Cashell,

Secretary.

[FR Doc. 92-14907 Filed 6-24-92; 8:45 am]

BILLING CODE 6717-01-M

Office of Fossil Energy

[FE Docket No. 91-45-NG]

Western Gas Marketing USA Ltd., Order Granting Long-Term Authorization To Import Natural Gas From Canada

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of order.

SUMMARY: The Office of Fossil Energy of the Department of Energy gives notice that it has issued an order authorizing Western Gas Marketing USA Ltd. to import from Canada up to 25,000 Mcf per day of natural gas beginning on June 19, 1992 through October 31, 2001.

A copy of this order is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F-056, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-9478. 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, D.C., June 19, 1992.

Charles F. Vacek,

Deputy Assistant Secretary for Fuels Programs, Office of Fossil Energy.

[FR Doc. 92-14991 Filed 6-24-92; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

(FRL-4143-1)

Air Pollution Control; Proposed Actions on Clean Act Grant to Jacksonville, FL

AGENCY: Environmental Protection Agency.

ACTION: Solicitation of comments; opportunity for public hearing.

SUMMARY: This notice announces that the City of Jacksonville, Florida has requested that EPA judge specific reductions in non-federal matching funds as non-selective with regard to the provisions of section 105(c) of the Clean Air Act (CAA). EPA solicits public comment on this proposal, and announces the opportunity for a public hearing.

DATES: Comments must be received by EPA Region IV July 27, 1992.

ADDRESSES: Written comments and/or request for hearing should be addressed to William H. McBride, EPA Region IV, Grants, IAG and Audits Management Section (see Region IV address below). Copies of the information submitted by the City of Jacksonville may be examined during normal business hours at the following locations:

Environmental Protection Agency,
Region IV, Grants, IAG and Audits Management Section, 345 Courtland Street, NE., Atlanta, Georgia 30365.
City of Jacksonville, Regulatory and Environmental Services Department, Air Quality Division, 421 West Church Street, suite 412, Jacksonville, Florida 32202-4111.

FOR FURTHER INFORMATION CONTACT: William H. McBride, EPA Region IV, Grants, IAG and Management Section at the address listed above or call (404) 347-2200.

SUPPLEMENTARY INFORMATION:

Background

EPA provides financial assistance to the Regulatory and Environmental Services Department, Air Quality Division for operation of its Air Pollution Control program through an annual cooperative agreement. EPA awards the cooperative agreement pursuant to section 105 of the CAA (42 U.S.C. 7405). Section 105(c) contains the following criteria:

"(C) *Maintenance of Effort.*—(1) No agency shall receive any grant under this section during any fiscal year when its expenditures of non-federal funds for recurrent expenditures for air pollution control programs will be less than its expenditures were for such programs

during the preceding fiscal year. In order for the Administrator to award grants under this section in a timely manner each fiscal year, the Administrator shall compare an agency's prospective expenditure level to that of its second preceding fiscal year. The Administrator shall revise the current regulations which define applicable nonrecurrent and recurrent expenditures, and in so doing, give due consideration to exempting an agency from the limitations of this paragraph and subsection (a) due to periodic increases experienced by that agency, from time to time, in its annual expenditures for purposes acceptable to the Administrator for that fiscal year. (2) The Administrator may still award a grant to an agency not meeting the requirements of paragraph (1) of this subsection if the Administrator, after notice and opportunity for public hearing, determines that a reduction in the expenditures is attributable to a non-selective reduction in the expenditures in the programs of all Executive branch agencies of the applicable unit of Government. No agency shall receive any grant under this section with respect to the maintenance of a program for the prevention and control of air pollution unless the Administrator is satisfied that such a grant will be so used to supplement and, to other non-federal funds. No grants shall be made under this section until the Administrator has consulted with the appropriate official as designated by the Governor or Governors of the State or States affected."

On March 10, 1992, the City of Jacksonville, Florida, in the context of section 105(c) of the CAA and appropriate federal regulations (40 CFR 35.210), requested that EPA consider certain non-federal funding reductions as non-selective. That request is part of the technical support document (TSD) for this notice. If EPA were to disapprove the request regarding non-selective funding reductions and to determine Jacksonville ineligible for assistance under section 105 of the CAA, the City would be required to return assistance funds for which they were then not eligible.

Jacksonville's request for the non-federal funding reduction to be considered non-selective is based on a non-selective abolishment of vacancies throughout the Executive branch of the City government. The information submitted in the March 10, 1992, request indicates that for those departments under the direct control of the Mayor's Office, there was an average loss in positions of 6.4%. There were only two

departments for which there were increases, the Planning Department and Law Enforcement. The Planning Department was required by State mandate to develop and implement a growth plan concerning all aspects of community development through the year 2010. The City of Jacksonville has indicated that significant penalties and sanctions would have been applied by the State of Florida for failure to continue development of this plan. The other department with an increase was the Department of Law Enforcement with a small increase of 0.05%. One department of the City sustained a reduction in force of 59.65% (Housing and Urban Development). The Mayor's Office was reduced in force by 48.39%.

The Regulatory and Environmental Department, where the Air Pollution Control functions reside, was reduced by 9.04%. This reduction resulted in the short fall of \$47,333 of local funding (non-federal) for the fiscal year of 1991. This amount represents approximately 3.5% of the non-federal FY 90 expenditures. For FY 92, when the full effect of the elimination of vacancies will be felt, the reduction in non-federal expenditures is projected to be \$97,495, or 6.7% of the FY 90 non-federal expenditures. This reduction, as indicated above, results from the abolishment of vacancies within the department. This type of spending reduction is extremely difficult to make equitable across all departments, since the percentage of vacancies varies from department to department at any one time.

Action

Based upon the above discussion and the information submitted by the City of Jacksonville, EPA proposes to approve Jacksonville's request for EPA to consider the FY 91 and 92 reductions in non-federal funding of their air pollution control program as non-selective. Since, based on program evaluations, there has not been a reduction in the effectiveness of the air pollution control program in the City of Jacksonville, and since the reductions appear to have been non-selective (while not equitable, since vacancies were not equally distributed), EPA is proposing to fund the City of Jacksonville's FY 92 section 105 grant conditionally.

The condition being that no substantive public comments are received concerning this action which indicate that the FY 91 and FY 92 reductions were other than non-selective. In addition, the City of Jacksonville must, as a condition of their FY 92 award, demonstrate that the

commitments made in their FY 92 workplan have been met.

Invitation to Comment, Opportunity for Public Hearing

Any person who desires to comment on this intended action or requests a public hearing may do so by writing to the contact person listed above. Comments must be received on or before July 27, 1992.

A public hearing will be held if (and only if) a request for a public hearing is received at the EPA office listed above by July 27, 1992. The purpose of such a hearing would be to take testimony as to whether the reduction in expenditures for the City of Jacksonville air program is or is not attributable to a non-selective reduction in expenditures.

It is suggested that anyone wishing to verify whether the public hearing is to be held should call the EPA office listed above. A shorter notice period is being employed for this action August 10, 1992 so the City of Jacksonville will be aware of EPA's final decision on the reduction.

Authority: 42 U.S.C. 7405.

Patrick M. Tobin,

Acting, Regional Administrator

[FR Doc. 92-14844 Filed 6-24-92; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

Applications for Consolidated Hearing

1. The Commission has before it the following mutually exclusive applications for a noncommercial educational FM station:

Applicant, city and state	File No.	MM docket No.
A. Carnegie-Mellon Student Government Corporation; Pittsburgh, PA (Seeking a major change for Station WRCT (FM), Channel 202A).	BPED-891108MA	92-132
B. He's Alive, Incorporated; Murrysville, PA (Seeking a new station, Channel 201A).	BPED-900606MC	

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 Applicants

1. Environmental Impact, A-B
1. 307(b)—Noncommercial Educational, A-B
2. Contingent Comparative—Noncommercial Educational FM, A-B
3. Ultimate, A-B

3. 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, room 246, 1919 M Street, NW., Washington, DC 20554 (telephone (202)-659-8657).

W. Jan Gay,

Assistant Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 92-15009 Filed 6-24-92; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

Port Authority of New York et al.; Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 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.: 224-200674.

Title: Port Authority of New York and New Jersey/SAFBank Co. Terminal Agreement.

Parties: Port Authority of New York and New Jersey ("Port"), SAFBank Co. ("Carrier").

Synopsis: The Agreement provides for the Port to pay the Carrier \$20 per import and \$40 per export container with cargo, loaded or unloaded at the

Port and shipped by rail to or from ports more than 260 miles from the Port.

Agreement No.: 224-200675.

Title: Port of New York and New Jersey and Cho Yang Shipping Co., Container Incentive Agreement.

Parties: The Port of New York and New Jersey ("Port"), Cho Yang Shipping Co. ("Cho").

Synopsis: The Agreement provides for the Port to make incentive payments to Cho for each container shipped by rail to or from points more than 260 miles from the port. The Agreement will terminate no later than December 31, 1992.

Dated: June 18, 1992.

By Order of the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 92-14893 Filed 6-24-92; 8:45 am]

BILLING CODE 6730-01-M

Agreement(s) Filed; City of Oakland ("Port"), 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, 11 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.: 224-010974-009.

Title: Port of Oakland/International Transportation Services Terminal Agreement.

Parties: City of Oakland ("Port"), International Transportation Services, Inc. ("ITS").

Synopsis: The amendment increases the amount which the Port will reimburse ITS for improvements made to the premises utilized by ITS in the Port's Outer Harbor Terminal Area.

Dated: June 19, 1992.

By Order of the Federal Maritime
Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 92-14926 Filed 6-24-92; 8:45 am]

BILLING CODE 6730-01-M

**Security for the Protection of the
Public Indemnification of Passengers
for Nonperformance of
Transportation; Issuance of Certificate
(Performance)**

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of section 3, Public Law 89-777 (46 U.S.C. 817(e)) and the Federal Maritime Commission's implementing regulations at 46 CFR part 540, as amended:

Commodore Cruise Line Ltd, 800
Douglas Road, Coral Gables,
Florida 33134.

Vessel: *Crown Monarch*.

Dated: June 19, 1992.

Joseph C. Polking,

Secretary.

[FR Doc. 92-14897 Filed 6-24-92; 8:45 am]

BILLING CODE 6730-01-M

**Security for the Protection of the
Public Financial Responsibility to Meet
Liability Incurred for Death or Injury to
Passengers or Other Persons on Voyages;
Issuance of Certificate
(Casualty)**

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages pursuant to the provisions of section 2, Public Law 89-777 (46 U.S.C. 817(d)) and the Federal Maritime Commission's implementing regulations at 46 CFR part 540, as amended:

Commodore Cruise Line Ltd, Crown
Cruise Line Inc. S.A. and Cruceros
de Valencia S.A., 800 Douglas Road,
Coral Gables, Florida 33134.

Vessel: *Crown Monarch*

Dated: June 19, 1992.

Joseph C. Polking,

Secretary.

[FR Doc. 92-14899 Filed 6-24-92; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

**Robert B. Dunkin, et al.; Change in
Bank Control Notices; Acquisitions of
Shares of Banks or Bank Holding
Companies**

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for processing, they will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than July 15, 1992.

A. Federal Reserve Bank of Dallas
(W. Arthur Tribble, Vice President) 400
South Akard Street, Dallas, Texas 75222:

1. *Robert B. Dunkin*, Harlingen, Texas; to acquire an additional 10 percent, for a total of 19.12 percent, and Cecil R. Simmons, San Benito, Texas, to acquire an additional 10 percent, for a total of 15.76 percent, of the voting shares of First San Benito Bancshares, Inc., San Benito, Texas, and thereby indirectly acquire First National Bank of San Benito, San Benito, Texas.

Board of Governors of the Federal Reserve System, June 19, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92-14932 Filed 6-24-92; 8:45 am]

BILLING CODE 6210-01-F

**The Highland Bancorporation, Inc.,
et al.; Applications to Engage de novo
in Permissible Nonbanking Activities**

The companies listed in this notice have filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than July 20, 1992.

**A. Federal Reserve Bank of
Minneapolis** (James M. Lyon, Vice
President) 250 Marquette Avenue,
Minneapolis, Minnesota 55480:

1. *The Highland Bancorporation, Inc.*, Minneapolis, Minnesota; to engage *de novo* in the activity of making loans to its controlling shareholder or shareholders, pursuant to § 225.25(b)(1) of the Board's Regulation Y.

2. *Security Northwest Bancorporation, Inc.*, Minneapolis, Minnesota; to engage *de novo* in the activity of making loans to its controlling shareholder or shareholders, pursuant to § 225.25(b)(1) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, June 19, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92-14930 Filed 6-24-92; 8:45 am]

BILLING CODE 6210-01-F

**Norwest Corporation; Formation of,
Acquisition by, or Merger of Bank
Holding Companies; and Acquisition of
Nonbanking Company**

The company listed in this notice has applied under § 225.14 of the Board's Regulation Y (12 CFR 225.14) for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) to become a bank holding

company or to acquire voting securities of a bank or bank holding company. The listed company has also applied under § 225.23(a)(2) of Regulation Y (12 CFR 225.23(a)(2)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies, or to engage in such an activity. Unless otherwise noted, these activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than July 20, 1992.

A. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Norwest Corporation*, Minneapolis, Minnesota; to acquire 100 percent of the voting shares of *United Bancshares, Inc.*, Lincoln, Nebraska, and thereby indirectly acquire *Vistar Bank*, Lincoln, Nebraska.

In connection with this application, Applicant also proposes to acquire *Vistar Financial, Inc.*, Lincoln, Nebraska, and thereby engage in making and servicing loans, pursuant to § 225.25(b)(1) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, June 19, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92-14931 Filed 6-24-92; 8:45 am]

BILLING CODE 6210-01-F

Southwest Bancorp, Inc., et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than July 20, 1992.

A. Federal Reserve Bank of Chicago (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Southwest Bancorp, Inc.*, Worth, Illinois; to acquire 100 percent of the voting shares of *SC Bancorp, Inc.*, Worth, Illinois, and thereby indirectly acquire *The Sun City Bank*, Sun City, Arizona. In connection with this application, *SC Bancorp, Inc.* has applied to become a bank holding company by acquiring *The Sun City Bank*.

B. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *The Lauderdale County Bancshares, Inc.*, Halls, Tennessee; to become a bank holding company by acquiring 100 percent of the voting shares of *The Lauderdale County Bank*, Halls, Tennessee.

C. Federal Reserve Bank of Dallas (W. Arthur Tribble, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *New Mexico National Financial Incorporated*, Roswell, New Mexico; to become a bank holding company by acquiring 80 percent of the voting shares of *Western Bancshares of Truth or Consequences, Inc.*, Truth or Consequences, New Mexico, and thereby indirectly acquire *Firstbank of Truth or Consequences*, Truth or Consequences, New Mexico.

Board of Governors of the Federal Reserve System, June 19, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92-14929 Filed 6-24-92; 8:45 am]

BILLING CODE 6210-01-F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

[Announcement Number 307]

Availability of Funds for Fiscal Year 1993; Breast and Cervical Cancer Education for Primary Care Providers

Introduction

The Centers for Disease Control (CDC), the Nation's prevention agency, anticipates the availability of funds in fiscal year (FY) 1993 for competing cooperative agreements to develop and disseminate breast and cervical cancer primary care provider education programs.

The Public Health Service (PHS) is committed to achieving the health promotion and disease prevention objectives of Healthy People 2000, a PHS-led national activity to reduce morbidity and mortality and improve the quality of life. This announcement is related to the priority area of cancer. (For ordering a copy of Healthy People 2000, see the section Where to Obtain Additional Information.)

Authority: This program is authorized under sections 301(a) [42 U.S.C. 241(a)] and 1507 [42 U.S.C. 300n-3] of the Public Health Service Act, as amended.

Eligible Applicants

Eligible applicants are national professional associations of health care providers. A substantial proportion of the membership of these associations must be primary health care providers. Limited competition is justified under this program because the need for broad and effective dissemination of programs and information requires organizations with the capacity and experience to

influence the practice behavior of their constituency regarding screening and follow-up for breast and cervical cancer.

Availability of Funds

It is anticipated that approximately \$400,000 will be available in FY 1993 to fund approximately 2 awards. It is expected that the average award will be \$200,000 ranging from \$175,000 to \$225,000. It is expected the awards will begin on or about November 1, 1992, and are usually made for a 12-month budget period within a project period of up to 3 years. Funding estimates may vary and are subject to change. Continuation awards within the project period will be made on the basis of an acceptable application, satisfactory performance, and the availability of funds.

Funds will not be awarded for the purchase or lease of land or buildings, for the construction of a facility, or the renovation of existing space. The purchase of equipment is discouraged but will be considered for approval if justified on the basis of being essential to the program and not available from any other source. Cooperative agreement funds shall not be used for the delivery of clinical/therapeutic services.

Purpose

The purpose of this program is to enter into collaborative relationships with up to four national professional primary care provider organizations to support the development of effective provider education programs and the dissemination of these programs to their membership. Breast and cervical cancer screening are the activities targeted under this program, but may occur under the auspices of a more comprehensive prevention program, such as the national prevention services campaign, "Put Prevention into Practice". The objective of these cooperative agreements will be to assure that women are screened at appropriate intervals, that screening tests are performed optimally, and that women with abnormal results receive appropriate diagnostic follow-up and treatment through the development and dissemination of educational programs for primary care providers. In addition, the organizations will work as a consortium with Federal and voluntary partners to develop long-term strategies for promoting optimal primary care provider performance related to the early detection of breast and cervical cancer at the national, state, and local levels.

Program Requirements

In conducting activities to achieve the purpose of this program, the recipient shall be responsible for the activities under A., below, and CDC shall be responsible for conducting activities under B., below:

A. Recipient Activities

1. Utilize organizational constituents to formulate a plan that describes the development, implementation, evaluation, and dissemination of a program designed to enhance the practice of breast and cervical cancer early detection and control. Any of the following outcomes may be addressed as they relate to breast and cervical cancer screening, diagnosis, and follow-up:

- Increased provider knowledge.
- Increased provider adherence to screening guidelines.
- Increased provider skill in performing screening tests. (Year 01)

2. Develop, or evaluate existing, office reminder and tracking systems to facilitate screening, and follow-up. (Year 01)

3. Participate with CDC and other professional, Federal, and voluntary organizations in 2-3 consortium meetings during each budget period to implement programmatic objectives. (Years 01-03)

4. Establish specific, measurable, and realistic program objectives at national, state, and local levels to increase the number of primary care providers who adhere to guidelines for breast and cervical cancer screening. (Year 01)

5. Implement and assess the program on a national basis utilizing a widely disseminated strategy (i.e., national conference, journal publication, etc.) (Year 02)

6. Assess progress in achievement of program objectives through a well designed evaluation plan which addresses each component of the program. (Years 01-03)

7. Assist CDC in the identification of strategies for implementation of the program at state and local levels. (Years 02-03)

8. Identify and submit pertinent programmatic information for incorporation into a computerized database of health information and health promotion resources (Combined Health Information Database (CHID)). (Years 02-03)

9. Develop and utilize a dissemination strategy for the sharing of information related to breast and cervical cancer provider education with other professional and health care organizations. (Year 03)

B. Centers for Disease Control Activities

1. Collaborate with recipients in the development of meeting agendas and convene personnel from all recipient organizations for regular meetings to review program activities.

2. Collaborate with the recipients in the development, implementation and delivery of breast and cervical cancer provider education programs.

3. Collaborate with recipients in the development of office reminder systems for breast and cervical cancer screening.

4. Collaborate in the evaluation of program activities, and the analysis of program direction, and provide consultation in the redirection of activities as necessary.

5. Periodically update information about provider and public knowledge, attitudes, and practices regarding early detection and control of breast and cervical cancer.

Evaluation Criteria

The initial application will be reviewed and evaluated based upon the following criteria:

A. A clear and succinct statement of the purpose and objectives of the project in the applicant's own words to demonstrate an understanding of the intent of the Recipient Activities. (10 points)

B. Extent to which the applicant demonstrates knowledge and understanding of the provider education resources currently available. (15 points)

C. A statement of the applicant's demonstrated ability to disseminate information and influence the professional practice of its members. (20 points)

D. The qualifications and appropriateness of proposed personnel and the adequacy of proposed time allocations of personnel to accomplish the program activities. (15 points)

E. The stated purpose of the cooperative agreement and the quality and feasibility of the proposed program activities for achieving the objectives. (20 points)

F. The quality of the applicant's evaluation plan for monitoring progress toward the achievement of program activities and objectives. (20 points)

G. The extent to which the budget is reasonable and consistent with the intended use of cooperative agreement funds. (Not weighted)

Executive Order 12372 Review

Applications are not subject to Executive Order 12372, Intergovernmental Review of Federal Programs.

Catalog of Federal Domestic Assistance Number

The Catalog of Federal Domestic Assistance number is 93.283.

Other Requirements

Projects that involve the collection of information from 10 or more individuals and funded by cooperative agreement will be subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act.

Application Submission and Deadline

The original and two copies of the application PHS Form 5161-1 must be submitted to Edwin L. Dixon, Grants Management Officer, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control, 255 East Paces Ferry Road, NE., room 300, Mailstop E-14, Atlanta, Georgia 30305, on or before September 1, 1992.

A. Deadline

Applications will be considered to meet the deadline if they are either:

1. Received on or before the deadline date; or

2. Sent on or before the deadline date and received in time for submission to the objective review group. (Applicants must request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or U.S. Postal Service. Private metered postmarks will not be accepted as proof of timely mailing.)

B. Late Applications

Applications which do not meet the above criteria in A.1. or A.2. above are considered late applications. Late applications will not be considered in the current competition and will be returned to the applicant.

Where to Obtain Additional Information

A complete program description, information on application procedures, an application package and business management technical assistance may be obtained from Gordon R. Clapp, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control, 255 East Paces Ferry Road, NE., room 300, Atlanta, Georgia 30305, (404) 642-6508. Programmatic technical assistance may be obtained from Rosemarie McIntyre, R.N., M.S., Health Promotion and Training Branch, Division of Cancer Prevention and Control, Mailstop K-52, National Center for Chronic Disease Prevention and Health Promotion, Centers for Disease Control, Atlanta, Georgia 30333, (404) 488-5496.

Please refer to Announcement Number 307 when requesting information and submitting an application.

Potential applicants may obtain a copy of Healthy People 2000 (Full Report, Stock No. 017-011-00474-0) or Healthy People 2000 (Summary Report, Stock No. 017-001-00473-1) referenced in the Introduction through the Superintendent of Documents, Government Printing Office, Washington, DC 20402-9325, (Telephone (202) 783-3238).

Dated: June 18, 1992.

Robert L. Foster,

Acting Associate Director for Management and Operations, Centers for Disease Control
[FR Doc. 92-14938 Filed 6-24-92; 8:45 am]

BILLING CODE 4160-18-M

Health Resources and Services Administration**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, 4 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 October 1, 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. Darlene Taylor on behalf of Crystal Legere, Brownsville, Texas, Claims Court Number 90-2626 V.
2. Rock Gentry on behalf of Kayla Gentry, Deceased, Amarillo, Texas, Claims Court Number 90-2627 V.
3. Mable Watson on behalf of Jason Watson, Houston, Texas, Claims Court Number 90-2628 V.
4. J. G. Smith on behalf of Betty Smith, Houston, Texas, Claims Court Number 90-2629 V.
5. Mark Stanton on behalf of Nicole Stanton, Austin, Texas, Claims Court Number 90-2630 V.
6. Jose Rodrigues on behalf of Natalie Rodrigues, San Antonio, Texas, Claims Court Number 90-2631 V.
7. Brenda Winters on behalf of Erin King, Bay City, Texas, Claims Court Number 90-2632 V.
8. James Dale McFarland on behalf of James Brent McFarland, Portland, Texas, Claims Court Number 90-2633 V.
9. Pamela Eaden on behalf of Lamarcus Eaden, Houston, Texas, Claims Court Number 90-2634 V.
10. Norma Fuller on behalf of Scott Fuller, Kingsville, Texas, Claims Court Number 90-2635 V.
11. Verdell Cooper on behalf of Roosevelt Berry III, Houston, Texas, Claims Court Number 90-2636 V.
12. Charles Coley on behalf of Candon Coley, Smithville, North Carolina, Claims Court Number 90-2637 V.
13. Dana Kaskel on behalf of Paul Kaskel, New Rochelle, New York, Claims Court Number 90-2638 V.
14. Riley Blanton on behalf of Jessica Blanton, Deceased, Houston, Texas, Claims Court Number 90-2639 V.
15. Sandra Synder on behalf of James McKenzie-Shepard, Deceased, Mount Rainier, Maryland, Claims Court Number 90-2640 V.
16. Stanley Oak on behalf of Michelle Oak, Buffalo, New York, Claims Court Number 90-2641 V.
17. Kathy McElveen on behalf of Andrew Ferguson, Houston, Texas, Claims Court Number 90-2642 V.
18. Gary Osterman on behalf of Catherine Osterman, Houston, Texas, Claims Court Number 90-2643 V.
19. Cynthia Head on behalf of Janet Riehs, Deceased, Victoria, Texas, Claims Court Number 90-2644 V.
20. Susan White, Duluth, Minnesota, Claims Court Number 90-2645 V.
21. Basil Wilkerson on behalf of Shane R. Wilkerson, Deceased, Houston, Texas, Claims Court Number 90-2646 V.
22. Cindy Bennett on behalf of Amber Bennett, Shawnee, Oklahoma, Claims Court Number 90-2647 V.
23. Johnnie Lyon on behalf of Jason Lyon, Oxford, Mississippi, Claims Court Number 90-2648 V.
24. James Johnson on behalf of Eric Johnson, Temple, Texas, Claims Court Number 90-2649 V.
25. Stephen Lehr on behalf of Christopher Lehr, San Antonio, Texas, Claims Court Number 90-2650 V.
26. James Barnett on behalf of Desiree Barnett, San Antonio, Texas, Claims Court Number 90-2651 V.
27. Arthur Thompson on behalf of Thomas Thompson, Kansas City, Missouri, Claims Court Number 90-2652 V.
28. Douglas Smith on behalf of Justin Smith, San Antonio, Texas, Claims Court Number 90-2653 V.
29. Betty Beddingfield on behalf of Dallas Beddingfield, Louisville, Kentucky, Claims Court Number 90-2654 V.
30. Charles Morris on behalf of Ashli Bryant, Houston, Texas, Claims Court Number 90-2655 V.
31. Mana Rodriguez on behalf of Andrew Rodriguez, San Antonio, Texas, Claims Court Number 90-2656 V.
32. Jose Robledo on behalf of Selma Robledo, Houston, Texas, Claims Court Number 90-2657 V.
33. Martha Palm on behalf of Chris Palm, Austin, Texas, Claims Court Number 90-2658 V.
34. Danny Hubbell on behalf of Amy Katherine Hubbell, Deceased, Corpus Christi, Texas, Claims Court Number 90-2659 V.
35. Connie Holland-Fuentes on behalf of Brian Holland-Fuentes, San Antonio, Texas, Claims Court Number 90-2660 V.
36. Malcolm Marks on behalf of Mary Marks, Beaumont, Texas, Claims Court Number 90-2661 V.
37. Pearl Dodd on behalf of Melissa Dodd, Houston, Texas, Claims Court Number 90-2662 V.
38. Robert Boyd on behalf of Vivian Boyd, Dallas, Texas, Claims Court Number 90-2663 V.
39. Michael Cepeda on behalf of Kevin Cepeda, San Antonio, Texas, Claims Court Number 90-2664 V.
40. Rudolph Dominic on behalf of Janet Dominic, Mount Vernon, New York, Claims Court Number 90-2665 V.
41. Clifford Jones on behalf of Caleb Jones, Tomball, Texas, Claims Court Number 90-2666 V.
42. Anna Gray on behalf of Joseph Wilson, Baytown, Texas, Claims Court Number 90-2667 V.
43. Vincent Musachia on behalf of Marianne Musachia, Houston, Texas, Claims Court Number 90-2668 V.
44. Samuel Reinke on behalf of Stacie Reinke, Huntsville, Texas, Claims Court Number 90-2669 V.
45. James Roatz on behalf of Rachael Roatz, Bryan, Texas, Claims Court Number 90-2670 V.
46. Mary O'Dowd on behalf of Ellen O'Dowd, Phoenix, Arizona, Claims Court Number 90-2671 V.
47. George Beall, Jr., on behalf of George Beall, III, Leonardtown, Maryland, Claims Court Number 90-2672 V.
48. Luigi Cugini on behalf of Biagio Cugini, Allston, Massachusetts, Claims Court Number 90-2673 V.
49. Peggy Pearson on behalf of Aaron Pearson, Philadelphia, Pennsylvania, Claims Court Number 90-2674 V.
50. Rose Coulter on behalf of Matthew Coulter, Philadelphia, Pennsylvania, Claims Court Number 90-2675 V.
51. Daniel Faunce on behalf of Christine Faunce, Collingswood, New Jersey, Claims Court Number 90-2676 V.
52. Mickey McFarland, Sr., on behalf of Mickey McFarland, Jr., Deceased, Culver, Indiana, Claims Court Number 90-2677 V.
53. Edmond Harron on behalf of Leona Harron, Chester, Pennsylvania, Claims Court Number 90-2678 V.
54. Cheryl Lasiter on behalf of Eric Lasiter, Albuquerque, New Mexico, Claims Court Number 90-2679 V.
55. Holly Belodoff, Glen Cove, New York, Claims Court Number 90-2680 V.
56. Holly Belodoff, Glen Cove, New York, Claims Court Number 90-2681 V.
57. Louise Harpley, Augusta, Georgia, Claims Court Number 90-2682 V.
58. Marie Sanders on behalf of Brandy Sanders, Augusta, Georgia, Claims Court Number 90-2683 V.
59. Margaret Bean on behalf of Stacey Bean, West Chester, Pennsylvania, Claims Court Number 90-2684 V.
60. Young Hee Jun on behalf of Sammy Jun, Deceased, Brookline, Massachusetts, Claims Court Number 90-2685 V.
61. Philip Sartore, Evansville, Indiana, Claims Court Number 90-2686 V.
62. Wendy Lothrop on behalf of Katherine Lothrop, Hanover, New Hampshire, Claims Court Number 90-2687 V.
63. Frank Sespico on behalf of Nicol Sespico, Akron, Ohio, Claims Court Number 90-2688 V.
64. Gary Kuzecki on behalf of Mariam Kuzecki, South Euclid, Ohio, Claims Court Number 90-2689 V.
65. Ruth Hooker on behalf of Kevin Hooker, New Port Richey, Florida, Claims Court Number 90-2690 V.
66. Margaret Anderson on behalf of Carolyn Anderson, Marietta, Georgia, Claims Court Number 90-2691 V.
67. Susan Morrow on behalf of James Horton, Cincinnati, Ohio, Claims Court Number 90-2692 V.
68. Theresa Harmon on behalf of Amanda Harmon, Cleveland, Ohio, Claims Court Number 90-2693 V.
69. Owen Williams on behalf of Kay Williams, Milwaukee, Wisconsin, Claims Court Number 90-2694 V.

70. Michael Sutton on behalf of Matthew Sutton, Deceased, Edgewood, Kentucky, Claims Court Number 90-2695 V.
71. Nancy Zimet on behalf of Lauren Zimet, Rockville, Maryland, Claims Court Number 90-2696 V.
72. Kathy Turner on behalf of Jason Turner, Winston-Salem, North Carolina, Claims Court Number 90-2697 V.
73. Donald Erickson, Clatskanie, Oregon, Claims Court Number 90-2698 V.
74. Deborah Jones on behalf of Christopher Jones, Baltimore, Maryland, Claims Court Number 90-2699 V.
75. Marshall Adams on behalf of Jayde Adams, Fort Smith, Arkansas, Claims Court Number 90-2700 V.
76. Joyce Harris on behalf of Sarah Harris, Ardmore, Oklahoma, Claims Court Number 90-2701 V.
77. Timothy York on behalf of Caleb York, Jackson, Tennessee, Claims Court Number 90-2702 V.
78. Teresa Proctor on behalf of Tishawn Proctor, Hampton, Virginia, Claims Court Number 90-2703 V.
79. Evelyn Authement, Charlotte, North Carolina, Claims Court Number 90-2704 V.
80. Betty Bradish on behalf of Lane Bradish, Richmond, Vermont, Claims Court Number 90-2705 V.
81. Leo Foley on behalf of Brendan P. Foley, Denver, Colorado, Claims Court Number 90-2706 V.
82. Calvin Chappell on behalf of Julie Chappell, Provo, Utah, Claims Court Number 90-2707 V.
83. Douglas Fitzgerald on behalf of John Fitzgerald, Saranac Lake, New York, Claims Court Number 90-2708 V.
84. Vickie McMullen, Chambersburg, Pennsylvania, Claims Court Number 90-2709 V.
85. Marion Corr on behalf of Laura Corr, Albuquerque, New Mexico, Claims Court Number 90-2710 V.
86. Robert McCray on behalf of Kelly McCray, Deceased, Eugene, Oregon, Claims Court Number 90-2711 V.
87. Clifton Saville on behalf of Ron Saville, Sandy, Utah, Claims Court Number 90-2712 V.
88. Tina Turk on behalf of Justin Turk, Austin, Texas, Claims Court Number 90-2713 V.
89. Mark Dale Schindewolf, Granite City, Illinois, Claims Court Number 90-2714 V.
90. Ingrid Pisterzi on behalf of Ruth Pisterzi, Chicago, Illinois, Claims Court Number 90-2715 V.
91. Edwin Liles, San Antonio, Texas, Claims Court Number 90-2716 V.
92. Dennis Liles, San Antonio, Texas, Claims Court Number 90-2717 V.
93. Darron Crouse, Eldora, Iowa, Claims Court Number 90-2718 V.
94. Jack Duncan on behalf of Robert Duncan, Deceased, Arlington, Texas, Claims Court Number 90-2719 V.
95. Stephen Bernard on behalf of Samantha Bernard, Dover, New Hampshire, Claims Court Number 90-2720 V.
96. Richard Hollar on behalf of Amber Hollar, Elkhart, Indiana, Claims Court Number 90-2721 V.
97. Charles Bagin on behalf of Matthew Bagin, Upper Darby, Pennsylvania, Claims Court Number 90-2722 V.
98. Annette Quattlebaum on behalf of Nicole Quattlebaum, Philadelphia, Pennsylvania, Claims Court Number 90-2723 V.
99. Van Muller, Sr., on behalf of Van Muller, Jr., Metairie, Louisiana, Claims Court Number 90-2724 V.
100. Bobby Martin on behalf of David Martin, Pelham, Alabama, Claims Court Number 90-2725 V.
101. Suzanne Homme on behalf of Megan Homme, Cedar Rapids, Iowa, Claims Court Number 90-2726 V.
102. Sanford Haley on behalf of Mary Haley, Anderson, South Carolina, Claims Court Number 90-2727 V.
103. Ronald Schneider on behalf of Bryce Schneider, Saginaw, Michigan, Claims Court Number 90-2728 V.
104. Darla Hendrix on behalf of David Hendrix, Gresham, Oregon, Claims Court Number 90-2729 V.
105. Maureen Owens on behalf of Matthew Owens, Columbus, Ohio, Claims Court Number 90-2730 V.
106. Wanda Smith on behalf of Erin Smith, Winston-Salem, North Carolina, Claims Court Number 90-2731 V.
107. Regina Rogoff on behalf of Sarah Jones, Austin, Texas, Claims Court Number 90-2732 V.
108. Lorrie Ufkin on behalf of Emily Ufkin, Deceased, Fairmont, Minnesota, Claims Court Number 90-2733 V.
109. Harold Taylor on behalf of Harold Taylor, II, Warrensburg, Missouri, Claims Court Number 90-2734 V.
110. Leone Schneidewend on behalf of Melissa Schneidewend, Appleton, Wisconsin, Claims Court Number 90-2735 V.
111. Penny Corrao, New York, New York, Claims Court Number 90-2736 V.
112. Michael Hood on behalf of Holly Hood, Deceased, Kansas City, Missouri, Claims Court Number 90-2737 V.
113. Earl Hamlin, Selma, California, Claims Court Number 90-2738 V.
114. Andrew Lewis on behalf of Patrick Lewis, New Lisbon, Wisconsin, Claims Court Number 90-2739 V.
115. Mary Ann Burckhardt, Philadelphia, Pennsylvania, Claims Court Number 90-2740 V.
116. Jan Bratton on behalf of Mark Bratton, Delta, Ohio, Claims Court Number 90-2741 V.
117. Diana Comer on behalf of Matthew Comer, San Antonio, Texas, Claims Court Number 90-2742 V.
118. Allen Bock on behalf of Ashley Bock, New Orleans, Louisiana, Claims Court Number 90-2743 V.
119. Stephen Petrosinelli on behalf of Gary Petrosinelli, Deceased, Providence, Rhode Island, Claims Court Number 90-2744 V.
120. Peggy Roberds, Reese AFB, Texas, Claims Court Number 90-2745 V.
121. Wayne Shorter on behalf of Iska Shorter, Deceased, New York, New York, Claims Court Number 90-2746 V.
122. Brent Hodges, Plainview, Texas, Claims Court Number 90-2747 V.
123. Douglas Mincy, Beaumont, Texas, Claims Court Number 90-2748 V.
124. Kristi Schulenberg on behalf of Mickey Luhman, Madison, Wisconsin, Claims Court Number 90-2749 V.
125. Diane Miller on behalf of Brittany Miller, Wichita, Kansas, Claims Court Number 90-2750 V.
126. Jerry Lane on behalf of Stephanie Lane, Urbana, Illinois, Claims Court Number 90-2751 V.
127. Gregg Dietrich on behalf of Megan Dietrich, Honesdale, Pennsylvania, Claims Court Number 90-2752 V.
128. Robert Salmon on behalf of Arden Salmon, Seattle, Washington, Claims Court Number 90-2753 V.
129. Terry Moore on behalf of Cherisa Moore, Deceased, Arlington, Texas, Claims Court Number 90-2754 V.
130. James Grider on behalf of Pamela Grider, Glasgow, Kentucky, Claims Court Number 90-2755 V.
131. Sally Fitterer on behalf of Erin Fitterer, Bellevue, Washington, Claims Court Number 90-2756 V.
132. Michael Rouse on behalf of Robert Rouse, Wilmington, North Carolina, Claims Court Number 90-2757 V.
133. Margie Zimmerman on behalf of Roger Frick, Fort Worth, Texas, Claims Court Number 90-2758 V.
134. Douglas Cope on behalf of Eric Cope, Fort Worth, Texas, Claims Court Number 90-2759 V.
135. Stephen Sanford on behalf of Rebecca Sanford, Springfield, Missouri, Claims Court Number 90-2760 V.
136. Maria Tsekouras on behalf of Nikolettia Tsekouras, Philadelphia, Pennsylvania, Claims Court Number 90-2761 V.
137. Marion Nanney on behalf of Brittany Nanney, Hapeville, Georgia, Claims Court Number 90-2762 V.
138. Patricia Adler, Philadelphia, Pennsylvania, Claims Court Number 90-2763 V.
139. Jerome Miller on behalf of Sean Miller, Winston-Salem, North Carolina, Claims Court Number 90-2764 V.
140. Nora Lisa Flores on behalf of Monica Flores, Weslaco, Texas, Claims Court Number 90-2765 V.
141. Larry Barnhill on behalf of Tracie Barnhill, Wilmington, North Carolina, Claims Court Number 90-2766 V.
142. Robert Jackson on behalf of Andrea Jackson, Duluth, Minnesota, Claims Court Number 90-2767 V.
143. Gregory R. Miller on behalf of Gregory K. Miller, Abilene, Texas, Claims Court Number 90-2768 V.
144. Ronald Ornelas on behalf of Jamie Ornelas, Fort Collins, Colorado, Claims Court Number 90-2769 V.
145. Mack Bradbury on behalf of Amanda Bradbury, Carrollton, Georgia, Claims Court Number 90-2770 V.
146. Sharon White, Buffalo, New York, Claims Court Number 90-2771 V.
147. Paul Doucette on behalf of Nicole Doucette, Greenville, South Carolina, Claims Court Number 90-2772 V.
148. Michael E. Childers on behalf of Michael C. Childers, Pikeville, Kentucky, Claims Court Number 90-2773 V.

149. Willard Dornbusch on behalf of William Dornbusch, Euclid, Ohio, Claims Court Number 90-2774 V.
150. Michele Alligood, Fitzgerald, Georgia, Claims Court Number 90-2775 V.
151. William Forbes on behalf of Frances Forbes, Bryn Mawr, Pennsylvania, Claims Court Number 90-2776 V.
152. Todd Yarnes on behalf of Kelly Yarnes, Forth Carson, Colorado, Claims Court Number 90-2777 V.
153. William Dickensheets, Marion, Indiana, Claims Court Number 90-2778 V.
154. Paul Hadhazy on behalf of Adam Hadhazy, Alexandria, Virginia, Claims Court Number 90-2779 V.
155. Richard Durham on behalf of Zachary Durham, Ann Arbor, Michigan, Claims Court Number 90-2780 V.
156. Patsy Whitworth, Cincinnati, Ohio, Claims Court Number 90-2781 V.
157. Rick Johns on behalf of Travis Johns, Deceased, Ogden, Utah, Claims Court Number 90-2782 V.
158. A. Jeanine Hodges, San Pedro, California, Claims Court Number 90-2783 V.
159. Joseph White on behalf of Lora J. Smith, Hermitage, Pennsylvania, Claims Court Number 90-2784 V.
160. Lowell Dalton, Knoxville, Tennessee, Claims Court Number 90-2785 V.
161. Rick Townsend, Charles City, Iowa, Claims Court Number 90-2786 V.
162. George Snow on behalf of Timothy Snow, Collegedale, Tennessee, Claims Court Number 90-2787 V.
163. Kim Jakubowski on behalf of Jenna Jakubowski, Philadelphia, Pennsylvania, Claims Court Number 90-2788 V.
164. Thomas Norton on behalf of Kevin Norton, Southfield, Michigan, Claims Court Number 90-2789 V.
165. Ernest Bako on behalf of Sherry Bako, Southgate, Michigan, Claims Court Number 90-2790 V.
166. Maxine Eichel on behalf of Estelle Eichel, San Francisco, California, Claims Court Number 90-2791 V.
167. Normal Flowers on behalf of Loren Flowers, Deceased, Blytheville, Arkansas, Claims Court Number 90-2792 V.
168. Luther Tucker, Hollywood, Florida, Claims Court Number 90-2793 V.
169. D. B. Yarbrough on behalf of Curran Yarbrough, Houston, Texas, Claims Court Number 90-2794 V.
170. Barbara Conway on behalf of Carl Conway, Deceased, Central City, Kentucky, Claims Court Number 90-2795 V.
171. Pasquale Miele on behalf of Joseph Meile, Troy, New York, Claims Court Number 90-2796 V.
172. John Krivda on behalf of David Krivda, Ewing Township, New Jersey, Claims Court Number 90-2797 V.
173. Mark Losey, Sr., on behalf of Mark Losey, Jr., Ormond Beach, Florida, Claims Court Number 90-2798 V.
174. Karen James on behalf of Edward James Sterling Heights, Michigan, Claims Court Number 90-2799 V.
175. Linda Nash, Lansdale, Pennsylvania, Claims Court Number 90-2800 V.
176. Jeffrey Oldham, Richland, Washington, Claims Court Number 90-2801 V.
177. Cathi Janchan, West Allis, Wisconsin, Claims Court Number 90-2802 V.

178. John Harmon on behalf of Mark Harmon, Grosse Pointe, Michigan, Claims Court Number 90-2803 V.
179. Robert Olsen on behalf of Sarah Olsen, Bad Axe, Michigan, Claims Court Number 90-2804 V.
180. Beth Wroppel on behalf of Jessica Dickeman, Wichita, Kansas, Claims Court Number 90-2805 V.
181. Phyllis Donahue, Florissant, Missouri, Claims Court Number 90-2806 V.
182. Terry Shirey, Houston, Texas, Claims Court Number 90-2807 V.
183. Cecilia Blutstein on behalf of Emilia Blutstein, Washington, DC, Claims Court Number 90-2808 V.
184. Anne Cruce, Sacramento, California, Claims Court Number 90-2809 V.
185. Karl Seaman on behalf of Chadric Seaman, Bayou La Batre, Alabama, Claims Court Number 90-2810 V.
186. Timothy Mullins, Westbury, New York, Claims Court Number 90-2811 V.
187. Connie Alexander on behalf of Rodger Smith, Flint, Michigan, Claims Court Number 90-2812 V.
188. Linda Brisendine on behalf of Sandra Lewis, Deceased, Utica, New York, Claims Court Number 90-2813 V.
189. Dorothy Patzek on behalf of Matthew Patzek, Doylestown, Pennsylvania, Claims Court Number 90-2814 V.
190. Michael Thompson on behalf of Kristine Thompson, Charleston, South Carolina, Claims Court Number 90-2815 V.
191. Michael Haver on behalf of Meghan Haver, Danville, Pennsylvania, Claims Court Number 90-2816 V.
192. Shirley Gray on behalf of Douglas Gray, Mesa, Arizona, Claims Court Number 90-2817 V.
193. Madge Dickinson on behalf of David Dickinson, Coeur D'Alene, Idaho, Claims Court Number 90-2818 V.
194. Pearl Norman on behalf of Racquel Norman, Detroit, Michigan, Claims Court Number 90-2819 V.
195. Virginia Conrad on behalf of Ricks Conrad, Deceased, Springfield, Ohio, Claims Court Number 90-2820 V.
196. John Graff on behalf of Samuel Graff, Bristol, Pennsylvania, Claims Court Number 90-2821 V.
197. Paul Wollman on behalf of Lori Wollman, No City or State Available, Claims Court Number 90-2822 V.
198. Curtis Kamler on behalf of Karen Sue Kamler, Deceased, Webb City, Missouri, Claims Court Number 90-2823 V.
199. Arnold Mass on behalf of James Mass, Highland, Illinois, Claims Court Number 90-2824 V.
200. Ronald Glen Slaton on behalf of Ronald Dustin Slaton, Florence, Alabama, Claims Court Number 90-2825 V.

Dated: June 19, 1992.

Robert G. Harmon,

Administrator.

[FR Doc. 92-14937 Filed 6-24-92; 8:45 am]

BILLING CODE 4160-15-M

Public Health Service

Cooperative Agreements for Demonstration Projects for Capacity Building at Historically Black Colleges and Universities (HBCUs)

ACTION: Notice of availability of funds and request for applications.

This demonstration program is to assess whether an infrastructure responsible for the administration of sponsored programs will enable HBCU institutions to increase their participation in Federal and private sector health related scientific, technical and service activities and thereby improve their capacity to conduct such activities.

AUTHORITY: Applications are being accepted under the authority of section 301 of the Public Health Service Act.

AVAILABILITY OF FUNDS: It is anticipated that at least three projects will be funded for an estimated cost of up to \$250,000 (indirect and direct costs) per 12-month budget period for a four year project period. There is approximately \$750,000 available for funding this program in fiscal year 1992.

ELIGIBILITY CRITERIA: Eligibility is limited to HBCUs as defined by the U.S. Department of Education that offer, at a minimum, a Baccalaureate Degree. Priority will be given to HBCUs that have some experience seeking and receiving Federal funding but do not have a formal office responsible for administering sponsored programs.

OBJECTIVES: To determine whether the capacity of HBCUs to conduct scientific, technical, and service related activities can be improved through infrastructure support of an office for sponsored programs.

BACKGROUND: In Executive Order 12677 on Historically Black Colleges and Universities, President Bush outlined his objectives with HBCUs as being to advance the development of human potential, to strengthen the capacity of HBCUs to provide quality education, and to increase opportunities to participate and benefit from Federal programs. In keeping with the intent of the Executive Order, the PHS has developed this demonstration activity.

In discussions with representatives of HBCU institutions, both administrators and principal investigators (PIs), and Federal staff involved in HBCU activities, it has been hypothesized that HBCUs would be better able to achieve the objectives outlined by the President if their institutional infrastructure included support for sponsored program activities.

This support, which we have labeled as an office of sponsored programs, would assist in developing each institution's ability to obtain and maintain sponsored program activities, i.e., public and private sector research, training, evaluation, and services grants and contracts. In turn, this would improve the institution's capacity to participate further in federally sponsored programs aimed at scientific, technological, and service related activities and improve the quality of their own educational programs by providing students with access to research activities and staff who are involved in the conduct of such activities.

This activity is one which requires the commitment of all key staff at the institution. Therefore, those institutions interested in participating in this activity will need to document their commitment from their chief operating and academic officers, and from the organization which represents the institution's faculty to support this activity.

The institution will also need to provide a commitment to establish and operate a sponsored programs office at a level within the institution which will permit it to carry out the responsibilities set forth below.

The office would: (a) Serve as the key advisor to institutional officials in the identification and development of institutional capabilities in scientific, technical, and service delivery activities;

(b) Be responsible for the pre and post award activities related to the application for, and the administration of grants and contracts;

(c) Assist the institution's staff in developing their writing skills and ability to develop applications for support;

(d) Identify and assist key administrators to develop institutional policy to conform with Federal and other sponsor requirements;

(e) Identify new and innovative methods of obtaining support for institutional activities;

(f) Assist in the development of applications including writing a narrative, preparation of a proposed budget, provision of support documents and certifications such as Civil Rights requirements, animal use, and human subjects research, etc.;

(g) Participate in the development of indirect cost rates, and audit activities;

(h) Follow up on applications and serve as a continuing interface between the institution and the funding organization;

(i) Assist the PI in applications which are approved but not funded, returned,

or disapproved, to determine what the weaknesses are and how best they might be overcome through preparation of a revised application for resubmission;

(j) Assist the PI in obtaining the resources required, space, personnel, release time, etc., to conduct a funded project are obtained in a timely manner;

(k) Monitor the activities on the supported projects to insure that (1) appropriate progress is being made on the sponsored projects, (2) problems are being dealt with, and (3) funding agencies are being contacted when appropriate;

(l) Assure that all reporting requirements are adhered to by the institution and the PI, including financial status reports and programmatic reports.

In addition to the usual technical assistance, the Federal government will provide additional substantive programmatic technical assistance which requires that this program be a cooperative agreement.

On site technical assistance will be provided by Federal contractors who have demonstrated expertise in the field of sponsored programs at other educational institutions. This will include assistance in the development of office systems and information resources including materials, data systems, internal publications, staff surveys of capabilities and interests, and methods of dealing with the internal dynamics of an institution of higher education.

In addition, the Federal government will provide the staff from the recipient institutions with a general orientation program to PHS sponsored activities at each PHS agency. This will acquaint the recipients with PHS organizations, programs, policies, procedures, and contacts for further information.

Recipients will be required to develop a method of evaluating the success of the new office activities at their institution. This should include input from faculty and administration.

Healthy People Objectives: The Public Health Service urges applicants to submit work plans that address specific objectives of Healthy People 2000. Potential applications may obtain a copy of Healthy People 2000 (Full Report: Stock No. 017-001-00474-0) or Healthy People 2000 (Summary Report: Stock No. 017-001-00473-1) through the Superintendent of Documents, Government Printing Office, Washington, DC 20402-9325 (telephone 202-783-3238).

Use of Grant Funds: The grant will provide, at a minimum, funds for one full time professional and one support staff person. In addition, institutions may

provide staff and resources at no cost to the grant. In order not to delay this demonstration project, the professional staff person must be employed at the institution, or committed to be an employee at the institution at the time of award (on or before September 30, 1992), have knowledge of the institution's programmatic capabilities, and have some working acquaintance with the administration of Federal grant and/or contracts. No funds will be available under this program for alterations and/or renovations.

Federal Involvement: Listed below are the activities for which the Federal employees will be substantially involved in this project:

(1) Federal employees and/or contractors will provide on site assistance in the establishment of internal systems and procedures for a sponsored program office.

(2) The Federal government will provide a general orientation session on Federal programs and grant and contract policies and procedures.

Application Narrative: The narrative should contain the following information and addressed in the same order as this announcement.

(1) A statement describing the need for an office of sponsored programs at the institution. This should include the institution's assessment of their current activities and capabilities and how the project would improve their capacity to obtain funding and improve the quality of the institution's education of its students.

(2) A listing of sponsored activities conducted by the institution over the past three years giving a synopsis of the activity, annual dollar amount, and source of support.

(3) A listing of the current staff used to identify sources of funding, assist in application development and implementation.

(4) A written commitment from the institution's President/Chief Academic Officer and the organization which represents the institution's faculty that they will support the development of this office and use it for identification of sources of support and assistance in obtaining and retaining support.

(5) A description of the facilities, support services, and resources to be available for this project.

(6) A description of start up activities and institutional support activities for the new office.

(7) A description of how this office will be organized and work on a daily basis.

(8) A statement as to if and how the institution will support the continuation

of the activity once Federal funding ends.

(9) A clearly detailed list of project goals, objectives and milestones for the entire project.

(10) A plan to collect data and other information to evaluate whether the goals and objectives are met, include baseline and comparative data, baseline sources, duration, amount and supported activities.

(11) A detailed budgetary narrative must be included with cost justifications.

(12) A copy of the curriculum vitae of professional staff for the project must be included.

Application Review Process:

Applications will be reviewed for technical merit by an objective review panel comprised of qualified Federal reviewers. Incomplete and/or applications that are nonresponsive to the program announcement will be returned to the applicant without further consideration.

Review Criteria: Applications will be reviewed and evaluated on the following criteria:

(1) The extent to which the applicant's goals and milestones meet the objectives of the program.

(2) The level of institutional commitment on the part of the faculty and the administrative staff toward the establishment and operation of the office.

(3) The degree to which an organization has a capability which can be stimulated by this project.

(4) The extent to which professional staff involved in this project are qualified to accomplish the project objectives and their knowledge of the institution's infrastructure and operating procedures.

(5) The applicant's view of what constitutes an office of sponsored programs, the actual location of the office, including organizational chart, and how the office will function within the institution.

(6) The extent to which the organization is committed to continuing support for this project once Federal funding terminates.

(7) The degree to which the evaluation plan will be able to measure achievement of the objective and the quality of the methods to be used.

(8) The extent to which the budget is cost-effective and appropriate to the scope and objectives of the project. Funding decisions will be based on the recommendations of the objective reviewers. Final funding decisions will be made by the Director, Office of Management, Office of the Assistant Secretary for Health, Public Health Service.

Letter of Intent: HBCUs planning to submit an application for a cooperative agreement under this program announcement are asked to submit a letter of intent by June 23, 1992. The letter of intent should be sent to Mr. Theodore J. Roumel, Chief, Grants Policy Branch, Division of Grants and Contracts, ORM/OM, Room 17A45, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857. Such notification will be used for review and planning purposes. The letter of intent is voluntary and the fact that an HBCU does not elect to submit a letter of intent does not preclude an HBCU from applying.

Application Form: The standard application form PHS 5161 (3/89) must be used for this program and applicants must submit a signed original and two copies of the complete application. Application kits can be received from and complete applications submitted to the Grants Management Officer, Office of Minority Health, Office of the Assistant Secretary for Health, Suite 1102, Rockwall II Building, 5515 Security Lane, Rockville, MD 20852. Applicants should not request Federal funds that exceed the stipulated budgetary limit.

Information Contacts: Questions regarding programmatic information should be directed to Ms. Nina Darling, Grants Policy Branch, Division of Grants and Contracts, ORM/OM, Office of the Assistant Secretary for Health, Room 17A45, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857. Telephone: (301) 443-1874. Questions regarding business management aspects should be directed to Ms. Carolyn Williams, Office of Minority Health, Suite 1102 Rockwall II Building, 5515 Security Lane, Rockville, MD 20852. Telephone: (301) 227-8758.

Application Deadline: The application deadline is July 22, 1992, and applications shall be considered as meeting the deadline if they are either:

(1) Received on or before the deadline date, or

(2) Postmarked on or before the deadline date and received in time for submission to the independent review group. A legibly dated receipt from a commercial carrier or U.S. Postal service will be accepted in lieu of postmark. Private metered postmarks shall not be acceptable as proof of timely mailing. Late applications will not be accepted for processing and will be returned to the applicant.

This program is not subject to State review under Executive Order 12372, "Intergovernmental Review of Federal Program."

There is no Catalog of Federal Domestic Assistance Number for this

program since it is viewed as a one time project.

Dated: May 8, 1992.

Wilford J. Forbush,

Director, Office of Management.

[FR Doc. 92-14936 Filed 6-24-92; 8:45 am]

BILLING CODE 4160-17-M

Social Security Administration

[Social Security Acquiescence Ruling 86-19(11)]

Woodson v. Schweiker; Interpretation of the Deemed Marriage Provision

AGENCY: Social Security Administration, HHS.

ACTION: Notice of Rescission and Revision of Social Security Acquiescence Ruling.

SUMMARY: In accordance with 20 CFR 404.985(e) and 422.406(b)(2) published January 11, 1990 (55 FR 1012), the Commissioner of Social Security gives notice of the rescission of Social Security Acquiescence Ruling 86-19(11) and its revision by issuing Social Security Acquiescence Ruling 86-19R(11).

EFFECTIVE DATE: June 25, 1992.

FOR FURTHER INFORMATION CONTACT: Darlynda Bogle, Litigation Staff, Social Security Administration, 6401 Security Blvd., Baltimore, MD 21235, (410) 965-4237.

SUPPLEMENTARY INFORMATION: Although not required to do so pursuant to 5 U.S.C. 552(a)(1) and (a)(2), we are publishing this Social Security Acquiescence Ruling in accordance with 20 CFR 422.406(b)(2).

A Social Security Acquiescence Ruling explains how we will apply a holding in a decision of a United States Court of Appeals that we determine conflicts with our interpretation of a provision of the Social Security Act or regulations when the Government has decided not to seek further review or is unsuccessful on further review.

As provided by 20 CFR 404.985(e)(3), a Social Security Acquiescence Ruling may be rescinded as obsolete, if a Federal law is enacted that removes the basis for the holding in the decision by a circuit court that was the subject of the Acquiescence Ruling.

On May 22, 1986, we issued Acquiescence Ruling 86-19(11) to reflect the holding in *Woodson v. Schweiker*, 656 F.2d 1169 (5th Cir. 1981). (Under the holding in *Bonner v. City of Pritchard*, *Alabama*, 661 F.2d 1206 (11th Cir. 1981), Fifth Circuit decisions issued prior to October 1, 1981 are precedents for the

Eleventh Circuit. Accordingly, a Ruling of Acquiescence on *Woodson* was provided for Eleventh Circuit residents.) The Acquiescence Ruling applied to entitlement to benefits of a deemed spouse and a legal spouse.

Section 5119 of Public Law 101-508 authorizes the payment of benefits to both a legal "spouse" and a deemed "spouse," where "spouse" is defined as a wife, divorced wife, widow, surviving divorced wife, husband, divorced husband, widower, or surviving divorced husband. This change is effective with respect to benefits payable for months after December 1990.¹ The enactment of this provision removes, at least partially, the basis for the Circuit Court's holding in *Woodson*. Therefore, we are rescinding the current Ruling and issuing a revised Ruling to reflect the change mandated by Public Law 101-508.

We will apply the holding of the Court of Appeals decision as explained in the revised Social Security Acquiescence Ruling to claims at all levels of administrative adjudication within the Eleventh Circuit. The revised Social Security Acquiescence Ruling will apply to all determinations and decisions made on or after June 25, 1992, except that, as discussed in the revised Ruling, it will not apply to those determinations or decisions, or those parts of determinations or decisions, concerning monthly benefits payable after December 1990. If we made a determination or decision on your application for benefits between September 25, 1981, the date of the Court of Appeals' decision and June 25, 1992, the effective date of this Social Security Acquiescence Ruling, you may request application of the Social Security Acquiescence Ruling to your claim if you first demonstrate, pursuant to 20 CFR 404.985(b), that application of the Ruling could change our prior determination or decision.

If this revised Social Security Acquiescence Ruling is later rescinded as obsolete, we will publish a notice in the *Federal Register* to that effect as provided for in 20 CFR 404.985(e). If we decide to relitigate the issue covered by this Social Security Acquiescence Ruling as provided for by 20 CFR 404.985(c), we will publish a notice in the *Federal Register* stating that we will apply our interpretation of the Act or regulations involved and explaining why we have decided to relitigate the issue.

¹ If you were already entitled to benefits in December 1990 as a spouse, divorced spouse, widow(er), or surviving divorced spouse, you do not have to file another application in order to establish entitlement under the amended statute.

(Catalog of Federal Domestic Assistance Programs Nos. 93.802 Social Security—Disability Insurance; 93.803 Social Security—Retirement Insurance; 93.805 Social Security Survivor's Insurance; 93.806—Special Benefits for Disabled Coal Miners; 93.807—Supplemental Security Income.)

Dated: November 27, 1991.

Gwendolyn S. King,
Commissioner of Social Security.

Acquiescence Ruling 86-19R (11)²

Woodson v. Schweiker, 656 F.2d 1169 (5th Cir. 1981)—Interpretation of the Deemed Marriage Provision—Title II of the Social Security Act.

Issue

Whether an applicant who cannot establish that she is the legal wife or widow of a worker, can establish entitlement to wife's, widow's or mother's benefits on his earnings record under the provision for deeming a marriage valid set forth in section 216(h)(1)(B) of the Social Security Act (the Act), 42 U.S.C. 416(h)(1)(B), where (1) another individual previously has been entitled to benefits on the worker's earnings record under section 202(b), (e) or (g) of the Act³, 42 U.S.C. 402(b), (e) or (g), but (2) such individual is no longer entitled to benefits.⁴

Statute/Regulation/Ruling Citation

Section 216(h)(1)(B) of the Act (42 U.S.C. 416(h)(1)(B)), as in effect prior to enactment of Public Law 101-508; 20 CFR 404.346(b); Ruling 80-9c

² The original Acquiescence Ruling for the Fifth Circuit Court of Appeals' holding in *Woodson*, issued May 22, 1986, is rescinded and replaced by this revised Acquiescence Ruling to reflect the enactment of section 5119 of Public Law 101-508. Section 5119 of Public Law 101-508 authorizes the payment of benefits to both a legal "spouse" and a deemed "spouse," where "spouse" is defined as a wife, divorced wife, widow, surviving divorced wife, husband, divorced husband, widower, or surviving divorced husband. This change is effective with respect to benefits payable for months after December 1990. *Woodson* was decided on September 25, 1981, when the States which now comprise the Eleventh Circuit were part of the Fifth Circuit. Under the holding in *Bonner v. City of Pritchard, Alabama*, 681 F.2d 1206 (11th Cir. 1981), Fifth Circuit decisions issued prior to October 1, 1981 are precedents for the Eleventh Circuit. Accordingly, a Ruling of Acquiescence on *Woodson* is provided for Eleventh Circuit residents.

³ Respectively, the paragraphs of this section set forth the conditions for entitlement for wife's, widow's and mother's insurance benefits.

⁴ This ruling applies equally to an individual seeking to establish entitlement to husband's, widower's or father's benefits by invoking the provisions of section 216(h)(1) of the Act, where another individual previously has been entitled to husband's, widower's or father's benefits under section 202(c), (f) or (g), 42 U.S.C. 402(c), (f) or (g).

Circuit

Eleventh (Alabama, Georgia, Florida); *Woodson v. Schweiker*, 656 F.2d 1169 (5th Cir. 1981).

Applicability of Ruling

This ruling applies only to entitlement to benefits payable for months prior to January 1991 for determinations or decisions at all administrative levels (i.e., initial, reconsideration, administrative law judge hearing and Appeals Council).⁵

Description of Case

This case arose out of the Secretary's denial of an application for widow's benefits under Title II of the Act. The issue in the case involves the interpretation of section 216(h)(1)(B) of the Act, which provides for the recognition, for benefit purposes, of certain ceremonial marriages entered into in good faith and without knowledge of a legal impediment. Section 216(h)(1)(B) defines the conditions under which a marriage, not valid under applicable State law, "shall be deemed to be a valid marriage" for purposes of establishing that a claimant is the wife, husband, widow or widower of an insured worker in order to be entitled to benefits which depend on the establishment of that status. (Hereinafter, this provision is referred to as the "deemed marriage provision.")

The insured worker, Rushell Woodson, entered into three ceremonial marriages during his lifetime. His first marriage, to Mary Lou Woodson, ended with her death in November 1955, and is not pertinent to the issues in this case. His second marriage, in 1957, was to Ethel Hurd, from whom he separated sometime before 1960. Since there never was a divorce, this marriage continued until Woodson's death. Eliza Woodson, the plaintiff in this case, was his third wife, whom he married in 1966, even though he was still married to Ethel Hurd.

After Rushell Woodson's death on May 25, 1970, Eliza Woodson applied for and was paid the lump sum death payment on his earnings record, on the basis of being his widow, who was living with him at the time of his death.⁶

⁵ If a person is already entitled to benefits in December 1990 as a spouse, divorced spouse, widow(er), or surviving divorced spouse, he or she does not have to file another application in order to establish entitlement under the amended statute.

⁶ Under the Act, a lump sum payment (\$255.00) may be payable upon the death of an insured worker. See section 202(i) of the Act, 42 U.S.C. 402(i). The order of priority for determining who will receive the payment is set forth in current

Ethel Hurd remarried in October 1970, and in January 1971, she applied for and became entitled to mother's benefits on the deceased's earnings record, based on her status as his legal widow and having in her care a child (Diane) of the deceased worker who was entitled to benefits on Mr. Woodson's earnings record. Under the circumstances in this case the widow's remarriage terminated her entitlement to mother's benefits. Since Ethel Hurd had remarried prior to filing her application, she was entitled to mother's benefits only for a 5-month period during the retroactive life of her application which was prior to the remarriage.

In 1975, Eliza Woodson filed an application for widow's benefits on the worker's earnings record. She did not contest the fact that Ethel Hurd was the legal widow, but sought to establish entitlement to benefits on the basis of the deemed marriage provision of the Act. This application initially and on administrative review was denied by the Secretary on the basis that Eliza Woodson could not qualify as a widow under the deemed marriage provision section 216(h)(1)(B) and implementing regulation 20 CFR 404.346(b) due to Ethel Hurd's, the legal widow's, prior period of entitlement to mother's benefits.

Eliza Woodson sought judicial review in the U.S. District Court for the Southern District of Texas which affirmed the Secretary's decision. However, upon her further appeal to the Court of Appeals for the Fifth Circuit, the court reversed the decision of the district court and remanded the case to the district court to award widow's benefits to her.

Holding

The Court of Appeals held that Ethel Hurd's prior period of entitlement to mother's benefits did not preclude Eliza Woodson from qualifying for widow's benefits on the basis of the deemed marriage provision of section 216(h)(1) of the Act. The court based this conclusion upon its construction of language in subsection (B) of 216(h)(1) which renders the deemed marriage provision inapplicable where another individual "is or has been entitled to a benefit" on the basis of marital relationship to the worker, "and such other person is (or is deemed to be) a wife, widow, husband or widower of

regulations at 20 CFR 404.390-404.395. In pertinent part, the Act and regulations provide that a widow (or widower) living with the worker at the time of death is, on that basis, first in order of priority for receiving the payment. On this point, the regulations were substantively the same when Eliza Woodson filed her claim and received the lump sum payment.

such insured individual***at the time such applicant files the application***."

The court held that the deemed marriage provision was applicable in this case since Ethel Hurd, whose benefits were terminated due to her remarriage, was no longer a widow within the meaning of the Act "at the time" Eliza Woodson filed her application. The court stated that its construction of section 216(h)(1)(B) did not violate the government's interest against "double-dipping" by beneficiaries, since benefits would be paid to a second widow on the earnings record sequentially, not concurrently with benefits to the previously entitled legal widow. The court stressed the fact that the Act has a remedial purpose and must be liberally construed, in stating that "[i]t would be totally inequitable to deny Eliza Woodson survivor benefits in the face of this record and reading the statute as we do." Regarding the facts, the court stressed the worker's long history of insured work, the fact that only \$563.00 in benefits had been paid on his earnings record, and the fact the plaintiff's "marriage" to the worker had lasted for several years until his death. The court concluded:

[G]iven the facts presented here and the Congressional intent, as we perceive it, to permit widows to receive survivor benefits sequentially, we believe that it is illogical to think that Congress intended such sequential payments only if the "deemed" widow is the first to receive benefits.

The court distinguished its holding from the decision of the Second Circuit in *Rosenberg v. Richardson*, 538 F.2d 487 (2d Cir. 1976) which, under the terms set forth therein, allowed two widows to be entitled to benefits concurrently. Regarding the *Rosenberg* case, the Fifth Circuit stated: "Our facts do not require us to reach that point and we do not intimate our thinking until faced with those facts."

Statement As To How Woodson Differs From Social Security Policy

To establish entitlement to widow's or mother's benefits, an applicant needs to establish that she "is not married." See sections 202(e)(1)(A) and 202(g)(1)(A) of the Act, 42 U.S.C. 404(e)(1)(A) and 402(g)(1)(A); 20 CFR 404.336(e) and 404.340(c). (When widower's benefits are involved, see section 202(f)(1)(A) of the Act, 42 U.S.C. 402(f)(1)(A).) The possibility of re-entitlement is available when the later marriage ends, whether by death, divorce, or annulment, and even if there are multiple later marriages, as long as all the later marriages have ended.

Under SSA's interpretation of the Act, prior to the change mandated by section 5119 of Public Law 101-508, the language of section 216(h)(1)(B) which provided that an applicant may not be entitled to benefits under the deemed marriage provision if another individual "is (or is deemed to be) a wife, widow, husband or widower of such insured individual***at the time such applicant files the application***" would bar Eliza Woodson's entitlement to widow's benefits. It is SSA's position that the termination of Ethel Hurd's benefits due to her remarriage did not end her status as Woodson's legal widow within the meaning of the Act. Rather, she retained that status and the possibility of becoming entitled to benefits on Woodson's earnings record in the future, if the later marriage should end.

As set forth above, the Court of Appeals in *Woodson* held that the previously entitled legal widow no longer had the status of a widow within the meaning of section 216(h)(1)(B) after termination of her benefits as a widow due to remarriage.

Explanation Of How SSA Will Apply The Decision Within The Circuit

This ruling applies only to eligibility for benefits payable for months prior to January 1991 in cases where the applicant seeking to invoke the deemed marriage provision resides in Alabama, Florida, or Georgia at the time of the determination or decision at any administrative level, *i.e.*, initial, reconsideration, administrative law judge hearing, or Appeals Council.

When a claimant seeks to establish her status as the wife or widow of a worker on the basis of the deemed marriage provision and the legal widow was previously entitled, claimant's entitlement will not be barred because the legal widow was previously entitled to wife's, widow's or mother's benefits under section 202(b), (e) or (g) of the Act.⁷ This ruling applies equally to

⁷ In *Woodson*, Ethel Hurd's remarriage was the event which terminated her entitlement to benefits on the worker's account. However, the court's holding is based on the fact her status as a widow within the meaning of section 216(h)(1)(B) has ended, and would apply equally where the former beneficiary's entitlement had terminated for some other reason. Under the Act and regulations, there are certain situations in which a widow's remarriage does not terminate her entitlement to benefits. See 20 CFR 404.337 and 404.341. The *Woodson* case does not involve a remarriage which comes within the terms of an exception, and this ruling is not applicable to cases which come within the terms of an exception.

claims for husband's, widower's and father's benefits. See footnote 4. In such cases, the application of the deemed spouse will be adjudicated as though the legal spouse had not been entitled, except that the "deemed spouse" will not be entitled to wife's, widow's or mother's benefits for any months prior to the month after the month in which the former beneficiary's benefits terminated. Once the applicant has become entitled to benefits under the deemed marriage provisions by application of this ruling, her continuing entitlement should be determined in accordance with regular SSA policies and procedures.⁶

[FR Doc. 92-14651 Filed 6-24-92; 8:45 am]
BILLING CODE 4190-29-F

[Social Security Acquiescence Ruling 86092(2)]

Rosenberg v. Richardson and Capitano v. Secretary of HHS; Entitlement of a Deemed Widow When a Legal Widow is Entitled on the Same Earnings Record

AGENCY: Social Security Administration, HHS.

ACTION: Notice of Rescission and Revision of Social Security Acquiescence Ruling.

SUMMARY: In accordance with 20 CFR 404.985(e) and 422.406(b)(2) published January 11, 1990 (55 FR 1012), the Commissioner of Social Security gives notice of the rescission of Social Security Acquiescence Ruling 86092(2) and its revision by issuing Social Security Acquiescence Ruling 86092R(2).
EFFECTIVE DATE: June 25, 1992.

FOR FURTHER INFORMATION CONTACT: Darlynda Bogle, Litigation Staff, Social Security Administration, 6401 Security Blvd., Baltimore, MD 21235, (410) 965094237.

SUPPLEMENTARY INFORMATION: Although not required to do so pursuant to 5 U.S.C. 552(a)(1) and (a)(2), we are publishing this Social Security Acquiescence Ruling in accordance with 20 CFR 422.406(b)(2).

A Social Security Acquiescence Ruling explains how we will apply a

⁶ Under SSA's policy, entitlement of a claimant under the deemed marriage provision is possible where the beneficiary previously entitled to wife's, widow's or mother's benefits has died or where the beneficiary's marriage to the insured worker has dissolved by divorce or annulment. The earliest possible month of entitlement for the deemed spouse would be the month of the former beneficiary's death, or, if applicable, dissolution of the marriage to the insured worker. Therefore, in this situation, both SSA policy and circuit law would permit use of the deemed marriage provision to entitle the deemed spouse.

holding in a decision of a United States Court of Appeals that we determine conflicts with our interpretation of a provision of the Social Security Act or regulations when the Government has decided not to seek further review or is unsuccessful on further review.

As provided by 20 CFR 404.985(e)(3), a Social Security Acquiescence Ruling may be rescinded as obsolete, if a Federal law is enacted that removes the basis for the holding in the decision by a circuit court that was the subject of the Acquiescence Ruling.

On January 23, 1986, we issued Acquiescence Ruling 86092(2) to reflect the holdings in *Rosenberg v. Richardson*, 538 F.2d 487 (2d Cir. 1976) and *Capitano v. Secretary of HHS*, 732 F.2d 1066 (2d Cir. 1984). The Acquiescence Ruling applied to entitlement to benefits of a deemed spouse and a legal spouse.

Section 5119 of Public Law 10109508 authorizes the payment of benefits to both a legal "spouse" and a deemed "spouse," where "spouse" is defined as a wife, divorced wife, widow, surviving divorced wife, husband, divorced husband, widower, or surviving divorced husband. This change is effective with respect to benefits payable for months after December 1990.1A The enactment of this provision removes, at least partially, the basis for the Circuit Court's holdings in *Rosenberg* and *Capitano*. Therefore, we are rescinding the current Ruling and issuing a revised Ruling to reflect the change mandated by Public Law 10109508.

We will apply the holding of the Court of Appeals decisions as explained in the revised Social Security Acquiescence Ruling to claims at all levels of administrative adjudication within the Second Circuit. The revised Social Security Acquiescence Ruling will apply to all determinations and decisions made on or after June 25, 1992, except that, as discussed in the revised Ruling, it will not apply to those determinations or decisions, or those parts of determinations or decisions, concerning monthly benefits payable after December 1990. If we made a determination or decision on your application for benefits between June 16, 1976, the date of the Court of Appeals' decision in *Rosenberg* and June 25, 1992, the effective date of this Social Security Acquiescence Ruling, you may request application of the Social Security

^{1A} If you were already entitled to benefits in December 1990 as a spouse, divorced spouse, widow(er), or surviving divorced spouse, you do not have to file another application in order to establish entitlement under the amended statute.

Acquiescence Ruling to your claim if you first demonstrate, pursuant to 20 CFR 404.985(b), that application of the Ruling could change our prior determination or decision.

If this revised Social Security Acquiescence Ruling is later rescinded as obsolete, we will publish a notice in the *Federal Register* to that effect as provided for in 20 CFR 404.985(e). If we decide to relitigate the issue covered by this Social Security Acquiescence Ruling as provided for by 20 CFR 404.985(c), we will publish a notice in the *Federal Register* stating that we will apply our interpretation of the Act or regulations involved and explaining why we have decided to relitigate the issue.
(Catalog of Federal Domestic Assistance Programs Nos. 93.802 Social Security—Disability Insurance; 93.803 Social Security—Retirement Insurance; 93.805 Social Security Survivor's Insurance; 93.806—Special Benefits for Disabled Coal Miners; 93.807—Supplemental Security Income.)

Dated: November 27, 1991.

Gwendolyn S. King,
Commissioner of Social Security.

Acquiescence Ruling 86-2R(2)1A²

Rosenberg v. Richardson, 538 F.2d 487 (2d Cir. 1976); *Capitano v. Secretary of HHS*, 732 F.2d 1066 (2d Cir. 1984)—Entitlement of a Deemed Widow When a Legal Widow is Entitled on the Same Earnings Record—Title II of the Social Security Act.

Issue

Whether a "deemed widow" may be found entitled to Title II survivor Social Security benefits when a legal widow is entitled to Title II benefits on the same deceased person's Social Security earnings record and, if so, what is the appropriate amount of the "deemed widow's" benefits?1A³

Statute/Regulation/Ruling Citation

Section 216(h)(1)(B) of the Social Security Act (42 U.S.C. 416(h)(1)(B)), as in effect prior to enactment of Public Law 10109508; 20 CFR 404.346(b); SSR 80099c

²1A The original Acquiescence Ruling for the Second Circuit Court of Appeals' holdings in *Rosenberg* and *Capitano*, issued January 23, 1986, is rescinded and replaced by this revised Acquiescence Ruling to reflect the enactment of section 5119 of Public Law 10109508. Section 5119 of Public Law 10109508 authorizes the payment of benefits to both a legal "spouse" and a deemed "spouse," where "spouse" is defined as a wife, divorced wife, widow, surviving divorced wife, husband, divorced husband, widower, or surviving divorced husband. This change is effective with respect to benefits payable for months after December 1990.

³1A This ruling also applies to widowers.

Circuit

Second (Vermont, Connecticut, New York), *Rosenberg v. Richardson*, 538 F.2d 487 (2d Cir. 1976); *Capitano v. Secretary of HHS*, 732 F.2d 1066 (2d Cir. 1984).

Applicability of Ruling

This ruling applies only to eligibility for benefits payable for months prior to January 1991 for determinations or decisions at all administrative levels (i.e., initial, reconsideration, administrative law judge hearing and Appeals Council).^{1A*} To the extent inconsistent therewith, this Ruling supersedes SSR 80099c in cases in which the deemed widow resides in the Second Circuit only.

Description of Case*Rosenberg*

Max Rosenberg, an insured worker, married Celia in 1920 in New York City. Thirteen years later he obtained a Mexican divorce by mail. Two years after obtaining this divorce, Max and Frieda were ceremonially married in Connecticut. The parties believed they were validly married and lived together until Mr. Rosenberg's death in April 1971. Frieda was awarded benefits as the wife of Max Rosenberg, and as his widow beginning with the month of his death.

Celia later applied for benefits as the widow of Max Rosenberg. In December 1971, the Social Security Administration (SSA) decided that the Mexican divorce obtained by Max Rosenberg was invalid and had not terminated his first marriage. Thus, Celia was determined to be Max's legal widow. Widow's benefits were therefore certified to Celia in December 1971. However, pursuant to section 202(k)(3)(A) of the Social Security Act, 42 U.S.C. 402(k)(3)(A), Celia's widow's benefits were reduced by the amount of the old age benefit to which she was simultaneously entitled. SSA determined that, due to Celia's entitlement as the legal widow, Frieda Rosenberg was not entitled to widow's benefits after November, 1971. The decision that Frieda Rosenberg's benefits were to be terminated was appealed. The Secretary's decision was sustained by the United States District Court for the Eastern District of New York, and Frieda appealed to the Court of Appeals for the Second Circuit. The United States Court of Appeals for the

Second Circuit heard the appeal and reversed the District Court.

Capitano

Sam Capitano, an insured worker, married Betty in 1931. Although Sam filed for divorce in 1945, no legal divorce decree was issued. In 1951, Sam married Sarah, with whom he lived until his death in 1970. Sarah applied for and received (deemed) widow's benefits as the widow of Sam Capitano. Her benefits began in July 1975. In 1977, Betty applied for retirement benefits on her own Social Security earnings record and for widow's benefits on Sam's earnings record.

When Betty was awarded widow's benefits on Sam's earnings record, Sarah's benefits were stopped due to Betty's entitlement as the legal widow. Sarah exhausted her administrative remedies and then filed a civil action. The United States District Court for the Eastern District of New York upheld the Secretary's decision and Sarah appealed to the Court of Appeals for the Second Circuit. The United States Court of Appeals for the Second Circuit heard the appeal and reversed the District Court.

Holding*Rosenberg*

The court held that the provision of section 216(h)(1)(B) which requires terminating the benefits of a deemed widow if a legal widow is entitled, applied only where the legal widow could receive a "full" widow's benefit. In the instant case, the court ruled that since the legal widow was entitled to a Social Security benefit based upon her own earnings and would receive a widow's benefit of only \$1.40 (the excess of her widow's benefit over her own benefit), the widow's benefit to Frieda should not have been terminated. Instead the court ordered the payment of a benefit to Frieda, the deemed widow, in an amount equal to the difference between the "full" widow's benefit and the additional amount to which Celia became entitled by virtue of being found to be the legal widow.

Capitano

Reaffirming its prior decision in *Rosenberg*, the court held that termination of the deemed widow's benefit is appropriate only when the legal widow is or has been entitled to a "full benefit." In the instant case, the excess of Betty's widow's benefit over her own old age benefit was estimated to be \$17.40; the "full" widow's benefit was \$362.00. Thus Sarah, the deemed widow, was found entitled to the difference between \$17.40 and \$362.00.

Statement As To How Rosenberg/Capitano Differ From Social Security Policy

Prior to enactment of section 5119 of Public Law 10109508, section 216(h)(1)(B) of the Social Security Act (42 U.S.C. 416(h)(1)(B)), 20 CFR 404.346(b), and SSR 80099c had been interpreted by SSA to mean that an applicant's entitlement to title II survivor benefits as the "deemed" widow (based upon a "good faith marriage") of a deceased wage earner will end the month before the month another person is determined to be the legal widow, if such legal widow is entitled to title II widow's benefits based upon the earnings record of the deceased wage earner.

The decisions by the U.S. Court of Appeals for the Second Circuit in *Rosenberg* and *Capitano* hold that a deemed widow (based upon a good faith marriage to a deceased wage earner) can continue to receive a title II widow's benefit even if another individual is determined to be entitled to receive a widow's benefit as the legal widow of the same wage earner, provided that the legal widow receives less than the full widow's benefit based upon the given wage record. The deemed widow would be entitled to a benefit equal to the difference between the full widow's benefit and the amount actually received by the legal widow.

Explanation Of How SSA Will Apply The Decision Within The Circuit

This ruling applies only to entitlement to benefits payable for months prior to January 1991 in cases where the deemed widow resides in Connecticut, New York, or Vermont at the time of the determination or decision at any administrative level, i.e., initial, reconsideration, administrative law judge hearing or Appeals Council.

When a case involves a legal widow and a deemed widow as defined in 20 CFR 404.345 and 404.346(a), both have filed widow's claims on the same worker's earnings record, and the legal widow is found entitled to receive less than a "full" widow's benefit, for whatever reason, the difference between the benefit amount the legal widow is entitled to receive and the amount of the full benefit will be paid to the deemed widow, subject to any reductions applicable to the deemed widow.^{1A⁵} [FR Doc. 92-14653 Filed 6-24-92; 8:45 am]

BILLING CODE 4190-29-F

⁵1AAs in any case involving auxiliary benefits during the time period applicable to this ruling, the family maximum cannot be exceeded.

*1AIf a person is already entitled to benefits in December 1990 as a spouse, divorced spouse, widow(er), or surviving divorced spouse, he or she does not have to file another application in order to establish entitlement under the amended statute.

[Social Security Acquiescence Ruling 860918(5)]

Woodson v. Schweiker; Interpretation of the Deemed Marriage Provision

AGENCY: Social Security Administration, HHS.

ACTION: Notice of Rescission and Revision of Social Security Acquiescence Ruling.

SUMMARY: In accordance with 20 CFR 404.985(e) and 422.406(b)(2) published January 11, 1990 (55 FR 1012), the Commissioner of Social Security gives notice of the rescission of Social Security Acquiescence Ruling 860918(5) and its revision by issuing Social Security Acquiescence Ruling 860918R(5).

EFFECTIVE DATE: June 25, 1992.

FOR FURTHER INFORMATION CONTACT: Darilynda Bogle, Litigation Staff, Social Security Administration, 6401 Security Blvd., Baltimore, MD 21235, (410) 965094237.

SUPPLEMENTARY INFORMATION: Although not required to do so pursuant to 5 U.S.C. 552(a)(1) and (a)(2), we are publishing this Social Security Acquiescence Ruling in accordance with 20 CFR 422.406(b)(2).

A Social Security Acquiescence Ruling explains how we will apply a holding in a decision of a United States Court of Appeals that we determine conflicts with our interpretation of a provision of the Social Security Act or regulations when the Government has decided not to seek further review or is unsuccessful on further review.

As provided by 20 CFR 404.985(e)(3), a Social Security Acquiescence Ruling may be rescinded as obsolete, if a Federal law is enacted that removes the basis for the holding in the decision by a circuit court that was the subject of the Acquiescence Ruling.

On May 22, 1986, we issued Acquiescence Ruling 860918(5) to reflect the holding in *Woodson v. Schweiker*, 656 F.2d 1169 (5th Cir. 1981). The Acquiescence Ruling applied to entitlement to benefits of a deemed spouse and a legal spouse.

Section 5119 of Public Law 10109508 authorizes the payment of benefits to both a legal "spouse" and a deemed "spouse," where "spouse" is defined as a wife, divorced wife, widow, surviving divorced wife, husband, divorced husband, widower, or surviving divorced husband. This change is effective with respect to benefits payable for months after December

1990.1A¹ The enactment of this provision removes, at least partially, the basis for the Circuit Court's holding in *Woodson*. Therefore, we are rescinding the current Ruling and issuing a revised Ruling to reflect the change mandated by Public Law 10109508.

We will apply the holding of the Court of Appeals decision as explained in the revised Social Security Acquiescence Ruling to claims at all levels of administrative adjudication within the Fifth Circuit. The revised Social Security Acquiescence Ruling will apply to all determinations and decisions made on or after June 25, 1992, except that, as discussed in the revised Ruling, it will not apply to those determinations or decisions, or those parts of determinations or decisions, concerning monthly benefits payable after December 1990. If we made a determination or decision on your application for benefits between September 25, 1981, the date of the Court of Appeals' decision and June 25, 1992, the effective date of this Social Security Acquiescence Ruling, you may request application of the Social Security Acquiescence Ruling to your claim if you first demonstrate, pursuant to 20 CFR 404.985(b), that application of the Ruling could change our prior determination or decision.

If this revised Social Security Acquiescence Ruling is later rescinded as obsolete, we will publish a notice in the *Federal Register* to that effect as provided for in 20 CFR 404.985(e). If we decide to relitigate the issue covered by this Social Security Acquiescence Ruling as provided for by 20 CFR 404.985(c), we will publish a notice in the *Federal Register* stating that we will apply our interpretation of the Act or regulations involved and explaining why we have decided to relitigate the issue.

(Catalog of Federal Domestic Assistance Programs Nos. 93.802 Social Security—Disability Insurance; 93.803 Social Security—Retirement Insurance; 93.805 Social Security Survivor's Insurance; 93.806—Special Benefits for Disabled Coal Miners; 93.807—Supplemental Security Income.)

Dated: November 27, 1991.

Gwendolyn S. King,
Commissioner of Social Security.

Acquiescence Ruling 860918R(5)1A²

Woodson v. Schweiker, 656 F.2d 1169 (5th Cir. 1981)— Interpretation of the

¹1AIf you were already entitled to benefits in December 1990 as a spouse, divorced spouse, widow(er), or surviving divorced spouse, you do not have to file another application in order to establish entitlement under the amended statute.

²1AThe original Acquiescence Ruling for the Fifth Circuit Court of Appeals' holding in *Woodson*,

Deemed Marriage Provision—Title II of the Social Security Act.

Issue

Whether an applicant who cannot establish that she is the legal wife or widow of a worker, can establish entitlement to wife's, widow's or mother's benefits on his earnings record under the provision for deeming a marriage valid set forth in section 216(h)(1)(B) of the Social Security Act (the Act), 42 U.S.C. 416(h)(1)(B), where (1) another individual previously has been entitled to benefits on the worker's earnings record under section 202(b), (e) or (g) of the Act³, 42 U.S.C. 402(b), (e) or (g), but (2) such individual is no longer entitled to benefits.1A⁴

Statute/Regulation/Ruling Citation

Section 216(h)(1)(B) of the Act (42 U.S.C. 416(h)(1)(B)), as in effect prior to enactment of Public Law 10109508; 20 CFR 404.346(b); Ruling 80099c

Circuit

Fifth (Louisiana, Mississippi, Texas) *Woodson v. Schweiker*, 656 F.2d 1169 (5th Cir. 1981).

Applicability of Ruling

This ruling applies only to entitlement to benefits payable for months prior to January 1991 for determinations or decisions at all administrative levels (i.e., initial, reconsideration, administrative law judge hearing and Appeals Council).1A⁵

Description of Case

This case arose out of the Secretary's denial of an application for widow's benefits under Title II of the Act. The issue in the case involves the interpretation of section 216(h)(1)(B) of

issued May 22, 1986, is rescinded and replaced by this revised Acquiescence Ruling to reflect the enactment of section 5119 of Public Law 10109508. Section 5119 of Public Law 10109508 authorizes the payment of benefits to both a legal "spouse" and a deemed "spouse," where "spouse" is defined as a wife, divorced wife, widow, surviving divorced wife, husband, divorced husband, widower, or surviving divorced husband. This change is effective with respect to benefits payable for months after December 1990.

³1ARespectively, the paragraphs of this section set forth the conditions for entitlement for wife's, widow's and mother's insurance benefits.

⁴1AThis ruling applies equally to an individual seeking to establish entitlement to husband's, widower's or father's benefits by invoking the provisions of section 216(h)(1) of the Act, where another individual previously has been entitled to husband's, widower's or father's benefits under section 202(c), (f) or (g), 42 U.S.C. 402(c), (f) or (g).

⁵1AIf a person is already entitled to benefits in December 1990 as a spouse, divorced spouse, widow(er), or surviving divorced spouse, he or she does not have to file another application in order to establish entitlement under the amended statute.

the Act, which provides for the recognition, for benefit purposes, of certain ceremonial marriages entered into in good faith and without knowledge of a legal impediment. Section 216(h)(1)(B) defines the conditions under which a marriage, not valid under applicable State law, "shall be deemed to be a valid marriage" for purposes of establishing that a claimant is the wife, husband, widow or widower of an insured worker in order to be entitled to benefits which depend on the establishment of that status. (Hereinafter, this provision is referred to as the "deemed marriage provision.")

The insured worker, Rushell Woodson, entered into three ceremonial marriages during his lifetime. His first marriage, to Mary Lou Woodson, ended with her death in November 1955, and is not pertinent to the issues in this case. His second marriage, in 1957, was to Ethel Hurd, from whom he separated sometime before 1960. Since there never was a divorce, this marriage continued until Woodson's death. Eliza Woodson, the plaintiff in this case, was his third wife, whom he married in 1966, even though he was still married to Ethel Hurd.

After Rushell Woodson's death on May 25, 1970, Eliza Woodson applied for and was paid the lump sum death payment on his earnings record, on the basis of being his widow, who was living with him at the time of his death.^{1A} Ethel Hurd remarried in October 1970, and in January 1971, she applied for and became entitled to mother's benefits on the deceased's earnings record, based on her status as his legal widow and having in her care a child (Diane) of the deceased worker who was entitled to benefits on Mr. Woodson's earnings record. Under the circumstances in this case the widow's remarriage terminated her entitlement to mother's benefits. Since Ethel Hurd had remarried prior to filing her application, she was entitled to mother's benefits only for a 509month period during the retroactive life of her application which was prior to the remarriage.

In 1975, Eliza Woodson filed an application for widow's benefits on the worker's earnings record. She did not contest the fact that Ethel Hurd was the

legal widow, but sought to establish entitlement to benefits on the basis of the deemed marriage provision of the Act. This application initially and on administrative review was denied by the Secretary on the basis that Eliza Woodson could not qualify as a widow under the deemed marriage provision section 216(h)(1)(B) and implementing regulation 20 CFR 404.346(b) due to Ethel Hurd's, the legal widow's, prior period of entitlement to mother's benefits.

Eliza Woodson sought judicial review in the U.S. District Court for the Southern District of Texas which affirmed the Secretary's decision. However, upon her further appeal to the Court of Appeals for the Fifth Circuit, the court reversed the decision of the district court and remanded the case to the district court to award widow's benefits to her.

Holding

The Court of Appeals held that Ethel Hurd's prior period of entitlement to mother's benefits did not preclude Eliza Woodson from qualifying for widow's benefits on the basis of the deemed marriage provision of section 216(h)(1) of the Act. The court based this conclusion upon its construction of language in subsection (B) of 216(h)(1) which renders the deemed marriage provision inapplicable where another individual "is or has been entitled to a benefit" on the basis of marital relationship to the worker, "and such other person is (or is deemed to be) a wife, widow, husband or widower of such insured individual" at the time such applicant files the application.

The court held that the deemed marriage provision was applicable in this case since Ethel Hurd, whose benefits were terminated due to her remarriage, was no longer a widow within the meaning of the Act "at the time" Eliza Woodson filed her application. The court stated that its construction of section 216(h)(1)(B) did not violate the government's interest against "double-dipping" by beneficiaries, since benefits would be paid to a second widow on the earnings record sequentially, not concurrently with benefits to the previously entitled legal widow. The court stressed the fact that the Act has a remedial purpose and must be liberally construed, in stating that "[i]t would be totally inequitable to deny Eliza Woodson survivor benefits in the face of this record and reading the statute as we do." Regarding the facts, the court stressed the worker's long history of insured work, the fact that only \$563.00 in benefits had been paid on his earnings record, and the fact the

plaintiff's "marriage" to the worker had lasted for several years until his death. The court concluded:

[G]iven the facts presented here and the Congressional intent, as we perceive it, to permit widows to receive survivor benefits sequentially, we believe that it is illogical to think that Congress intended such sequential payments only if the "deemed" widow is the first to receive benefits.

The court distinguished its holding from the decision of the Second Circuit in *Rosenberg v. Richardson*, 538 F.2d 487 (2d Cir. 1976) which, under the terms set forth therein, allowed two widows to be entitled to benefits concurrently. Regarding the *Rosenberg* case, the Fifth Circuit stated: "Our facts do not require us to reach that point and we do not intimate our thinking until faced with those facts."

Statement As To How Woodson Differs From Social Security Policy

To establish entitlement to widow's or mother's benefits, an applicant needs to establish that she "is not married." See sections 202(e)(1)(A) and 202(g)(1)(A) of the Act, 42 U.S.C. 404(e)(1)(A) and 402(g)(1)(A); 20 CFR 404.336(e) and 404.340(c). (When widower's benefits are involved, see section 202(f)(1)(A) of the Act, 42 U.S.C. 402(f)(1)(A).) The possibility of reentitlement is available when the later marriage ends, whether by death, divorce, or annulment, and even if there are multiple later marriages, as long as all the later marriages have ended.

Under SSA's interpretation of the Act, prior to the change mandated by section 5119 of Public Law 10109508, the language of section 216(h)(1)(B) which provided that an applicant may not be entitled to benefits under the deemed marriage provision if another individual "is (or is deemed to be) a wife, widow, husband or widower of such insured individual" at the time such applicant files the application would bar Eliza Woodson's entitlement to widow's benefits. It is SSA's position that the termination of Ethel Hurd's benefits due to her remarriage did not end her status as Woodson's legal widow within the meaning of the Act. Rather, she retained that status and the possibility of becoming entitled to benefits on Woodson's earnings record in the future, if the later marriage should end.

As set forth above, the Court of Appeals in *Woodson* held that the previously entitled legal widow no longer had the status of a widow within the meaning of section 216(h)(1)(B) after termination of her benefits as a widow due to remarriage.

^{1A}Under the Act, a lump sum payment (\$255.00) may be payable upon the death of an insured worker. See section 202(i) of the Act, 42 U.S.C. 402(i). The order of priority for determining who will receive the payment is set forth in current regulations at 20 CFR 404.39009404.395. In pertinent part, the Act and regulations provide that a widow (or widower) living with the worker at the time of death is, on that basis, first in order of priority for receiving the payment. On this point, the regulations were substantively the same when Eliza Woodson filed her claim and received the lump sum payment.

Explanation Of How SSA Will Apply The Decision Within The Circuit

This ruling applies only to eligibility for benefits payable for months prior to January 1991 in cases where the applicant seeking to invoke the deemed marriage provision resides in Louisiana, Mississippi, or Texas at the time of the determination or decision at any administrative level, *i.e.*, initial, reconsideration, administrative law judge hearing, or Appeals Council.

When a claimant seeks to establish her status as the wife or widow of a worker on the basis of the deemed marriage provision and the legal widow was previously entitled, claimant's entitlement will not be barred because the legal widow was previously entitled to wife's, widow's or mother's benefits under section 202(b), (e) or (g) of the Act.⁷ This ruling applies equally to claims for husband's, widower's and father's benefits. See footnote 4. In such cases, the application of the deemed spouse will be adjudicated as though the legal spouse had not been entitled, except that the "deemed spouse" will not be entitled to wife's, widow's or mother's benefits for any months prior to the month after the month in which the former beneficiary's benefits terminated. Once the applicant has become entitled to benefits under the deemed marriage provisions by application of this ruling, her continuing entitlement should be determined in accordance with regular SSA policies and procedures.⁸

[FR Doc. 92-14652 Filed 6-24-92; 8:45 am]

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⁷ In *Woodson*, Ethel Hurd's remarriage was the event which terminated her entitlement to benefits on the worker's account. However, the court's holding is based on the fact her status as a widow within the meaning of section 216(h)(1)(B) has ended, and would apply equally where the former beneficiary's entitlement had terminated for some other reason. Under the Act and regulations, there are certain situations in which a widow's remarriage does not terminate her entitlement to benefits. See 20 CFR 404.337 and 404.341. The *Woodson* case does not involve a remarriage which comes within the terms of an exception, and this ruling is not applicable to cases which come within the terms of an exception.

⁸ Under SSA's policy, entitlement of a claimant under the deemed marriage provision is possible where the beneficiary previously entitled to wife's, widow's or mother's benefits has died or where the beneficiary's marriage to the insured worker has dissolved by divorce or annulment. The earliest possible month of entitlement for the deemed spouse would be the month of the former beneficiary's death, or, if applicable, dissolution of the marriage to the insured worker. Therefore, in this situation, both SSA policy and circuit law would permit use of the deemed marriage provision to entitle the deemed spouse.

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Receipt of Applications for Permit

The following applicants have applied for a permit to conduct certain activities with endangered species. This notice is provided pursuant to section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, *et seq.*):

PRT-769023

Applicant: John Malloy, Wye Mills, MD.

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus dorcas dorcas*), culled from the captive herd maintained by D.E. Pohl, Grahamstown, Republic of South Africa, for the purpose of enhancement of survival of the species.

PRT-769010

Applicant: Thomas Simcox, Westbury, NY.

The applicant requests a permit to purchase two captive-hatched Indian pythons (*Python molurus molurus*) in interstate commerce from William E. Brant Archer, Florida for captive breeding purposes.

PRT-769013

Applicant: Schubot Exotic Bird Health Center, College Station, TX.

The applicant requests a permit to take (draw blood samples and euthanize) captive-hatched scarlet-chested parakeets (*Neophema splendida*) and turquoise parakeets (*Neophema pulchella*) known or suspected of being infected with the avian polyomaviral disease, for scientific research purposes on the diagnosis, pathogenesis, and epidemiology of the disease.

PRT-704930

Applicant: Fish & Wildlife Service, Region 6, Regional Director, Denver, CO.

The applicant requests amendment of their current permit to include take of Kanab ambersnail (*Oxyloma haydeni kanabensis*), Ute Ladies'-tresses (*Spiranthes diluvialis*), clay reed-mustard (*Schoenocrambe argillacea*), and Barneby reed-mustard (*Schoenocrambe barnebyi*) for the purpose of scientific research and enhancement of propagation and survival of the species as prescribed by Service recovery documents.

PRT-755945

Applicant: Pacific Gas and Electric Co., San Ramon, CA.

The applicant requests amendment of their current permit to remove Shasta crayfish (*Pacifastacus fortis*) from Crystal Lake, Lava Creek, Fall River,

Spring Lake, 1000 Springs, Big Lake, Ja-She Creek, Hat River, and Pit River, Shasta County, CA, to conduct field and laboratory experiments for the purpose of scientific research. All crayfish will be released at their capture sites after the experiments.

Written data or comments should be submitted to the Director, U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, room 432, Arlington, Virginia 22203 and must be received by the Director within 30 days of the date of this publication.

Documents and other information submitted with these applications are available for review by any party who submits a written request for a copy of such documents to, or by appointment during normal business hours (7:45-4:15) in, the following office within 30 days of the date of publication of this notice: U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, room 432, Arlington, Virginia 22203. Phone: (703/358-2104); FAX: (703/358-2281).

Dated: June 19, 1992.

Susan M. Jacobsen,

Acting Chief, Branch of Permits, Office of Management Authority.

[FR Doc. 92-14915 Filed 6-24-92; 8:45 am]

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Receipt of Applications for Permit

The following applicants have applied for a permit to conduct certain activities with endangered species. This notice is provided pursuant to section 19(c) of the Endangered Species Act of 1973 as amended (16 U.S.C. 1531, *et seq.*):

PRT-768303

Applicant: Anthony Sardella, Lilburn, GA.

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus dorcas dorcas*), culled from the captive-herd maintained by A.G. Spaeth, P.O. Box 5412, Walmer, Doornboom, Republic of South Africa, for the purpose of enhancement of propagation of the species.

PRT-768301

Applicant: Danny Sardella, Lilburn, GA.

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus dorcas dorcas*), culled from the captive-herd maintained by A.G. Spaeth, P.O. Box 5412, Walmer, Doornboom, Republic of South Africa, for the purpose of enhancement of propagation of the species.

PRT-768293

Applicant: Zoological Society of San Diego,
San Diego, CA.

The applicant requests a permit to import one captive-born female orangutan (*Pongo pygmaeus abelii*) from the Adelaide Zoo, Adelaide, Australia, for the purpose of captive breeding.

PRT-768090

Applicant: Abdul Al-Saihati, Yuma, AZ.

The applicant requests a permit to purchase in interstate commerce one male and two female captive-born Arabian Oryx (*Oryx leucoryx*) from Safari Enterprises, 334 North Poplar, Orange, California, for the purpose of captive breeding.

Written data or comments should be submitted to the director, U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, room 432, Arlington, Virginia 22203 and must be received by the director within 30 days of the date of this publication.

Documents and other information submitted with these applications are available for review by any party who submits a written request for a copy of such documents to, or by appointment during normal business hours (7:45-4:15) in, the following office within 30 days of the date of publication of this notice: U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, room 432, Arlington, Virginia 22203. Phone: (703/358-2104); FAX: (703/358-2281).

Dated: June 19, 1992.

Susan Jacobsen,
Acting Chief, Branch of Permits, Office of
Management Authority.
[FR Doc. 92-14916 Filed 6-24-92; 8:45 am]
BILLING CODE 4310-55-M

Availability of a Draft Recovery Plan for Alabama Canebrake Pitcher Plant for Review and Comment

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of document availability and public comment period.

SUMMARY: The U.S. Fish and Wildlife Service (Service) announces the availability for public review of a draft recovery plan for the Alabama canebrake pitcher plant (*Sarracenia rubra* ssp. *alabamensis*). Populations occur on private lands in seeps and bogs along the fall-line of central Alabama (Autauga, Chilton, and Elmore Counties). The Service solicits review and comment from the public on this draft plan.

DATES: Comments on the draft recovery plan must be received on or before

August 15, 1992, to receive consideration by the Service.

ADDRESSES: Persons wishing to review the draft recovery plan may obtain a copy by contacting the Jackson Field Office, U.S. Fish and Wildlife Service, 6578 Dogwood View Parkway, suite A, Jackson, Mississippi 39213. Written comments and materials regarding the plan should be addressed to the Field Supervisor at the above address. Comments and materials received are available on request for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Ms. Cary Norquist at the above address (601/965-4900).

SUPPLEMENTARY INFORMATION:

Background

Restoring endangered or threatened animals and plants to the point where they are again secure, self-sustaining members of their ecosystems is a primary goal of the U.S. Fish and Wildlife Service's endangered species program. To help guide the recovery effort, the Service is working to prepare recovery plans for most of the listed species native to the United States. Recovery plans describe actions considered necessary for conservation of the species, establish criteria for the recovery levels for downlisting or delisting them, and estimate time and cost for implementing the recovery measures needed.

The Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 *et seq.*) requires the development of recovery plans for listed species unless such a plan would not promote the conservation of a particular species. Section 4(f) of the Act, as amended in 1988, requires that a public notice and an opportunity for public review and comment be provided during recovery plan development. The Service will consider all information presented during a public comment period prior to approval of each new or revised recovery plan. The Service and other Federal agencies will also take these comments into account in the course of implementing approved recovery plans.

The species considered in this draft recovery plan is the Alabama canebrake pitcherplant (*Sarracenia rubra* ssp. *alabamensis*), a carnivorous plant that occurs in boggy areas in central Alabama. This species was listed as endangered in 1989 due to its restricted range and the continuing loss of populations from collecting, conversion of habitat for agricultural purposes, and woody succession due to altered

hydrological conditions or fire suppression.

The recovery objectives of the proposed plan is to reclassify the Alabama canebrake pitcherplant to threatened. Reclassification will be accomplished through: (1) Protection and management of extant populations through landowner cooperation and regulatory means, (2) monitoring of extant sites and searching for additional populations, (3) evaluating habitat needs and conducting species' biology studies, (4) preserving genetic stock, (5) establishing new populations and/or enhancing existing sites, and (6) educating the public on the importance of preserving this species and its habitat.

This plan is being submitted for agency review. After consideration of comments received during the review period, it will be submitted for final approval.

Public Comments Solicited

The Service solicits written comments on the recovery plan described. All comments received by the date specified above will be considered prior to approval of the plan.

Authority.—The authority for this action is Section 4(f) of the Endangered Species Act, 16 U.S.C. 1533(f).

Dated: June 15, 1992.

Robert Bowker,
Complex Field Supervisor.
[FR Doc. 92-14970 Filed 6-24-92; 8:45 am]
BILLING CODE 4310-55-M

Bureau of Land Management

[CO-920-92-4120-11; COC 53793]

Colorado; Invitation for Coal Exploration License Application, Mountain Coal Co.

Pursuant to the Mineral Leasing Act of February 24, 1920, as amended, and to title 43, Code of Federal Regulations, subpart 3410, members of the public are hereby invited to participate with Mountain Coal Company in a program for the exploration of unleased coal deposits owned by the United States of America in the following described lands located in Delta and Gunnison Counties, Colorado:

T. 13 S., R. 90 W., 6th P.M.
Sec. 19, lots 5, 8 to 10, inclusive, and lots 15 to 18, inclusive;
Sec. 30, lots 7 and 8.
T. 13 S., R. 91 W., 6th P.M.
Sec. 23, E½, SE¼SW¼;
Sec. 24, all;
Sec. 25, lots 1 to 16, inclusive;
Sec. 26, all;

Sec. 27, E½NE¼, SE¼;
 Sec. 34, N½NE¼;
 Sec. 35, N½N½;
 Sec. 36, lots 1 to 4, inclusive.

The area described contains approximately 3310.08 acres.

The application for coal exploration license is available for public inspection during normal business hours under serial number COC 53793 at the Bureau of Land Management (BLM), Colorado State Office, 2850 Youngfield Street, Lakewood, Colorado 80215, and at the BLM Montrose District Office, 2465 South Townsend Avenue, Montrose, Colorado 81401.

Written Notice of intent to Participate should be addressed to the attention of the following persons and must be received by them within 30 days after the publication of this Notice of Invitation in the *Federal Register*:

Richard D. Tate, Chief, Mining Law and Solid Minerals, Adjudication Section, Colorado State Office, Bureau of Land Management, 2850 Youngfield Street, Lakewood, Colorado 80215, and
 Mark W. Scanlon, Mountain Coal Company, P.O. Box 591 Somerset, Colorado 81434.

Any party electing to participate in this program must share all costs on a pro rata basis with the applicant and with any other party or parties who elect to participate.

Dated: June 18, 1992.

Richard D. Tate,

Chief, Mining Law and Solid Minerals, Adjudication Section.

[FR Doc. 92-14955 Filed 6-24-92; 8:45 am]

BILLING CODE 4310-JB-M

[G-910-4111-15; NMNM 61579]

New Mexico; Proposed Reinstatement of Terminated Oil and Gas Lease

Under the provisions of Public Law 97-451, a petition for reinstatement of Oil and Gas Lease NMNM 61579, Eddy County, New Mexico, was timely filed and was accompanied by all required rentals and royalties accruing from May 1, 1990, the date of termination.

No valid lease has been issued affecting the land. The lessee has agreed to new lease terms for rentals and royalties at rates of \$10 per acre and 16½ percent, respectively. Payment of a \$500 administrative fee has been made.

Having met all the requirements for reinstatement of the lease as set out in section 31 (d) and (e) of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 188(d) and (e)), the Bureau of Land Management is proposing to reinstate the lease effective May 1, 1990, subject to the original terms and conditions of the lease and the

increased rental and royalty rates cited above, and the reimbursement for cost of publication of this notice.

Dated: June 17, 1992.

Dolores L. Vigil,

Chief, Adjudication Section.

[FR Doc. 92-14956 Filed 6-24-92; 8:45 am]

BILLING CODE 4310-FB-M

[CO-050-4830-12]

Canon City District Advisory Council Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting.

SUMMARY: Notice is hereby given in accordance with Public Law 94-579 that the Canon City District Advisory Council (DAC) Meeting will be held Wednesday, July 15, 1992, 1 p.m. to 4:30 p.m., 7 p.m. to 8:30 p.m. and Thursday, July 16, from 7:30 a.m. to 12:30 p.m. at Adams State College, College Center, room 215, Alamosa, Colorado.

The meeting agenda will include:

1. San Luis Review Team Wetlands findings.
2. Briefing on the McIntyre Springs proposed acquisition.
3. Tour of the Blanca Wildlife Habitat Area.
4. The meeting is open to the public. The public is welcome to discuss issues and concerns with the council members from 7 p.m. to 8:30 p.m., or they may file written statements for the council's consideration.

ADDRESSES: Anyone wishing to make oral or written presentation to the council should notify the District Manager, Bureau of Land Management, P.O. Box 2200, 3170 East Main, Canon City, Colorado 81215-2200, by July 15, 1992.

FOR FURTHER INFORMATION CONTACT: Ken Smith (719) 275-0631.

SUPPLEMENTARY INFORMATION:

Summary of minutes of the meeting will be available for public inspection and reproduction during regular working hours at the District Office approximately 30 days following the meeting.

Stuart L. Freer,

Associate District Manager.

[FR Doc. 92-14887 Filed 6-24-92; 8:45 am]

BILLING CODE 4310-JB-M

Advisory Council Meeting, Ukiah, CA

[CA-050-4410-04]

AGENCY: Bureau of Land Management.

ACTION: Notice of meeting, Ukiah, California, District Advisory Council.

SUMMARY: Pursuant to Public Law 94-579 and 43 CFR Part 1780, the Ukiah District Advisory Council will meet in Shelter Cove, California, July 16-17, 1992. The agenda will include a tour of the King Range National Conservation Area, a briefing on management issues and development actions in the King Range, BLM's reorganization proposal (BLM 2015) and its effect on district advisory councils, potential for delisting of the endangered Peregrine Falcon, Coordinated Resource Management Planning in the Klamath Province, BLM's proposed management of the Grass Valley Creek Watershed, non-motorized access in sensitive areas, and recreational fisheries. A complete agenda is available from the Ukiah BLM Office.

DATES: July 16, 8 a.m. to 5 p.m., and July 17, 8 a.m. to 2 p.m.

ADDRESSES: July 16, Field Tour, King Range National Conservation Area, July 17, Shelter Cove Community Center, 9126 Shelter Cove Road, Shelter Cove, CA.

FOR FURTHER INFORMATION CONTACT: Barbara Taglio, Ukiah District Office, Bureau of Land Management, 555 Leslie Street, Ukiah, California 95482, (707) 462-3873.

SUPPLEMENTARY INFORMATION: All meetings of the Ukiah District Advisory Council are open to the public. Individuals may submit oral or written comments for the Council's consideration. Opportunity for oral comments will be provided at 10 a.m. Friday, July 17. Summary minutes of the meeting will be maintained by the Ukiah District Office and will be available for inspection and reproduction within 30 days of the meeting.

Dated: June 16, 1992.

David E. Howell,

District Manager.

[FR Doc. 92-14971 Filed 6-24-92; 8:45 am]

BILLING CODE 4310-40-M

[NV020-4320-02]

Winnemucca District Grazing Advisory Board Meeting

AGENCY: Bureau of Land Management.

ACTION: Winnemucca District Grazing Advisory Board meeting.

SUMMARY: Notice is hereby given in accordance with Public Law 94-579 and section 3, Executive Order 12548, February 14, 1986, that a meeting of the Winnemucca District Grazing Advisory

Board will be held on September 3, 1992. The meeting will begin at 10 a.m. in the conference room of the Bureau of Land Management Office at 705 East Fourth Street, Winnemucca, Nevada 89445.

The agenda for the meeting will include:

1. Public statement.
2. District Manager's update.
3. Update on Range Improvement Funds: FY 93 Projects
4. Advisory Board Priorities FY 93 Range Improvement Projects

The meeting is open to the public. Interested persons may make oral statements for the Board's consideration. Anyone wishing to make an oral statement should notify the District Manager, 705 East Fourth Street, Winnemucca, Nevada 89445 by August 15, 1992. Depending on the number of persons wishing to make oral statements, a per person time limit may be established by the District Manager. Summary minutes of the Board meeting will be maintained in the District Office and available for public inspection (during regular business hours) within 30 days following the meeting.

Dated: June 16, 1992.

Ron Wenker,

District Manager.

[FR Doc. 92-14957 Filed 6-24-92; 8:45 am]

BILLING CODE 4310-HC-M

[CA-010-02-5440-10-B026; CA-29497]

Exchange of Public Lands, Yuba County, CA; Notice of Realty Action

AGENCY: Bureau of Land Management, Interior.

ACTION: Amendment of notice of realty action: Exchange of Public Lands, CA-29497.

SUMMARY: This notice amends the notice of realty action published on Friday, May 15, 1992, in Vol. 57, No. 95, pages 20847 and 20848, by extending the public comment period until Monday, July 13, 1992.

Dated: June 16, 1992.

D.K. Swickard,

Area Manager.

[FR Doc. 92-14958 Filed 6-24-92; 8:45 am]

BILLING CODE 4310-40-M

[CA-010-01-3110-10-B002; CA 28494]

Realty Action; Exchange of Public and Private Lands in San Luis Obispo County, CA

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action.

SUMMARY: The following described public land has been determined to be suitable for exchange under section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716):

Mt. Diablo Meridian, California

T.29S., R.14E;

Sec. 20 SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 29 E $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$;

Sec. 32 NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{2}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 33 N $\frac{1}{2}$ NW $\frac{1}{4}$.

T.29S., R.15E;

Sec. 31 Lot 3.

T.30S., R.14E;

Sec. 21 Lots 2, 3, and 4.

Parcel #3, containing 840 acres.

Parcel #6, containing 24.32 acres.

Parcel #11, containing 107.07 acres.

All mineral rights on the subject public land will be exchanged, along with the surface rights. In exchange for this public land, the Bureau of Land Management (BLM) will acquire an equal value of lands from the Nature Conservancy (TNC) in the Carrizo Plain Natural Area. These lands will be purchased by TNC from willing sellers, will be somewhere within the following sections, and will include surface rights only:

Mt. Diablo Meridian, California

T.30S., R.20E;

Sec. 19 to 22, 25 to 31, and 34 to 36.

T.30S., R.21E;

Sec. 23 to 36.

T.30S., R.22E;

Sec. 31.

T.31S., R.20E;

Sec. 1 to 3, 10 to 13, 15, 17, and 20 to 25.

T.31S., R.21E;

Sec. 1 to 4, 6, 7, 10 to 25, 27 to 29, and 32 to 36.

T.31S., R.22E;

Sec. 3, 6, 7, and 17 to 21.

T.32S., R.20E;

Sec. 19, 26, and 27.

T.32S., R.21E;

Sec. 1 to 5, and 10 to 13.

T.32S., R.22E;

Sec. 6, 7, 16, 19 to 22, 27 to 33, 35, and 36.

San Bernardino Meridian, California

T.12N., R.27W;

Sec. 35.

T.12N., R.26W;

Sec. 31, and 33 to 36.

T.12N., R.25W;

Sec. 31 to 33, and 36.

T.11N., R.27W;

Sec. 1 to 4, and 10 to 14.

T.11N., R.26W;

Sec. 1 to 18, 20 to 25, and 36.

T.11N., R.25W;

Sec. 3, 6, and 7 to 35.

T.11N., R.24W;

Sec. 18 to 20 and 29 to 32.

T.10N., R.26W;

Sec. 11 and 12.

T.10N., R.25W;

Sec. 1 to 3, 7, 8, 12, and 16.

SUPPLEMENTARY INFORMATION: Lands transferred from the United States will be offered for purchase to adjoining landowners by the Nature Conservancy. Lands transferred from the United States will reserve a right-of-way for ditches or canals constructed by the authority of the United States, under the Act of August 30, 1890 (43 U.S.C. 945). Publication of this notice in the *Federal Register* segregates the subject public land from the operation of the public land laws and the mining laws, except for mineral leasing. The segregative effect will end upon issuance of patent or two years from the date of publication in the *Federal Register*, whichever occurs first. The purpose of the exchange is to acquire a portion of the private lands in the Carrizo Plain Natural Area. This Area will promote the conservation of threatened and endangered species and preserve a representative sample of the historic southern San Joaquin Valley flora and fauna. The ultimate goal for the Natural Area is to acquire approximately 155,000 acres of private land. A secondary purpose of the exchange is to consolidate the BLM lands and reduce the number of scattered, isolated BLM parcels that are difficult to manage. The public interest will be well served by completing the exchange. Interested parties may submit comments to the Area Manager at the following address until August 10, 1992. For further information contact: Bureau of Land Management, Caliente Resource Area, Attn: Dan Vaughn, 4301 Rosedale Highway, Bakersfield, CA 93308; (805) 861-4236.

Dated: May 21, 1992.

Kenneth L. Volpe,

Acting Area Manager.

[FR Doc. 92-12990 Filed 6-24-92; 8:45 am]

BILLING CODE 4310-40-M

[G-010-G2-0114-4212-14]

Bureau Motion Disposal in Rio Arriba County, NM

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: This notice is to advise the public that the Albuquerque District, of the Bureau of Land Management (BLM), is proposing to dispose of approximately 23.16 acres of public land near the Villages of Cundiyo and Rio Chiquito, within Santa Fe and Rio Arriba Counties, State of New Mexico.

SUPPLEMENTARY INFORMATION: The BLM has determined that the acres of public land described below are suitable for disposal under the Color-of-Title Acts of 1928 (45 Stat. 1069), 1932 (47 Stat. 53; 43 U.S.C. 178), and sales under section 203 of the Federal Land Policy and Management Act of 1976 (FLPMA), 43 U.S.C. 1713 (1978).

Chimayo III, New Mexico Public Land Disposal Block

T. 20 N., R. 9 E., NMPM,

Sec. 12: Lots 3, 5.

T. 20 N., R. 10 E., NMPM,

Sec. 4: Lots 14, 15;

Sec. 5: Lots 19, 20, 21, 23, 25 to 35, inclusive;

Sec. 6: Lot 19;

Sec. 7: Lots 13, 16;

Sec. 17: Lots 10 to 14, inclusive.

T. 21 N., R. 10 E., NMPM,

Sec. 33: Lot 5.

Comprising approximately 23.16 acres.

Disposal of these lands is consistent with: (1) The approval Land Use Recommendations of the BLM's 1979 Rio Grande Management Framework Plan, (2) The 1988 Taos Resource Management Plan, (3) Their location as well as the physical characteristics and the private ownership of adjoining lands, make them difficult and uneconomical to manage as public lands, so disposal would best serve the public interest.

This Notice of Realty Action will be published once a week for three weeks in a newspaper of general circulation and will be sent to the New Mexico Congressional Delegation and the relevant congressional committees by BLM.

The specific parcels of public land will be disposed of using the following "Tract Disposal Criteria" in descending order of priority:

1. COLOR-OF-TITLE

Color-of-Title disposal will be made to any applicant within the disposal area who qualifies under the Color-of-Title Acts.

2. NON-COMPETITIVE (DIRECT) SALE

Public lands within the disposal block will be sold without competition at Fair Market Value to those individuals who occupied the parcels before June 11, 1979 (the date land use plans were approved) but who do not qualify for title under one of the color-of-title acts.

The terms and conditions applicable to the disposal are:

1. The patents will contain a reservation to the United States for ditches and canals.
2. All disposals are for surface estate only. The patents will contain a reservation to the United States for all minerals.

3. Tracts which lie within the 100 year floodplain of the Santa Cruz River will be subject to EO 11988 which precludes the seeking of compensation from the United States or its agencies in the event existing or future facilities on those tracts are damaged by flood.

4. All disposals will be made subject to prior existing rights.

Additional information pertaining to this disposal including the environmental documents are available for review at the Taos Resource Area Office, Plaza Montevideo, 224 Cruz Alta Road, Taos, New Mexico 87571, or telephone (505) 758-8851. For a period of 45 days from the date of this notice, interested parties may submit written comments to the Taos Resource Area Manager. Any adverse comments will be evaluated by the New Mexico State Director, Bureau of Land Management, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become the final determination of the Department of the Interior.

Dated: June 17, 1992.

Robert T. Dale,
District Manager.

[FR Doc. 92-14972 Filed 6-24-92; 8:45 am]

BILLING CODE 4310-FB-M

[NV-940-02-4212-22]

Filing of Plat of Survey; Nevada

June 15, 1992.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The purpose of this notice is to inform the public and interested State and local government officials of the latest filing of Plat of Survey in Nevada.

EFFECTIVE DATES: Filing was effective at 10 a.m. on June 10, 1992.

FOR FURTHER INFORMATION CONTACT:

John S. Parrish, Chief, Branch of Cadastral Survey, Bureau of Land Management (BLM), Nevada State Office, 850 Harvard Way, P.O. Box 12000, Reno, Nevada 89520, 702-785-6543.

SUPPLEMENTARY INFORMATION: The Plat of Survey of lands described below was officially filed at the Nevada State Office, Reno, Nevada on June 10, 1992:

Mount Diablo, Nevada

T. 16 N., R. 62 E.—Supplemental Plat of Sections 19 and 30.

This survey was accepted May 21, 1992, and was executed to meet certain administrative needs of the Bureau of Land Management.

The above-listed survey is now the basic record for describing the lands for all authorized purposes. This survey will be placed in the open files in the BLM Nevada State Office and will be available to the public as a matter of information. Copies of the survey and related field notes may be furnished to the public upon payment of the appropriate fees.

Robert G. Steele,

Deputy State Director, Nevada.

[FR Doc. 92-14890 Filed 6-24-92; 8:45 am]

BILLING CODE 4310-HC-M

[CA-940-4214-10; CACA 29932]

California; Proposed Withdrawal and Opportunity for Public Meeting; Correction

In notice document 92-11342 beginning on page 20704 in the issue of May 14, 1992, make the following correction: On page 20704 in the third column, line 13 from the top which reads "Sec. 16, lots 2 and 3." is hereby corrected to read "Sec. 6, lots 2 and 3."

Dated: June 15, 1992.

Nancy J. Alex,

Chief, Lands Section.

[FR Doc. 92-14953 Filed 6-24-92; 8:45 am]

BILLING CODE 4310-40-M

National Park Service

Draft General Management Plan, Development Concept Plan, and Environmental Impact Statement, Grant-Kohrs Ranch National Historic Site, MT

AGENCY: National Park Service, Department of the Interior.

ACTION: Availability of draft environmental impact statement, general management plan, and development concept plan for Grant-Kohrs Ranch National Historic Site.

SUMMARY: Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the National Park Service (NPS) announces the availability of a draft Environmental Impact Statement, General Management Plan, and Development Concept Plan (DEIS/GMP/DCP) for Grant-Kohrs Ranch National Historic Site, Montana.

DATES: The DEIS/GMP will remain available for public review until August 24, 1992. If any public meetings are held concerning the DEIS/GMP/DCP, they will be announced at a later date.

ADDRESSES: Comments on the DEIS/GMP/DCP should be sent to the

Superintendent, Grant-Kohrs Ranch National Historic Site, P.O. Box 790, Deer Lodge, Montana 59722. Public reading copies of the DEIS/GMP/DCP will be available for review at the following locations:

Office of the Superintendent, Grant-Kohrs Ranch National Historic Site, Telephone: (406) 846-2070.

Division of Planning and Compliance, Rocky Mountain Regional Office, National Park Service, 12795 W. Alameda Parkway, Lakewood, CO 80225, Telephone: (303) 969-2828.

Office of Public Affairs, National Park Service, Department of Interior, 18th and C Streets NW., Washington, DC 20240, Telephone: (202) 208-6843.

SUPPLEMENTARY INFORMATION: The DEIS/GMP/DCP analyzes three alternatives to provide for the preservation of historic resources and for visitor use. The proposed action emphasizes management of the park as a working ranch. Alternative A also emphasizes management of the park as a working ranch, while minimizing non-historic uses. The "no-action" alternative (alternative B) would continue existing programs, development, and trends.

The DEIS/GMP/DCP in particular evaluates the environmental consequences of the proposed action and the other alternatives on water resources, floodplains, wetlands, soils and vegetation, wildlife, air quality, historic and ethnographic resources, archeological resources, visitor use, socioeconomic resources, other Federal agencies, and park management and operations.

FOR FURTHER INFORMATION: Contact Superintendent, Grant-Kohrs Ranch National Historic Site, at the above address and telephone number.

Dated: June 2, 1992.

Michael D. Snyder,

Regional Director, Rocky Mountain Region, National Park Service.

[FR Doc. 92-14895 Filed 6-24-92; 8:45 am]

BILLING CODE 4310-70-M

Minerals Management Service

Revised Outer Continental Shelf Official Protraction Diagrams; Notice

AGENCY: Minerals Management Service.

ACTION: Publication of revised Outer Continental Shelf official protraction diagrams.

SUMMARY: Notice is hereby given that effective with this publication, the following OCS Official Protraction Diagram, last revised on the date indicated, is on file and available for

information only, in the Gulf of Mexico OCS Regional Office, New Orleans, Louisiana. In accordance with title 43, Code of Federal Regulations, these Official Protraction Diagrams are the basic record for the description of mineral and oil and gas lease sales in the geographic areas they represent.

REVISED MAPS ¹

Description	Latest revision date
Port Isabel, NG-14-6.....	January 15, 1992.

¹ Changes include minor coordinate adjustments to Block 990 at the intersections of Federal/State and 8(g) boundaries with the United States-Mexico Provisional Maritime Boundary.

ADDRESSES: Copies of these Official Protraction Diagrams may be purchased for \$2.00 each from Public Information Unit (MS 5034), Minerals Management Service, Gulf of Mexico OCS Regional Office, 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123-2394 (504) 736-2519. Map sets are available on microfiche for \$5.00 per set.

Technical comments or questions pertaining to these maps should be directed to Office of Leasing and Environment, Supervisor, Sales and Support Unit, (504) 736-2768.

Dated: June 18, 1992.

J. Rogers Pearcy,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 92-14959 Filed 6-24-92; 8:45 am]

BILLING CODE 4310-MR-M

Availability of Report of the Technology Assessment and Research Program

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of availability of report.

SUMMARY: The Minerals Management Service (MMS) is announcing the availability of the report entitled "Technology Assessment and Research Program for Offshore Minerals Operations," 1991 Report, OCS Study MMS 91-0057.

ADDRESSES: Copies of the report may be obtained without charge from the Technology Assessment and Research Branch, Minerals Management Service, Mail Stop 4700, 381 Elden Street, Herndon, Virginia 22070-4817.

FOR FURTHER INFORMATION CONTACT: Technology Assessment and Research Branch, 703-787-1559.

SUPPLEMENTARY INFORMATION: The report summarizes the research being pursued by MMS in support of its offshore oil and gas operations. In

addition, the report discusses the objectives of the Technology Assessment and Research (TA&R) Program and its methods of operation. The TA&R Program contracts for research at universities, Government laboratories, and private companies in the categories of operational safety, the verification of structures and pipelines, oil-spill containment and cleanup, and air pollution control.

The following projects are summarized in the report which contains 235 pages and many illustrations:

- Performance of Diverters Under Multi-Phase Flow: Bourgoyne, Casariego, and Kelly, Louisiana State University.
- Computer Assisted Well Control for Deep Ocean Environments: Bourgoyne, Casariego, and Kelly, Louisiana State University.
- Floating Vessel Blowout Control: Adams, Neal Adams Firefighters, Inc.
- Development of Hazard Assessment and Suppression Technology for Oil and Gas Well Blowout and Diverter Fires: Gore, University of Maryland, and Evans, National Institute of Standards and Technology.
- Underwater Blast Effects from Explosive Severance of Offshore Platform Legs and Well Conductors: Connor, Jr., Naval Surface Warfare Center.
- Method for Predicting Hydrodynamic Damage to Offshore Structures: Horton, University of Mississippi.
- Response Prediction Techniques for Risers in Sheared Currents: Vandiver, Massachusetts Institute of Technology.
- Small-Scale Experiments on Splitting of Ice Floes Impacting on Offshore Structures: Sodhi, U.S. Army Cold Regions Research and Engineering Laboratory.
- Hydrodynamic Effects on Design of Offshore Platforms (HEDOP), Phases IIA and IIB: Litton, PMB Engineering, Inc.
- Chaotic Motions—Application to Offshore Structures: Simiu, National Institute of Standards and Technology.
- Shallow Crack Fracture Mechanics: Berger, National Institute of Standards and Technology.
- A Multiple Specimen Test Technique to Determine Fatigue Crack Growth Rates for Conditions Relevant to Offshore Structures: Hartt, Florida Atlantic University.
- Ripple Load Cracking in Offshore Structural Steels: Pao and Yoder, Naval Research Laboratory.
- Seafloor Seismic Data Study: Sleaf, Sandia National Laboratories.

- Application and Testing of Synthetic Material for Offshore Facilities: McCloskey, National Institute of Standards and Technology.
- Management of Human Error in Operations of Offshore Platforms: Bea and Moore, University of California.
- Structural Design for Fires on Offshore Platforms: Bea, Williamson, and Gale, Jr., University of California.
- Testing and Evaluation of Damaged Jacket Braces, Stewart: PMB Engineering, Inc. and Kohutek, Texas A&M University.
- Methodology for Assessment by Regulatory Bodies of the Safety of Existing Steel Offshore Platforms: Bea, Gerwick, and Aggarwal, University of California.
- Development of Platform AIM Programs, Phase IV, Calibration, and Inspection: Stewart and Puskar, PMB Engineering, Inc.
- Residual Strength of Offshore Structures After Damage: Ostapenko, Lehigh University.
- A Study of the Erosional/Corrosional Velocity Criterion for Sizing Multiphase Flow Lines: Svedeman, Southwest Research Institute.
- Capacity Analysis Program for Offshore Structures: Bang, PMB Engineering, Inc.
- Offshore Soil-Pile Interaction for Earthquake Loading: Nogami, University of California.
- Response of Tension Piles to Simulated Seismic Motion in Saturated Fine Sand: O'Neill and Vipulanandan, University of Houston.
- Drilled and Grouted Piles: Construction, Integrity, Capacity: Briaud, Texas A&M University.
- Multiaxial Properties of Ice: Schulson, Dartmouth College.
- Reducing Exhaust Pollution Resulting from Outer Continental Shelf (OCS) Operations: Gregory, Minerals Management Service.
- Application of RAPRENO_x Diesel Emission Control: Perry, Technor, Inc.
- Preparation of a Test Protocol for Offshore Skimmers and Booms: Nash, Chapman, Inc.
- Development of a Portable Oil Analysis Kit: Fingas, Environment Canada.
- In Situ Burning as an Oil Response Technology: Evans, National Institute of Standards and Technology.
- Studies on the Fate and Behavior of Heavy Oils: Fingas, Environment Canada.
- Development of an Airborne Oil Thickness Sensor: Fingas, Environment Canada.
- Update of the Oil Properties Catalogue: Fingas, Environment Canada.

- Development of a Laser Fluorosensor: Fingas, Environment Canada.
- Oil Spill Chemical Treating Agents: Fingas, Environment Canada.
- An Update on the Development of a Water Jet Barrier for the Containment of Spilled Oil: Punt and Comfort, Environment Canada.

Dated: June 9, 1992.

Thomas Gernhofer,
Associate Director for Offshore Mineral
Management.

[FR Doc. 92-14952 Filed 6-24-92; 8:45 am]

BILLING CODE 4310-MR-M

Bureau of Reclamation

Information Collection Submitted to the Office of Management and Budget for Review Under the Paperwork Reduction Act

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (title 44 U.S.C. chapter 35). Copies of the proposed collection of information and related forms may be obtained by contacting Reclamation's clearance officer at the telephone number listed below. Comments and suggestions on the proposal should be made directly to Reclamation's Clearance Officer, D-7920, Bureau of Reclamation, PO Box 25007, Denver, CO 80225-0007, Telephone 303-236-6769; and the Office of Management and Budget, Paperwork Reduction Project (1006-0005), Washington, DC 20503, Telephone 202-395-7340.

Title: Acreage Limitation—Reclamation Rules and Regulations, 43 CFR part 429.

OMB approval number: 1006-0006.

Abstract: These forms are to be used by water district offices to summarize individual landholder certification and reporting forms as required by the Reclamation Reform Act of 1982 (Title II of Pub. L. 97-293) and 43 CFR part 426, Acreage Limitation Rules and Regulations. This information allows Reclamation to establish water users' compliance with Reclamation law.

Reclamation form numbers: 7-1781A and 7-1781B.

Frequency: Annually.

Description of respondents: Contracting Organizations for Reclamation Project Irrigation Water.

Estimated completion time: 40 hours.

Annual responses: 325.

Annual burden hours: 13,000.

Reclamation clearance officer: Robert A. Lopez, 303-236-6769.

Dated: June 5, 1992.

Joe D. Hall,
Deputy Commissioner, Bureau of
Reclamation.

[FR Doc. 92-14888 Filed 6-24-92; 8:45 am]

BILLING CODE 4310-09-M

Information Collection Submitted to the Office of Management and Budget for Review Under the Paperwork Reduction Act

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (title 44 U.S.C. chapter 35). Copies of the proposed collection of information and related forms may be obtained by contacting Reclamation's clearance officer at the telephone number listed below. Comments and suggestions on the proposal should be made directly to Reclamation's Clearance Officer, D-7920, Bureau of Reclamation, PO Box 25007, Denver, CO 80225-0007, Telephone, 303-236-6769; and the Office of Management and Budget, Paperwork Reduction Project (1006-0005), Washington, DC 20503, Telephone 202-395-7340.

Title: Acreage Limitation—Reclamation Rules and Regulations, 43 CFR part 429.

OMB approval number: 1006-0005.

Abstract: The proposed information collection requires certain landholders to complete forms demonstrating their compliance with the acreage limitation provisions of Reclamation law. The forms establish each landholder's status with respect to landownership limitations, full cost pricing thresholds, lease requirements, and other provisions of Reclamation law.

Reclamation form numbers: 7-2179 through 7-2181, 7-2183 and 7-2184; 7-2180EZ; 7-2187 through 7-2189; 7-2178 through 7-2191; 7-2190EZ; 7-2193 and 7-2194; 7-2197 through 7-2199.

Frequency: Annually, and when landholding changes occur.

Description of respondents: Owners and lessees of land on Federal Reclamation projects.

Estimated completion time: 0.31 hours.

Annual responses: 42,920.

Annual burden hours: 13,305.

Reclamation clearance officer: Robert A. Lopez, 303-236-6769.

Dated: June 5, 1992.

Joe D. Hall,

Deputy Commissioner, Bureau of Reclamation.

[FR Doc. 92-14889 Filed 6-24-92; 8:45 am]

BILLING CODE 4310-09-M

DEPARTMENT OF JUSTICE

Consent Judgment in Action To Enjoin Violation of the Clean Water Act ("CWA")

In accordance with Departmental Policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that a Consent Decree in *United States v. Crown Cork & Seal Co., Inc.*, was lodged with the United States District Court of Massachusetts on June 2, 1992. The Consent Decree, signed by Crown Cork & Seal Co., Inc. ("Crown"), addresses alleged violations at Crown's Lawrence, Massachusetts facility and provides, *inter alia*, for payment of a \$320,000 civil penalty, compliance with the Section 309 of the Clean Water Act ("CWA"), 33 U.S.C. 1311, compliance with the Federal pretreatment standards set forth in 40 CFR 465.44 (canmaking regulations) and local limitations established by the Greater Lawrence Sanitary District ("GLSD"), adoption of strict monitoring and reporting procedures to ensure continued compliance with the applicable standards, and stipulated penalties for violations of the Decree. The penalty amount takes into account the nature and severity of the alleged violations, Crown's adoption of pretreatment modifications that have resulted in compliance with applicable standards, and various litigation risks.

The Department of Justice will receive for thirty (30) days from the date of publication of this notice, written comments relating to the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, Department of Justice, Washington, DC 20530 and should refer to *United States v. Crown Cork & Seal Co., Inc.*, D.O.J. Ref. No. 90-5-1-1-3587.

The Consent Decree may be examined at the Office of the United States Attorney, District of Massachusetts, 1107 J.W. McCormack Federal Bldg., Boston, MA 02109; at the Region I office of the Environmental Protection Agency, John F. Kennedy Federal Bldg., Boston, MA 02203; and the Environmental Enforcement Section, Environment and Natural Resources Division of the Department of Justice, Document Center, 601 Pennsylvania Ave., NW., Washington, DC 20004. A copy of the Consent Decree may be obtained in

person or by mail from the Environmental Enforcement Section Document Center, 601 Pennsylvania Ave., NW., Washington, DC 20004, telephone number (202) 347-2072. In requesting a copy, please enclose a check in the amount of \$5.50 (25 cents per page reproduction charge) payable to Consent Decree Library.

Barry M. Hartman,

Acting Assistant Attorney General, Environment and Natural Resources Division.

[FR Doc. 92-14886 Filed 6-24-92; 8:45 am]

BILLING CODE 4410-01-M

Lodging of Consent Decree United States v. Longoria's Muffler & Brake Shop

In accordance with Departmental Policy, 28 CFR 50.7, 38 FR 19029 (July 17, 1973), notice is hereby given that a Consent Decree in *United States v. Longoria's Muffler & Brake Shop*, Civil Action No. C-90-205, was lodged with the United States District Court for the Southern District of Texas, Corpus Christi Division, on April 10, 1992. This action was brought under Section 203(a)(3)(B) of the Clean Air Act, 42 U.S.C. 7522(a)(3)(B). The Consent Decree provides that the defendant David W. Longoria d/b/a Longoria's Muffler & Brake Shop will pay a civil penalty of \$10,080, and up to \$2,000 for a public information program designed to educate muffler shop personnel in the Corpus Christi area. In addition, the Consent Decree contains provisions for injunctive relief as well as stipulated penalties of \$2,500 for future violations.

For thirty (30) days from the date of publication of this notice, the Department of Justice will receive written comments relating to the Consent Decree from persons who are not parties to the action. 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. Longoria's Muffler & Brake Shop*, D.O.J. Ref. No. 90-5-2-1-1326.

The Consent Decree may be examined at the Office of the United States Attorney, Southern District of Texas, Suite 1400—West Tower, 606 N. Carancahua, Corpus Christi, Texas 78476; and at the office of the U.S. Environmental Protection Agency, 12345 W. Alameda Parkway, Suite 300, Denver, Colorado 80228.

A Copy of the Consent Decree also may be examined at the Environmental Enforcement Section Document Center, 1521, 601 Pennsylvania Ave., NW., Washington, DC 20004. A copy of the

Consent Decree may be obtained in person or by mail from the Environmental Enforcement Section Document Center. The proposed Consent Decree package consists of a ten page Consent Decree. A request for a copy of the proposed Consent Decree should be accompanied by a check in the amount of \$2.50 (25 cents per page reproduction charge) payable to "Consent Decree Library."

John C. Cruden,

Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 92-14885 Filed 6-24-92; 8:45 am]

BILLING CODE 4410-01-M

Antitrust Division

Notice Pursuant to the National Cooperative Research Act of 1984; Chemical Injection Distribution Systems for Sub-Sea Production Systems; Correction

In notice document 92-815 appearing on page 1493 in the issue of Tuesday, January 14, 1992, in the third column, in the first partial paragraph, in the thirteenth line, "notifications were" should read "notification was" and in the third column, last paragraph, in the ninth line, "78208" should read "78238."

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 92-14951 Filed 6-24-92 8:45 am]

BILLING CODE 4410-01-M

Drug Enforcement Administration

Thomas B. Pelkowski, D.D.S. Revocation of Registration

On January 3, 1992, the Deputy Assistant Administrator of the Drug Enforcement Administration (DEA), Office of Diversion Control, issued to Thomas B. Pelkowski, D.D.S., an Order to Show Cause proposing to revoke Dr. Pelkowski's DEA Certificate of Registration, AP6442658, and to deny any pending applications for renewal of such registration. The Order to Show Cause was first mailed to Dr. Pelkowski at 11132 Baltimore Avenue, Beltsville, Maryland 20705, the address appearing on his registration. The Order was returned to DEA undelivered, with markings indicating that Dr. Pelkowski's had moved and left no forwarding address. A subsequent mailing to an address in Springfield, Virginia, was forwarded to Dr. Pelkowski in Colgate,

Wisconsin, where he failed to respond to the registered mail notification. Ultimately, on May 9, 1992, the Order to Show Cause was delivered to Dr. Pelkowski at 3076 Red Fox Circle, Colgate, Wisconsin 53017. By undated letter received by DEA on June 5, 1992, Dr. Pelkowski acknowledged receipt of the Order to Show Cause and, pursuant to 21 CFR 1301.54(c) and 1301.54(e), waived his opportunity for a hearing on any matters of law or fact involved herein. Accordingly, the Administrator now issues his final order in this matter without a hearing and based on the investigative file. 21 CFR 1301.57.

The Administrator finds that on October 31, 1989, in the United States District Court for the District of Maryland, upon his plea of guilty to one count of a superseding information, Dr. Pelkowski was convicted of conspiring to distribute, and possessing with intent to distribute, cocaine and marijuana, a felony offense relating to controlled substances.

The Administrator further finds that on September 12, 1990, the Maryland State Board of Dental Examiners, having found that Dr. Pelkowski's involvement in the illegal purchase and distribution of cocaine impugned the honesty and integrity of the dental profession, revoked his license to practice dentistry in the State of Maryland and thereby terminated his authority to handle controlled substances under the laws of that state.

Dr. Pelkowski's letter, waiving a hearing in this matter, states simply that he has not prescribed or ordered controlled substances since his license was revoked. He offers no evidence which would explain or mitigate his criminal conduct.

Pursuant to 21 U.S.C. 824(a), the Administrator may revoke a registration if he finds that the registrant has been convicted of a felony relating to controlled substances, has had his state license revoked and is no longer authorized to dispense controlled substances or has committed such acts as would render his registration contrary to the public interest as determined by reference to the factors listed in 21 U.S.C. 823(f). Those factors include the recommendation of the appropriate state licensing board, the applicant's experience in handling controlled substances, his conviction record under laws relating to the distribution of controlled substances, compliance with applicable Federal and state laws relating to controlled substances and such other conduct which may threaten the public health and safety.

Dr. Pelkowski has been convicted of a felony offense relating to controlled substances; his license to practice dentistry has been revoked and his authority to dispense controlled substances has been terminated by an appropriate state professional licensing board; his participation in a conspiracy to possess and distribute controlled substances is without question a violation of Federal and state laws relating to controlled substances, and a threat to the public health and safety. Accordingly, there are lawful bases for the revocation of Dr. Pelkowski's registration and for the denial of any pending applications for renewal thereof.

This agency has consistently held that the lack of a state license requires the revocation of the registrant's DEA Certificate of Registration. See Lawrence R. Alexander, M.D., Docket No. 92-22, 57 FR 22256 (1992); Bobby Watts, M.D., Docket No. 87-71, 53 FR 11919 (1988); Wingfield Drugs, Inc., Docket No. 87-13, 52 FR 27070 (1987), and cases cited therein.

There having been no evidence of mitigation or explanation submitted on behalf of the registrant, the Administrator concludes that Dr. Pelkowski's registration must be revoked.

Accordingly, the Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b), hereby orders that DEA Certificate of Registration, AP6442658, previously issued to Thomas Pelkowski, D.D.S., be, and it hereby is, revoked. The Administrator further orders that any pending applications for renewal of such registration be, and they hereby are, denied. This order is effective June 25, 1992.

Dated: June 19, 1992.

Robert C. Bonner,

Administrator of Drug Enforcement.

[FR Doc. 92-14905 Filed 6-24-92; 8:45 am]

BILLING CODE 4410-09-M

Hugo A. Ramirez, M.D.; Denial of Application; Correction

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Correction.

SUMMARY: In final order document 92-10934 beginning on page 20129, in the issue of Monday, May 11, 1992, make the following corrections:

On page 20129 column 1, the heading "Revocation of Registration" should read "Denial of Application".

In column 2, fifth paragraph, last sentence, the final word "revoked" should read "denied".

Dated: June 19, 1992.

Robert C. Bonner,

Administrator of Drug Enforcement.

[FR Doc. 92-14904 Filed 6-24-92; 8:45 am]

BILLING CODE 4410-09-M

NUCLEAR REGULATORY COMMISSION

Environmental Assessment, Finding of no Significant Impact, and Opportunity for Hearing Related to Amendment of Materials License No. SNM-145; Babcock & Wilcox; Apollo, PA

[Docket No. 70-135]

The United States Nuclear Regulatory Commission (the Commission) is considering issuing an amendment of Materials License No. SNM-145, held by Babcock & Wilcox (B&W) to authorize the decommissioning activities in the Babcock & Wilcox Decommissioning Plan, Revision 2, submitted May 11, 1992, and supplemented by letters dated May 19, 1992; May 22, 1992; and June 11, 1992.

Summary of Environmental Assessment

Identification of the Proposed Action

By its August 30, 1991, letter, B&W submitted a specific decommissioning plan to supersede its general decommissioning plan submitted as an enclosure to letter dated February 17, 1978. Revisions No. 1 and 2 of the specific decommissioning plan were submitted as enclosures to letters dated March 20, 1992, and May 11, 1992, respectively. Supplemental information to the May 11, 1992 submittal, was approved in letters dated May 19, 1992; May 22, 1992; and June 11, 1992.

The B&W Apollo facility was originally used for the manufacturing of nuclear fuel under License No. SNM-145. The facility operated as a nuclear fuel fabrication facility from 1957 until 1983. Decommissioning of inactive portions of the facility was started in 1978 and has continued through 1991. Since 1991, B&W has been undertaking the final activities that are intended to lead to the cleanup of the site to NRC requirements and the release of the site for unrestricted use. B&W requested that its license be terminated in a letter dated April 15, 1992.

Among the proposed activities discussed in the plan are the digging and removal of significant quantities of uranium contaminated soil, the deconstruction of the B&W structures,

and the crushing of large bulk materials for the purpose of better sampling to determine radioactive content. These activities will be conducted when they have been reviewed by the NRC, determined to be acceptable, and approved by modification of license conditions.

The Need for the Proposed Action

B&W does not plan any manufacturing or processing at its Apollo facility and wants to terminate the license and withdraw from NRC-licensed activities at the site. The termination of the license would require the decontamination and decommissioning of the facility and site to the point where it could be released for unrestricted use according to NRC requirements.

Environmental Impacts of the Proposed Action

The NRC has evaluated the impacts of remediating the Apollo site so that it can be released for unrestricted use and has determined that there will be no significant impact. All material contaminated in excess of NRC limits will be removed from the site. The radiological impacts from releases to air and water during site remediation were evaluated based on projected releases obtained from historical data and from permitted discharges. The results of this analysis showed that the total effective dose equivalent (TEDE) associated with airborne releases was 1.5 mrem to the maximum exposed individual. This is approximately 0.5 percent of the average annual dose to an Apollo resident from natural background radiation (300 mrem). This analysis also showed that the total effective dose equivalent (TEDE) for liquid release associated with site remediation was 4.9 mrem to the maximum exposed individual. This value represents approximately 1.6 percent of the typical natural background dose for an Apollo Resident. These doses are very small and below regulatory limits.

Prior to free release of the site, post-remediation groundwater samples will be analyzed for gross alpha activity utilizing EPA method 900.0. Initially, uranium concentrations will conservatively be assumed to be the same as gross alpha activity. If, however, the gross alpha concentration of any sample exceeds 30 pCi/l, then the uranium concentration in that sample will be based on an isotopic analysis as determined by alpha spectroscopy. In the event the groundwater is found to contain greater than 30 pCi uranium per liter, the

licensee will remediate the groundwater to below 30 pCi uranium per liter.

The collective doses to the population in a 50-mile (80-km) radius were calculated to be 0.2 person-rem for air releases and 0.43 person-rem for liquid releases. The total population dose associated with transporting waste to Clive, Utah, was calculated to be 1.3 person-rem. These collective doses are acceptably small.

The environmental impact on transportation, socioeconomics, land use, and terrestrial and aquatic species was also examined and determined to be negligible. Minimal impact will be assured by the discharge and environmental monitoring programs required by NRC and Pennsylvania Department of Environmental Resources (PADER).

Conclusion

The assessment indicates that there will be no significant impacts associated with the proposed site cleanup activities. The staff recommends that the proposed action with its associated environmental monitoring program be implemented. Finally, it is recommended that the license be terminated after B&W has completed the proposed action and collected the data to show that the site meets the release standards and these data and conclusions have been independently reviewed and accepted by the NRC.

Alternative to the Proposed Action

The "no action" alternative would involve not cleaning up the site at the present time. This alternative is not considered practical since B&W has elected to cease operations at the site and to seek license termination.

Another alternative would be to apply different cleanup standards to the site. The soil cleanup standards are consistent with standards NRC has applied to the cleanup of other sites, and there is no basis for applying more restrictive soil cleanup standards. The standard that is being applied to groundwater is no greater than 30 pCi uranium per liter, which provides approximately the same level of lifetime radiological risk for cancer mortality as does 4 mrem per year beta-gamma irradiation of the total body. Also, for the enriched uranium at B&W's Apollo site, 30 pCi uranium per liter is a small fraction of the level below which adverse non-carcinogenic (chemical toxicity) health effects are not anticipated to occur. There is no basis for applying more restrictive groundwater standards.

Alternate soil decontamination methods using chemical or mechanical

means were considered, but there is no laboratory or industrial scale experience that would suggest that chemical or mechanical methods could achieve the desired level of soil cleanup for the Apollo site.

The NRC staff also examined the details of the proposed action searching for alternative methods for implementing the basic digging, deconstruction, and crushing strategy.

No alternatives were identified that warranted investigation given the minimal impacts of the proposed action.

Agencies and Persons Contacted

The NRC staff held discussions with the Pennsylvania Department of Environmental Resources.

Finding of No Significant Impact

Based on the NRC staff's Environmental Assessment, the Commission has determined not to prepare an Environmental Impact Statement and has determined that a Finding of No Significant Impact is appropriate.

Opportunity for a Hearing

Any person whose interest may be affected by the issuance of this amendment may file a request for a hearing. Any request for hearing must be filed with the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555, within 30 days of the publication of this notice in the *Federal Register*; be served on the NRC staff (Executive Director for Operations, if by U.S. Postal Service to U.S. Nuclear Regulatory Commission, Washington, DC 20555, or deliver directly to One White Flint North, 11555 Rockville Pike, Rockville, MD 20852); on the licensee Babcock & Wilcox, ATTN: Mr. Berne L. Haertjens, Manager, Technical Control, Pennsylvania Nuclear Service Operations, 609 North Warren Avenue, Apollo, Pennsylvania 15613; and must comply with the requirements for requesting a hearing set forth in NRC regulation, 10 CFR part 2, subpart L, "Informal Hearing Procedures for Adjudications in Materials and Operator Licensing Proceedings." These requirements, which the requestor must describe in detail, are:

1. The interest of the requestor in the proceeding;
2. How that interest may be affected by the results of the proceeding, including the reasons why the requestor should be permitted a hearing;
3. The requestor's areas of concern about the licensing activity that is the subject matter of the proceeding; and

4. The circumstances establishing that the request of hearing is timely, that is, filed within 30 days of the date of this notice.

In addressing how the requestor's interest may be affected by the proceeding, the request should describe the nature of the requestor's right under the Atomic Energy Act of 1954, as amended, to be made a party to the proceeding; the nature and extent of the requestor's property, financial, or other (i.e., health, safety) interest in the proceeding; and the possible effect of any order that may be entered in the proceeding upon the requestor's interest. The B&W request letter dated April 15, 1992, and the May 11, 1992 letter enclosing the Apollo Decommissioning Plan, Revision 2 (with supplemental information dated May 19, 1992; and June 11, 1992), and the NRC staff's environmental assessment are available for public inspection and copying at the Commission's Public Document Room, The Gelman Building, 2120 L Street NW., Washington, DC 20555, and the Local Public Document Room at the Apollo Memorial Library, 219 N. Pennsylvania Avenue, Apollo, Pennsylvania, 15613.

Dated at Rockville, Maryland, this 18th day of June 1992.

For the Nuclear Regulatory Commission.

John W.N. Hickey,

Chief, Fuel Cycle Safety Branch, Division of Industrial and Medical Nuclear Safety, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 92-14977 Filed 6-24-92; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-30805; File No. SR-NASD-92-20]

Self-Regulatory Organizations; Filing and Immediate Effectiveness of Proposed Rule Change by National Association of Securities Dealers, Inc., Relating to the Rescission of a Fee for Form 211 Filings

June 15, 1992.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on May 13, 1992, the National Association of Securities Dealers, Inc. ("NASD" or "Association") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the NASD. The NASD has designated this proposal as one relating to a due, fee or other charge under section 19(b)(3)(A)(ii) of the Act

and subsection (e) of SEC Rule 19b-4, which renders the rule effective upon the Commission's receipt of this filing. 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

Below is the text of the proposed rule change. The proposed rule change would delete section 15 to Schedule A of the NASD By-Laws. Proposed deletions are in brackets.

Schedule A

[Section 15—Fee for Filing Form 211

Each member submitting information to the NASD on Form 211 shall pay a fee of \$200.]

I. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the NASD 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 NASD has prepared summaries, set forth in Sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

On December 26, 1991, the NASD filed with the SEC a proposed rule change ("SR-NASD-91-71") to amend Schedule A of the NASD By-Laws to require members filing a Form 211 with the NASD to pay a fee of \$200. SR-NASD-91-71 was filed pursuant to section 19(b)(3)(A)(ii) of the Act and subsection (e) of SEC Rule 19b-4 as an amendment imposing a due, fee or other charge and was implemented by the NASD on January 2, 1992.¹ Members are required to file the Form 211 with the NASD before initiating or resuming quotes for security in an interdealer quotation medium. Form 211 is designed to elicit information as demonstrate to the NASD that the member has in its possession the information required under SEC Rule 15c2-11 relating to the

¹ Securities Exchange Act Release No. 30145 (January 2, 1992), 57 FR 946 (January 9, 1992).

securities of an issuer that the member wishes to quote.

The NASD is proposing to rescind the Form 211 fee. In connection therewith, the NASD is also proposing to refund all Form 211 fees previously collected. The NASD believes that although the impact of the fee is neutral between market makers in OTC Bulletin Board, National Quotation Bureau Pink Sheet, and other non-Nasdaq quotation medium securities, the fee is unnecessarily controversial to the market making members who are generally accustomed to mutualized fees. Therefore, the NASD has determined to rescind the fee.

The NASD believes that the proposed rule change is consistent with the provisions of section 15A(b)(5) of the Act. Section 15A(b)(5) requires that the rules of the Association provide for the equitable allocation of reasonable dues, fees, and other charges among issuers and other persons using any facility or system that the Association operates or controls.

B. Self-Regulatory Organization's Statement on Burden on Competition

The NASD does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Auction

The foregoing rule change become effective upon filing pursuant to section 19(b)(3)(A)(ii) of the Act and subparagraph (e) of Rule 19b-4 thereunder in that it relates to a fee imposed by a self-regulatory organization.

At any time within 60 days of the filing of a rule change pursuant to section 19(b)(3)(A) of the Act, the Commission may summarily abrogate the rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions

should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to the file number in the caption above and should be submitted by July 16, 1992.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30-3(a)(12).

Margaret H. McFarland,
Deputy Secretary.

FR Doc. 92-14962 Filed 6-24-92; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-30811; File No. SR-NASD-91-58]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by National Association of Securities Dealers, Inc., Relating to Standards for Partnerships in the NASDAQ/NMS

June 15, 1992.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78b(1), notice is hereby given that on May 11, 1992, the National Association of Securities Dealers, Inc. ("NASD" or "Association") filed with the Securities and Exchange Commission ("SEC" or "Commission") an amendment to the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the NASD.¹ The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

¹ The NASD filed SR-NASD-91-58 on November 5, 1991. On February 28, 1992 the NASD filed Amendment No. 1 which completely replaced and superseded the original rule filing. At the request of the Commission, the NASD filed Amendment No. 2 on May 11, 1992, which amended the proposal to add a provision concerning conflicts of interest. See letter to Suzanne E. Rothwell, Associate General Counsel, NASD, from Kathryn V. Natale, Assistant Director, Division of Market Regulation, SEC, dated March 24, 1992. The proposed rule change set forth herein is complete and reflects all amendments made to date. Copies of this filing and amendments thereto are available for inspection and copying in the Public Reference room.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Below is the text of the proposed rule change to part III of schedule D to the NASD By-Laws. Proposed new language is italicized.

Amendments to Schedule D to NASD By-Laws Part III

Sec. 5 Non-Quantitative Designation Criteria For Issuers Excepting Partnerships

Sec. 6. Non-Quantitative Designation Criteria for Issuers That Are Partnerships

(a) Applicability

No provision of this section 6 shall be construed to require any foreign issuer that is a partnership to do any act that is contrary to a law, rule, or regulation of any public authority exercising jurisdiction over such issuer or that is contrary to generally accepted business practices in the issuer's country of domicile. The Association shall have the ability to provide exemptions from applicability of these provisions as may be necessary or appropriate to carry out this intent.

(b) Distribution of Annual and Interim Reports (1) Each NASDAQ/NMS issuer that is a partnership shall distribute to limited partners copies of an annual report containing audited financial statements of the partnership. The report shall be distributed to limited partners within a reasonable period of time after the end of the partnership's fiscal year end and shall be filed with the Association at the time it is distributed to limited partners.

(2) (i) Each NASDAQ/NMS issuer that is a partnership which is subject to SEC Rule 13a-13 shall make available copies of quarterly reports including statements of operating results to limited partners either prior to or as soon as practicable following the partnership's filing of its Form 10-Q with the Securities and Exchange Commission. Such reports shall be distributed to limited partners if required by statute or regulation in the state in which the partnership is formed or doing business or by the terms of the partnerships limited partnership agreement. If the form of such quarterly report differs from the Form 10-Q, the issuer shall file one copy of the report with the Association in addition to filing its Form 10-Q pursuant to section 1(c)(12) of part II. The statement of operations contained in quarterly reports shall disclose, at a minimum, any substantial items of an unusual or

nonrecurrent nature and net income before and after estimated fiscal income taxes or net income and the amount of estimated federal taxes.

(ii) Each NASDAQ/NMS issuer that is a partnership which is not subject to SEC Rule 13a-13 and which is required to file with the Securities and Exchange Commission, or another federal or state regulatory authority, interim reports relating primarily to operations and financial position, shall make available to limited partners reports which reflect the information contained in those interim reports. Such reports shall be distributed to limited partners if required by statute or regulation in the state in which the partnership is formed or doing business or by the terms of the partnership's limited partnership agreement. Such reports shall be distributed to limited partners either before or as soon as practicable following filing with the appropriate regulatory authority. If the form of the interim report provided to limited partners differs from that filed with the regulatory authority, the issuer shall file one copy of the report to limited partners with the Association in addition to the report to the regulatory authority that is filed with the Association pursuant to section 1(c)(12) of part II.

(C) Corporate General Partner/ Independent Directors

Each NASDAQ/NMS issuer that is a partnership shall maintain a corporate general partner or co-general partner, which shall have the authority to manage the day-to-day affairs of the partnership. Such corporate general or co-general partner shall maintain two independent directors on its board of directors. An issuer that is a partnership may be designated for inclusion in NASDAQ/NMS upon demonstrating that it has one independent director and undertaking to elect a second such director within 12 months of designation. For purposes of this section, "independent director" shall mean a person other than an officer or employee of the company or its subsidiaries or any other individual having a relationship which, in the opinion of the board of directors, would interfere with the exercise of independent judgment in carrying out the responsibilities of a director.

(d) Audit Committee

The corporate general partner or co-general partner of each NASDAQ/NMS issuer that is a partnership shall establish and maintain an Audit

Committee, a majority of the members of which shall be independent directors.

(e) Partner Meetings

A NASDAQ/NMS issuer that is a partnership shall not be required to hold an annual meeting of limited partners unless required by statute or regulation in the state in which the partnership is formed or doing business or by the terms of the partnership's limited partnership agreement.

(f) Quorum

In the event that a meeting of limited partners is required pursuant to paragraph (e), the quorum for such meeting shall be not less than 33-1/3 percent of the limited partnership interests outstanding.

(g) Solicitation of Proxies

In the event that a meeting of limited partners is required pursuant to paragraph (e), the issuer shall provide all limited partners with proxy or information statements and if a vote is required shall solicit proxies thereon.

(h) Listing Agreement

Each NASDAQ/NMS issuer that is a partnership shall execute a Listing Agreement in the form designated by the Association.

(i) Conflicts of Interest

Each NASDAQ/NMS issuer which is a partnership shall conduct an appropriate review of all related party transactions on an ongoing basis and shall utilize the Audit Committee or a comparable body for the review of potential material conflict of interest situations where appropriate.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis, for, the Proposed Rule Change

In its filing with the Commission, the NASD 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 NASD 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 Purposes of, and Statutory Basis for, the Proposed Rule Change

In 1988, the NASD considered the need to adopt non-quantitative designation criteria for limited partnerships to provide certain

protections for investors of publicly-traded partnerships analogous to those enjoyed by shareholders of corporations quoted on the NASDAQ National Market System ("NASDAQ/NMS"). NASD action on these proposals was not taken at that time due to the relatively small number of partnerships that list and trade on NASDAQ/NMS. In conjunction with the NASD's recent review of abusive practices in partnership reorganizations, the NASD again reviewed the issue of non-quantitative designation criteria for partnerships and believes it is now appropriate that limited partners of partnerships listed on NASDAQ/NMS enjoy corporate governance standards similar to the standards provided to corporate shareholders of companies listed on NASDAQ/NMS, such as independent directors, annual and interim reports, an audit committee and provisions for annual meetings.

The NASD proposes that partnerships on NASDAQ/NMS that are subject to Rule 13a-13 of the Act be required to distribute an annual report containing audited financial statements to limited partners. The report would be required to be distributed within a reasonable period of time after the close of the partnership's fiscal year and filed simultaneously with the NASD.

The NASD proposes that partnerships on NASDAQ/NMS subject to Rule 13a-13 of the Act be required to make available copies of quarterly reports including statements of operating results to limited partners either prior to or as soon as practicable following the partnership's filing of its Form 10-Q with the Commission. As proposed, the statement of operations contained in such a quarterly report would be required to disclose, at a minimum, any substantial items of an unusual or nonrecurrent nature and net income before and after estimated federal income taxes, or net income and the amount of estimated federal taxes. The NASD proposes that if the form of the quarterly reports differs from the Form 10-Q, that the partnership file, in addition to the Form 10-Q, one copy of the quarterly report with the NASD. The NASD proposes that such quarterly reports be distributed to limited partners if required by state law or regulation wherein the partnership is formed or doing business, or if the partnership's limited partnership agreement requires such distribution. The NASD proposes that partnerships on NASDAQ/NMS, that are not subject to Rule 13a-13 of the Act but are required to file with the Commission or other federal or state regulatory authority interim reports (relating primarily to the operations and

the financial position of the partnership), be required to make available to limited partners a report that reflects the information in the filed, interim reports. If the report to limited partners differs from the interim report filed with the regulatory authority, then the NASD proposes that the partnership be required to file with the NASD a copy of the report sent to the limited partners as well as the interim report filed with the appropriate regulatory authority. As proposed, the NASD would also require such reports to be distributed to limited partners if distribution is required by state statute or regulation wherein the partnership is formed or doing business, or required by the terms of the partnership's limited partnership agreement. If such distribution is so required, then the NASD proposes that the reports be distributed to limited partners either before or as soon as practicable following the filing with the appropriate regulatory authority. The NASD proposes that partnerships on NASDAQ/NMS would be required to establish a corporate general partner or corporate co-general partner² and to have two independent directors on the board of the corporate general partner. The NASD also proposes that an audit committee be required for a partnership on NASDAQ/NMS and that a majority of the members of such audit committee be required to be independent directors. For purposes of this section, "independent director" shall mean a person other than an officer or employee of the company or its subsidiaries or any other individual having a relationship which, in the opinion of the board of directors, would interfere with the exercise of independent judgment in carrying out the responsibilities of a director.

Further, the proposed rule change specifies that the corporate general partner or co-general partner, that has the independent directors and the audit committee must have the authority to manage the day-to-day affairs of the limited partnership.

The NASD also proposes that partnerships can be admitted to NASDAQ/NMS upon the election of a single independent director to the board of the corporate general partner, provided they undertake to obtain a second independent director within a 12-month period.

The NASD proposes that partnerships would not generally be required to hold annual meetings unless a statute or

² A corporate co-general partner indicates the presence of another general partner individual or a general partnership entity.

regulation in the state in which the partnership is formed or is doing business requires a meeting or the partnership's limited partnership agreement prescribes meeting requirements. In the event of a meeting a quorum of 33 1/3 percent of the limited partnership interests outstanding would be required, and proxy materials or information statements would be required to be distributed. If a meeting of the partnership is required either by state law, state regulation, or the partnership's limited partnership agreement, the NASD proposes that the partnership be required to provide all limited partners with proxy or information statements. In addition, if a vote is required by the above cited state law or regulation, or the partnerships limited partnership agreement, then it is proposed that proxies be required to be solicited thereon.

The NASD proposes to include a "conflict of interest" provision that requires each NASDAQ/NMS issuer which is a partnership to conduct an appropriate review of all related party transactions on an ongoing basis and to utilize the Audit Committee or a comparable body for the review of potential material conflict of interest situations where appropriate.

The NASD also proposes that the proposed rule change be effective 6 months following SEC approval to provide time for current NASDAQ/NMS companies to come into compliance with the proposed rule change.

The NASD believes that the proposed rule change is consistent with section 15A(b)(6) of the Act.³ In the pertinent part, section 15A(b)(6) requires that the Association's rules be designed to prevent fraudulent and manipulative acts and practices, to remove impediments and to perfect the mechanism of a free and open market, and in general to protect investors in the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The NASD does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act as amended.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the *Federal Register* or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

A. By order approve such proposed rule change, or

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 Room. Copies of such filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to the file number in the caption above and should be submitted by July 16, 1992.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30-3(a)(12).

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92-14983 Filed 6-24-92; 8:45 am]

BILLING CODE 8010-01-M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Midwest Stock Exchange, Incorporated

June 19, 1992.

The above named national securities exchange has filed applications with the Securities and Exchange Commission ("Commission") pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and rule 12f-1 thereunder for

unlisted trading privileges in the following securities:

Intervisual Book, Inc.

Common Stock, \$.01 Par Value (File No. 7-8645)

Latin American Discovery Fund, Inc.

Common Stock, \$.01 Par Value (File No. 7-8646)

Digitran Systems Incorporated

Common Stock, \$.01 Par Value (File No. 7-8647)

Riverwood International Corporation

Common Stock, \$.01 Par Value (File No. 7-8648)

Westmoreland Coal Company

Common Stock, \$2.50 Par Value (File No. 7-8649)

Emerging Markets Telecommunications Fund

Common Stock, \$.001 Par Value (File No. 7-8650)

Hyperion 1999 Term Trust, Inc.

Common Stock, \$.01 Par Value (File No. 7-8651)

Cone Mills Corporation

Common Stock, \$.10 Par Value (File No. 7-8652)

Hilb Rogal & Hamilton Co.

Common Stock, No Par Value (File No. 7-8653)

These securities are listed and registered on one or more other national securities exchange and is reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before July 13, 1992, written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such application is consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 92-14985 Filed 6-24-92; 8:45 am]

BILLING CODE 8010-01-M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Philadelphia Stock Exchange, Incorporated

June 19, 1992.

The above named national securities exchange has filed applications with the

³ 15 U.S.C. 78o-3.

Securities and Exchange Commission ("Commission") pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder for unlisted trading privileges in the following securities:

- General Instruments Corp.
Common Stock, \$0.01 Par Value (File No. 7-8634)
- Dr. Pepper Company
\$1.375 Preferred Stock Par Value (File No. 7-8635)
- Riverwood International Corporation
Common Stock, \$0.01 Par Value (File No. 7-8636)
- MacFrugal's Bargains Close-Outs, Inc.
Common Stock, \$0.02778 Par Value (File No. 7-8637)
- Intervisual Books, Inc.
Common Stock, No Par Value (File No. 7-8638)
- Westmoreland Coal Company
Common Stock, \$2.50 Par Value (File No. 7-8639)
- Latin American Discovery Fund, Inc.
Common Stock, \$0.01 Par Value (File No. 7-8640)
- Praxair, Inc.
When Issued Common Stock, \$0.01 Par Value (File No. 7-8641)
- Hyperion 1999 Term Trust, Inc.
Common Stock, \$0.01 Par Value (File No. 7-8642)
- Cone Mills Corporation
Common Stock, \$1.00 Par Value (File No. 7-8643)
- Emerging Markets Telecommunications Fund, Inc.
Common Stock, \$0.001 Par Value (File No. 7-8644)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before July 13, 1992, written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, 450 5th Street, N.W., Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,
Secretary.

[FR Doc. 92-14986 Filed 6-24-92; 8:45 am]

BILLING CODE 8010-01-M

Issuer Delisting; Application to Withdraw from Listing and Registration; (Mitchell Energy & Development Corp., Common Stock, \$1.10 Par Value) File No. 1-6959

June 19, 1992.

Mitchell Energy & Development Corp. ("Company") has filed an application with the Securities and Exchange Commission ("Commission"), pursuant to section 12(d) of the Securities Exchange Act of 1934 ("Act") and rule 12d2-2(d) promulgated thereunder, to withdraw the above specified security from listing and registration on the American Stock Exchange, Inc. ("Amex").

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

According to the Company, in addition to being listed on the Amex, its common stock is listed on the New York Stock Exchange, Inc. ("NYSE"). The Company's common stock commenced trading on the NYSE at the opening of business on May 20, 1992 and concurrently therewith such stock was suspended from trading on the Amex.

In making the decisions to withdraw its common stock from listing on the Amex, the Company considered the direct and indirect costs and expenses attendant on maintaining the dual listing of its common stock on the NYSE and on the Amex. The Company does not see any particular advantage in the dual trading of its stock and believes that dual listing would fragment the market for its common stock.

Any interested person may, on or before July 13, 1992 submit by letter to the Secretary of the Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, DC 20549, facts bearing upon whether the application has been made in accordance with the rules of the exchanges and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,
Secretary.

[FR Doc. 92-14984 Filed 6-24-92; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF STATE

[Public Notice 1638]

Advisory Committee on International Communications and Information Policy; Meeting

The Department of State announces that the Advisory Committee on International Communications and Information Policy will hold an open meeting on July 16, 1992, from 9:30 a.m. to 1 p.m. in room 1912, Department of State, 2201 C Street, N.W., Washington, DC.

The Advisory Committee deals with issues of international communications and information policy, especially as the issues involve users of information and communications services, providers of such services, technology research and development, foreign industrial and regulatory policy, and the activities of international organizations with regard to the development of communications and information policy.

This meeting will deal with two issues:

1. Final approval of the Committee's report entitled "Study of International Financing of Telecommunications" and,
2. Consideration of a draft report by the Committee's Blue Ribbon Panel on Telecommunications in the Commonwealth of Independent States.

Members of the general public may attend the meeting and join in the discussion, subject to the instructions of the Chairman. Admittance of public members will be limited to the seating available. In that regard, entrance to the Department of State building is controlled and individual building passes are required for each attendee. Arrangements must be made in advance of the meeting. Prior to the meeting, persons who plan to attend should so advise Ms. Rebecca Boothby, Department of State, Washington, DC; telephone 202-647-5220, by providing their name, title, company name, social security number and date of birth. All attendees must use the C Street entrance to the building.

Dated: June 15, 1992.

Bohdan Bulawka,

Executive Secretary, Advisory Committee on International Communications & Information Policy.

[FR Doc. 92-14950 Filed 6-24-92; 8:45 am]

BILLING CODE 4710-07-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[Order 92-6-34, Docket 47709]

Application of USAfrica Airways, Inc. for Issuance of Certificate Authority

AGENCY: Department of Transportation.
ACTION: Notice of Order to Show Cause.

SUMMARY: The Department of Transportation is directing all interested persons to show cause why it should not issue an order (1) finding USAfrica Airways, Inc., fit, willing, and able, and (2) awarding it a certificate of public convenience and necessity to engage in foreign scheduled air transportation of persons, property, and mail between the United States and points in Southern Africa.

DATES: Persons wishing to file objections should do so no later than July 6, 1992.

ADDRESSES: Objections and answers to objections should be filed in Docket 47709 and addressed to the Documentary Services Division (C-55, room 4107), U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590 and should be served upon the parties listed in Attachment A to the order.

FOR FURTHER INFORMATION CONTACT: Ms. Janet A. Davis, Air Carrier Fitness Division (P-56, room 6401), U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590, (202) 366-9721.

Dated: June 19, 1992.

Jeffrey N. Shane,
Assistant Secretary for Policy and Internal Affairs.

[FR Doc. 92-14935 Filed 6-24-92; 8:45 am]

BILLING CODE 4910-62-M

Order to Show Cause Establishing Japan Charter Authorization Procedures

ACTION: Issuance of a show-cause order tentatively establishing new procedures for distribution of charter authorizations for U.S.-Japan flights: Order 92-6-32, Docket 48205.

SUMMARY: U.S. air carriers can operate only 400-450 one-way, charter flights per year between the United States and Japan under the existing charter regime. Three hundred flights may serve any Japanese cities and 100-150 flights may serve any Japanese cities other than Tokyo and Osaka. The exact number of available flights depends on charter operations by Japanese carriers. For the recent charter years, the Department has

conducted annual allocation proceedings to award these flights. Based upon its experience allocating flights since 1986, the Department has tentatively decided that more simplified procedures are warranted and will relieve carriers of an unnecessary regulatory burden.

Specifically, the Department has tentatively decided to allot in advance a portion of the charters available for the 1992/93 charter year to incumbents that have operated an average of 20 flights per year over the past two years in the U.S.-Japan charter market. Allotments would be based on the average of each carrier's operations over the past two years. This would result in advance allotments to Emery Worldwide Airlines of 76 flights, Federal Express, 42 flights, Hawaiian Airlines, 58 flights and Continental Airlines, 28 flights. Irrespective of operations, the total advance allotments would not exceed 350 flights. Moreover, the allotments to scheduled carriers would be adjusted downward to the extent their base operations include general cargo flights or flights in markets where they provide scheduled service. The advance allotments would be subject to forfeiture if 40 percent are not used or committed for use by contract after six months.

The flights not subject to advance allotment (196-246 for the 1992/93 charter year) would be placed in a charter pool for distribution on a first-come, first-served basis. New entrants and *ad hoc* carriers could apply for up to ten flights from the pool each month. After three months, the incumbents could also apply for a similar number of flights. During the last two months of the charter year, there would be no limit as to the number of flights requested. Monthly reports on all charter operations would be required so that the Department can monitor use of the charters.

DATES: Objections and comments are due no later than June 29, 1992. Answers are due no later than July 6, 1992.

ADDRESSES: Objections and comments should be filed in Docket addressed to the Documentary Services Division, U.S. Department of Transportation, 400 Seventh Street, SW., room 4107, Washington, DC 20590 and served on all parties on the service list to the order and on Robert Goldner, room 9216.

Dated: June 18, 1992.

Patrick V. Murphy, Jr.,
Deputy Assistant Secretary for Policy and Internal Affairs.

[FR Doc. 92-14934 Filed 6-24-92; 8:45 am]

BILLING CODE 4910-62-M

Federal Aviation Administration

Intent to Rule on Application to Impose a Passenger Facility Charge (PFC) at Midland International Airport, Midland, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on application.

SUMMARY: The FAA proposes to rule and invites public comments on the application to impose a PFC at Midland International Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101-508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

DATES: Comments must be received on or before July 27, 1992.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate copies to the FAA at the following address: Mr. Williams Perkins, Planning and Programming Branch, ASW-610D, Airports Division, Southwest Region, Fort Worth, Texas 76193-0611.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Ken Day, Director of Aviation, City of Midland at the following address: Midland International Airport, City of Midland, P.O. Box 60305, Midland, Texas 79711.

Comments from air carriers and foreign air carriers may be in the same form as provided to the city of Midland, Midland International Airport, under § 158.23 of part 158.

FOR FURTHER INFORMATION CONTACT: Mr. William Perkins, Federal Aviation Administration, Planning and Programming Branch, ASW-610D, Airports Division, Southwest Region, Fort Worth, Texas 76193-0611, (817) 624-5979.

The application may be reviewed in person at this same location

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comments on the application to impose a PFC at Midland International Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101-508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

On June 16, 1992, the FAA determined that the application to impose a PFC submitted by the city of Midland was substantially complete within the requirements of § 158.25 of part 158. The

FAA will approve or disapprove the application, in whole or in part, no later than October 13, 1992.

The following is a brief overview of the application.

Level of the proposed PFC: \$3.00
Proposed charge effective date: January 1, 1993

Proposed charge expiration date:
January 1, 2013

Total estimated PFC revenue:
\$35,529,521.00

Brief description of proposed project(s):

Rehabilitate/Reconstruct Airfield Taxiways
Reconstruct/Rehabilitate North and South Aprons
Reconstruct Runway 4-22
Rehabilitate Runway 16L-34R Pavement
Construct Air Cargo Taxiway
Extend Runway 10-28 and Taxiway A
Construction of a New Terminal Building, Concourse and Related Improvements

Bond Financing and Related Cost.

Proposed class or classes of air carriers to be exempted from collecting PFC's: Part 135 Air Charter Operators who operate aircraft with a seating capacity of less than 10 passengers

Any person may inspect the application in person at the FAA office listed above under "FOR FURTHER INFORMATION CONTACT" and at the FAA regional Airports office located at: Federal Aviation Administration, Airports Division, Planning and Programming Branch, ASW-610, 4400 Blue Mound Road, Fort Worth, Texas 76193-0611.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the city of Midland. Issued in Fort Worth, Texas on June 16, 1992.

Hugh W. Lyon,

Assistant Manager, Airports Division.

[FR Doc. 92-14918 Filed 6-24-92; 8:45 am]

BILLING CODE 4910-13-M

Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 3171 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

Internal Revenue Service

OMB Number: New.

Form Number: None.

Type of Review: New collection.

Title: Focus Groups on Unnecessary Filers: Letter Recipients and Pension Withholders.

Description: In January, the IRS sent a letter to "unnecessary filers" to help them determine if they needed to file a tax return. The IRS needs to gather their reactions to the letter. The IRS also needs to talk to those who filed only to receive all of their pension withholding. The IRS hopes to obtain a better understanding of why unnecessary filing occurs, and to decrease the practice.

Respondents: Individuals or households.

Estimated Number of Respondents:
1,800.

Estimated Burden Hours Per Respondent: 17 minutes.

Frequency of Response: Other (One-time Focus Groups).

Estimated Total Reporting Burden: 510 hours.

Clearance Officer: Garrick Shear, (202) 535-4297, Internal Revenue Service, Room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224.

OMB Reviewer: Milo Sunderhauf, (202) 395-6880, Office of Management and Budget, room 3001, New Executive Office Building, Washington, DC 20503.

Dale A. Morgan,

Departmental Reports, Management Officer.

[FR Doc. 92-14900 Filed 6-24-92; 8:45 am]

BILLING CODE 4830-01-M

Public Information Collection Requirements Submitted to OMB for Review

Date: June 19, 1992.

The Department of Treasury has made revisions and resubmitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer Listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer,

Department of the Treasury, room 3171 Treasury Annex, 1500 Pennsylvania Avenue NW., Washington, DC 20220.

Internal Revenue Service

OMB Number: 1545-0970.

Form Number: IRS Form 8453-P.

Type of Review: Resubmission.

Title: U.S. Partnership Declaration and Signature for Electronic/Magnetic Media Filing.

Description: This form is used to secure the general partners' signature and declaration in conjunction with the electronic/magnetic media filing program. This form, together with the electronic/magnetic media transmission, will comprise the partnership's return.

Respondents: Businesses or other for-profit, Small businesses or organizations.

Estimated Number of Respondents/Recordkeepers: 500.

Estimated Burden Hours Per Respondent/Recordkeeper:

Recordkeeping 7 minutes.
Learning about the law or the form 5 minutes.
Preparing the form 20 minutes.
Copying, assembling, and sending the form to the IRS 17 minutes.

Frequency of Response: Annually.

Estimated Total Reporting/Recordkeeping Burden: 405.

Clearance Officer: Garrick Shear (202) 535-4297, Internal Revenue Service, Room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

OMB Reviewer: Milo Sunderhauf (202) 395-6880, Office of Management and Budget, Room 3001, New Executive Office Building, Washington, DC 20503.

Dale A. Morgan,

Departmental Report, Management Officer.

[FR Doc. 92-14901 Filed 6-24-92; 8:45 am]

BILLING CODE 4830-01-M

Customs Service

Current IRS Interest Rate Used in Calculating Interest on Overdue Accounts and Refunds

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

ACTION: Notice of calculation and interest.

SUMMARY: This notice advises the public of the interest rates for overpayments and underpayments of Customs duties. The rates are 7 percent for overpayments and 8 percent for underpayments for the quarter beginning July 1, 1992. This notice is

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

Date: June 19, 1992.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance

being published for the convenience of the importing public and Customs personnel.

EFFECTIVE DATE: July 1, 1992.

FOR FURTHER INFORMATION CONTACT:

John V. Accetturo, U.S. Customs Service, National Finance Center, Revenue Branch, 6026 Lakeside Boulevard, Indianapolis, Indiana 46278, (317) 298-1308.

SUPPLEMENTARY INFORMATION:

Background

Pursuant to 19 U.S.C. 1502 and Treasury Decision 85-93, published in the Federal Register on May 29, 1985 (50 FR 21832), the interest rate paid on applicable overpayments or underpayments of Customs duties shall be in accordance with the Internal Revenue Code rate established under 26 U.S.C. 6621. Interest rates are determined based on the short-term Federal rate. The interest rate that Treasury pays on overpayments will be the short-term Federal rate plus two percentage points. The interest rate paid to the Treasury for underpayments will be the short-term Federal rate plus three percentage points. The rates will be rounded to the nearest full percentage.

The interest rates are determined by the Internal Revenue Service on behalf of the Secretary of the Treasury based on the average market yield on outstanding marketable obligations of the U.S. with remaining periods to maturity of 3 years or less and are to fluctuate quarterly. The rates are determined during the first month of a calendar quarter and become effective for the following quarter.

The rates of interest for the period of July 1, 1992-September 30, 1992, are 7 percent for payments and 8 percent for underpayments. These rates will remain in effect through September 30, 1992, and are subject to change on October 1, 1992.

Dated: June 18, 1992.

Carol Hallett,

Commissioner of Customs.

[FR Doc. 92-14925 Filed 6-24-92; 8:45 am]

BILLING CODE 4820-02-M

DEPARTMENT OF VETERANS AFFAIRS

Metric Transition Policy

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Department of Veterans Affairs (VA) is:

a. Establishing policies and assigning responsibilities for implementing the metric system of measurement within the Department of Veterans Affairs.

b. Establishing a metric transition plan describing a comprehensive and integrated program to comply with VA policy and the law.

The Omnibus Trade and Competitiveness Act of 1988, which amended the Metric Conversion Act of 1975, requires that each agency of the Federal Government establish guidelines and plans to carry out the policy set forth in the law. The policies and the plan will meet those requirements within the Department of Veterans Affairs.

DATES: Comments or suggestions may be submitted in writing on or before September 23, 1992.

ADDRESSES: Comments or suggestions should be addressed to the Department of Veterans Affairs, Metric Task Group, Office of the Deputy Assistant Secretary for Acquisition and Materiel Management (92A), 810 Vermont Avenue, NW., Washington, DC 20420.

FOR FURTHER INFORMATION CONTACT: Richard W. Echhoff, Department of Veterans Affairs, Office of Acquisition and Materiel Management (92A), telephone (202) 233-4316.

SUPPLEMENTARY INFORMATION:

A. Background

Section 5164 of the Omnibus Trade and Competitiveness Act of 1988 (Pub. L. 100-418, the Act) designates the metric system of measurement as the preferred system of weights and measures for U.S. trade and commerce. The Act requires Federal agencies to use the metric system in procurements, grants, and other business-related activities by a date certain and to the extent economically feasible, the end of Fiscal Year 1992. The Act also requires Federal agencies to establish guidelines and plans to implement fully the metric system of measurement.

B. Purpose

The purpose of this notice is to inform the public (particularly commercial firms doing business with VA) and other Government entities of VA's intent to use the metric system of measurement in its procurements, grants, and other business-related activities, to the extent feasible, by the end of Fiscal Year 1992. VA's commitment stems from the fact that the United States is the only industrially developed nation in the world that has not converted, or taken formal steps to convert, to the metric system. In connection with this fact,

Congress found, in section 5164 of the Act, that:

1. World trade is increasingly geared towards the metric system of measurement.

2. Industry in the United States is often at a competitive disadvantage when dealing in international markets because of its nonstandard measurement system, and is sometimes excluded when it is unable to deliver goods which are measured in metric terms.

3. The inherent simplicity of the metric system of measurement and standardization of weights and measures has led to major cost savings in certain industries which have converted to that system.

4. The Federal Government has a responsibility to develop procedures and techniques to assist industry, especially small business, as it voluntarily converts to the metric system of measurement.

5. The metric system of measurement can provide substantial advantages to the Federal Government in its own operations.

As a Federal Government business manager, VA recognizes the importance of U.S. industries' need to convert to the metric system, particularly for export purposes. The need becomes even more important since the metric system will be the standard measurement system in a single, common European market after 1992.

VA circular titled, Metric Transition Plan and Policy, although an internal Department document, is published with this notice in order to give the public, commercial firms doing business with VA, and other Government entities, maximum opportunity to become aware of how VA is implementing the metric system. VA will consider suggestions or information that may facilitate implementation of the metric system by VA and firms doing business with VA.

VA recommends particularly that commercial firms doing business with VA become familiar with the Act and VA circular with the Metric Transition Plan attached thereto. VA further recommends that the commercial firms actively pursue use of the metric system in their product and service lines and in their other business-related activities.

Approved: May 18, 1992.

Edward J. Derwinski,
Secretary, Department of Veterans Affairs.

Metric Transition Plan and Policy

Circular 00-92-11, May 18, 1992.

1. *Purpose:* This circular establishes policies and assigns responsibilities for

implementing the metric system of measurement within the Department of Veterans Affairs (VA).

2. *General:* a. The Metric Conversion Act of 1975 (Pub. L. 94-168) stated that the policy of the United States shall be to coordinate and plan the increasing use of the metric system in the United States.

b. On August 23, 1988, the President signed the Omnibus Trade and Competitiveness Act of 1988 (Pub. L. 100-418, section 5164), which amended the Metric Conversion Act of 1975 to declare:

(1) That the metric system of measurement is the preferred system of weights and measures for United States trade and commerce.

(2) That each Federal agency, to the extent economically feasible by the end of Fiscal Year 1992, use the metric system of measurement in its procurements, grants, and other business-related activities (unless metric usage is impractical or would have an adverse impact on the market share of U.S. firms).

(3) That agencies seek ways to increase understanding of the metric system of measurement through educational information and guidance in Government publications.

c. Executive Order 12270, Metric Usage in Federal Government Programs, dated July 1991, further emphasizes the intent of the law.

3. *Applicability:* The provisions of this circular apply to all VA components.

4. *Definitions:* a. *Metrication.* Any act that increases the use of the metric system, including metric training and initiation or conversion of measurement-sensitive processes and systems to the metric system.

b. *Metric system.* The International System of Units (Le Systeme International d'Unites (SI)) of the International Bureau of Weights and Measures. Most units VA will use are listed in Federal Standard 376A, Preferred Metric Units for General Use by the Federal Government.

c. *Hard metric.* The use of metric (SI) measurements only in specifications, standards, supplies, and services.

d. *Soft metric.* The mathematical conversion of inch-pound measurements to metric equivalents in specifications, standards, supplies, and services. The physical dimensions are not changed.

e. *Dual dimension.* The use of both inch-pound and metric measurements. For example, an item is designed, produced, and described in inch-pound values with soft metric values also shown for information or comparison purposes.

f. *Hybrid systems.* The use of both inch-pound and hard metric values in specifications, standards, supplies, and services; e.g., an engine with internal parts in metric dimensions and external fittings or attachments in inch-pound dimensions.

5. *Policies:* a. VA will implement the metric system in a manner and on a schedule consistent with the Act.

b. VA will support Federal transition and national conversion to the metric system through participation on the Interagency Council on Metric Policy and on Government/industry subcommittees, working panels, and groups.

c. Administration Heads, Assistant Secretaries, Other Key Officials, and Field Facility Directors will use the metric system in procurements, grants, and other business-related activities consistent with security, operational, economic, technical, logistical, training, and safety requirements.

d. Administration Heads, Assistant Secretaries, Other Key Officials, and Field Facility Directors shall establish an active process for policy level review of any decision not to use metric measurement units.

e. VA will encourage industry in the change to the metric system by acquiring commercially available metric products and services that meet the functional requirements of VA and its customers, so long as competition is maintained. Effective immediately, as a minimum, the following statement is to be included in all procurements that identify measurements in their requirements:

"*Metric Products.* Products manufactured to metric dimensions will be considered on an equal basis with those manufactured using inch-pound units, providing they fall within the tolerances specified using conversion tables contained in the latest revision of Federal Standard No. 376, and all other requirements of this document are met.

If a product is manufactured to metric dimensions and those dimensions exceed the tolerances specified in the inch-pound units, a request should be made to the contracting officer to determine if the product is acceptable.

The contracting officer, in concert with the COTR, will accept or reject the product."

f. VA specifications and standards will be developed in metric when metric is the accepted industry system. Commercially developed metric specifications and internationally or domestically developed voluntary standards using metric will be adopted whenever possible. When metric is not the predominate system used by

suppliers, VA will convert or use hybrid, or dual dimensions during transition. As soon as practical VA expects soft, dual, and hybrid English-metric measurements to be replaced with hard metric measurements.

g. Existing specifications or standards in inch-pound units are to be converted as soon as possible, but no later than the end of its next review cycle or when they are updated under normal conditions.

h. The measurement units in which a system is originally designed may be retained for the life of that system, unless conversion is necessary or advantageous.

i. Bulk (loose, unpackaged) materials normally will be specified and accepted in metric units. Measuring devices, shop, and laboratory equipment should be procured in metric or dual units when possible.

j. Proposals for grants, cooperative agreements, interagency agreements, and contracts submitted after September 1992 are required to use the metric system of weights and measures. Likewise, reports, publications, and communications regarding proposals will be required to use metric.

k. Metric conversion costs will be handled in VA as normal operating expenses rather than as special one-time costs. However, these costs are to be identified to the extent practicable. This includes the cost of metric aids, tools, equipment, and training. Significant cost savings resulting from metric conversion also should be identified to the extent practical.

1. The Deputy Assistant Secretary for Facilities (08) will be responsible for approving exemptions for new construction and renovation projects, in part or total, from the conversion to the metric system of measurements.

m. The Deputy Assistant Secretary for Acquisition and Materiel Management (90) will be responsible for approving exemptions for all categories of items (except new construction and renovation project) and services that require conversion to the metric system of measurement.

n. VA will establish training plans and practices that increase employee awareness and understanding of metric system conversion.

o. New VA Federal Supply Schedule contracts shall encourage industry to provide products made to metric dimensions.

p. The American Federation of Government Employees, National VA Council, informed VA that this circular and the attached Metric Transition Plan

and Policy shall be an appropriate subject for local bargaining.

6. Interagency Coordination:

Interagency coordination of metrication activity within the United States is the function of the following organizations:

a. Interagency Council on Metric Policy (ICMP). The ICMP provides for high-level coordination of metric policy between Federal agencies. The Office of the Deputy Assistant Secretary for Acquisition and Materiel Management (92A) represents VA on this committee.

b. ICMP Metrication Operating Committee (MOC). The MOC coordinates appropriate interagency metrication activities and is composed of Federal agency metric coordinators. The MOC undertakes tasks assigned by the ICMP. The Office of the Deputy Assistant Secretary for Acquisition and Materiel Management (92A) represents VA on this committee.

c. MOC Functional Area Subcommittees. Subcommittees are formed by the MOC to coordinate in specific functional areas and to keep Department officials informed of metric progress being made by industry in those functional areas as it affects Federal activities. MOC subcommittees exist in such functional areas as health care, construction, procurement and supply, transportation, and consumer affairs. VA is represented on the subcommittees by individuals from offices of Administrations, Assistant Secretaries, and Other Key Officials having direct interest in their activities. VA chairs the MOC Health Care Subcommittee.

7. Coordination with the Private Sector: Because the private sector has an essential role in the transition to the use of metric measurements, its needs and capabilities must be considered along with those of the Federal Government. The American National Metric Council (ANMC) and the U.S. Metric Association (USMA) traditionally have been regarded as the principal representatives of private sector metric interests, plans, and conversion actions. Federal agencies, including VA, work closely with the USMA and ANMC to aid in exchanging ideas, plans, and methods needed to fulfill the intent of the Act. Coordination with other private sector organizations involved in metrication activities may be beneficial.

8. Responsibilities: a. The Deputy Assistant Secretary for Acquisition and Materiel Management (90) is designated the Metric Executive and will:

(1) Ensure VA's implementation of the Act.

(2) Represent VA on the ICMP.

(3) Establish VA policy for use of the metric system of measurement, and approve or disapprove deviations from that policy.

(4) Ensure appropriate VA office representation on MOC subcommittees.

(5) Appoint VA Metric Coordinator to serve on the MOC.

(6) Appoint a person to chair the VA Metric Task Group.

(7) Review and approve requests for exemption or delay in implementing metric usage within VA, except for new construction and renovation projects.

(8) Ensure that data on VA's metrication process and problems encountered are collected annually to meet reporting requirements in the Act and imposed by the Secretary.

b. The VA Metric Task Group will formulate metric policy for the approval of the Deputy Assistant Secretary for Acquisition and Materiel Management (90).

c. The Deputy Assistant Secretary for Personnel and Labor Relations (05) will identify and coordinate appropriate metrication training programs for VA employees.

d. The Office of the Assistant Secretary for Public and Intergovernmental Affairs (002) will provide advice and guidance for the preparation and production of all publications and audiovisuals proposed by VA services, Administrations, Assistant Secretaries, and other key offices, to inform other Federal agencies or the public of new uses of the metric system in VA programs. The Office of the Assistant Secretary for Public and Intergovernmental Affairs (002) should be included as a concurring element for the final text of any externally directed communication materials.

e. The Assistant Secretary for Finance and Information Resources Management (004) will include, in annual budget submissions to the Congress, VA's progress report in implementing the metric system, as required by the Act.

f. Administration Heads, Assistant Secretaries, Other Key Officials, and Field Facility Directors will:

(1) Designate an organizational element to monitor metric conversion activities for which they are responsible.

(2) Appoint an individual as their metric coordinator.

(3) Develop metric guidelines applicable to their specific mission and responsibility. Guidelines will be consistent with this circular and interpretations developed by the VA Metric Task Group (see paragraph 10b).

In addition, field directors or personnel officers shall provide local presidents with a copy of this circular, upon their request. Local bargaining

shall take place prior to any implementation on the circular at the facility.

9. Reporting: a. Field facility directors shall submit their reports to the appropriate administration head. Administration heads, Assistant Secretaries, and Other Key Officials shall submit to the Office of Acquisition and Materiel Management (90), by November 1 of each year, a report for the past fiscal year including:

(1) Significant metric information, milestones, or accomplishments.

(2) Significant problems encountered in metric conversion.

(3) Any recommendations regarding VA metric program policy or activities, including actions planned for the current fiscal year to further implement the metric system.

(4) Other relevant information (e.g., see paragraph 5.j.).

b. The VA Metric Coordinator shall consolidate the above reports into an annual VA Metric Report. This report shall be submitted for approval to the Office of the Deputy Assistant Secretary for Acquisition and Materiel Management (90) by December 1 of each year. The Office of the Assistant Secretary for Acquisition and Facilities (005) shall present the final report to the Secretary (00), by January 1 of each year, for submission to Congress as part of VA's annual budget.

c. The reporting shall cease in the year after full implementation of the metric system by VA.

10. Program Operation: a. The VA metric program will be operated through a Metric Task Group, chaired by the VA member of the Interagency Council on Metric Policy, and shall include a Metric Coordinator from the affected Administration Heads, Assistant Secretaries, and Other Key Officials. General guidance for the VA Metric Task Group will be provided by the Office of the Deputy Assistant Secretary for Acquisition and Materiel Management (90), as necessary.

b. The VA Metric Task Group will assist in achieving a uniform and coordinated approach to implementing the requirements of the Act. Guidelines and interpretations will be developed by the group.

11. Implementing Actions: Administration Heads, Assistant Secretaries, Other Key Officials, and Field Facility Directors, in coordination with appropriate officials, shall initiate all actions necessary to implement this circular.

12. Rescission: This circular expires July 1, 1993.

Attachment A—Metric Transition Plan*Introduction*

Section 5164 of the Omnibus Trade and Competitiveness Act of 1988 (Pub. L. 100-418) designates the metric system of measurement as the preferred system of weights and measures for United States trade and commerce. It requires that:

* * * each Federal agency, by a date certain and to the extent economically feasible by the end of Fiscal Year 1992, use the metric system of measurement in its procurements, grants, and other business-related activities, except to the extent that such use is impractical or is likely to cause significant inefficiencies or loss of markets to United States firms. * * *

The law also requires each agency to issue implementing guidelines and to report annually to Congress on actions taken or planned to implement the metric system. A new Department of Veterans Affairs (VA) circular provides the implementing guidelines required by the law.

This plan describes a comprehensive and integrated program to comply with Section 5164 of the Act and the VA circular. The plan is intended as a practical approach to metric transition that is consistent with our role as a Government business manager.

Many of the transition tasks to be accomplished under this plan will, as they progress, make it easier to acquire metric supplies and services. Recognizing our dependence upon the transition efforts of our suppliers, our actions will be closely coordinated with the private sector and should act as a stimulant to industries to increase their competitiveness in the world's metric marketplace. This plan sets forth our overall strategy for metrication, defines general requirements and procedures for transition efforts, and details the tasks to be accomplished by designated VA organizations. Each task description includes a background section on current status and needs, a list of required actions, goals (milestones), and responsibility assignments. The plan will be dynamic in that it will be updated periodically to redefine the tasks when needed, add actions and goals, and to include new tasks as necessitated by the transition activities of other agencies or the private sector.

Metrication Strategy

VA has supported use of the metric system of measurement in its programs since the passage of the Metric Conversion Act of 1975. Because of the voluntary transition efforts emphasis in the original Act, our actions were primarily limited to monitoring industry and procuring metric products meeting

our needs if and when they became available. The move to the metric system by virtually all other countries makes it inevitable that the United States (U.S.) become a metric-based nation. The metric system, specifically the International System of Units (or SI from the French "Le Systeme International de Unites"), is inherently simpler to use than the inch-pound system (often referred to as the English system). The potential benefits to the U.S. of using metric have become more and more apparent. The U.S. must operate in a global and increasingly metric marketplace. Regional economic blocks of metric countries may restrict the acceptance of nonmetric products. A new trade agreement with metric Canada will expand the number of potential customers. Our technical leadership is being challenged by many countries throughout the world. Domestic firms wishing to meet their international customers' desires or requirements will need to change to metric or produce their items in foreign plants.

The new national policy on metric usage necessitates a significant broadening of the scope of our transition efforts. All procurements, grants, and business-related activities are now affected. VA's efforts will be fully integrated with the efforts of the entire Government. In fact, because of our many responsibilities as a Government business manager, it is incumbent on VA to take a major role in metric transition. We must complete our transition by the end of Fiscal Year 1992. Therefore, rather than each VA component implementing metric policy according to its particular needs and resources, an integrated approach is necessary.

Our basic strategy will be to require maximum practical use of the metric system in those medical devices and supplies where VA is the Federal procurement manager and work with our suppliers of other products and services to strongly encourage their transition to predominate metric usage. This policy will encourage our suppliers to adopt the metric system if they have not already done so. The Office of Acquisition and Materiel Management (90) has included the soft metric conversion (i.e., inch-pound to metric equivalent) or a statement that indicates a product made to an equivalent metric measurement would be acceptable in its X-series specifications and Commercial Item Descriptions.

The tasks defined in this plan address metric transition issues affecting all VA. Successful completion of the tasks will facilitate VA's transition to the metric

system. The use of a management information system, regular reviews and periodic reports, and a well planned public affairs program will enable us to define objectives and track accomplishments while obtaining needed support by keeping VA personnel and the public aware of what we are doing and where we are going.

The Deputy Assistant Secretary for Acquisition and Materiel Management (90) is responsible for managing the implementation of this plan. A representative from the Office of the Deputy Assistant Secretary for Acquisition and Materiel Management (92A) is the VA member on the Interagency Council on Metric Policy, the Metric Operating Committee, and also serves as the VA Metric Coordinator.

A VA Metric Task Group will be formed to review, coordinate, and assist in VA's metric transition efforts. The VA Metric Coordinator will be designated to initially chair the task group. An Office of Primary Responsibility (OPR) will be designated for each task. Supporting the OPR will be other components, i.e., Offices of Collateral Responsibility (OCR), having adequate authority and expertise for the actions needed. Ad hoc panels and groups may be established by an OPR, as needed.

The VA Metric Task Group will, based on its review of the task plans, propose measurable VA-wide objectives and target dates. The proposed objectives and dates will be coordinated with the Central Office Administrations, Assistant Secretaries, Other Key Officials, and forwarded by the Deputy Assistant Secretary for Acquisition and Materiel Management (90) to the Secretary (00) in a status report. Significant progress must be made under the tasks before firm target dates can be determined. Additionally, our transition is dependent to an extent on the transition efforts of other agencies and the private sector. The dates must be coordinated with other agencies even if the same date is not used by all agencies. The VA Metric Task Group will recommend a date or, if not possible at that time, identify when the date can be established. Once the date has been established, appropriate changes will be made to existing policies, directives, and procedures to reduce or eliminate barriers to use of the metric system.

General Requirements and Procedures

The general metric transition initiatives and efforts needed to comply with the Act are addressed in the next section as tasks. Each task description includes major milestones or goals.

Unless otherwise indicated, each OPR will prepare a task plan detailing specific efforts, approaches to preparing any required long-term plans, initiation and completion milestones, task group participants that may include other Government and non-Government organizations to be involved, and methods to measure accomplishments.

The task plans will be submitted through the VA Metric Task Group to the Deputy Assistant Secretary for Acquisition and Materiel Management (90) for approval. The task descriptions will be updated to include the major goals cited in the approved task plans.

Tasks will be added, revised, or closed by the Deputy Assistant Secretary for Acquisition and Materiel Management (90), as recommended by the VA Metric Task Group. Minor revisions to the approved task plans may be authorized by the VA Metric Task Group. The VA Metric Task Group will review the progress under each task quarterly, or more often when necessary. Each VA Metric Task Group member will adequately support the metric program within their organization.

The Office of the Deputy Assistant Secretary for Acquisition and Materiel Management (90) will provide management support to the VA Metric Task Group as detailed under Task 1. OPRs will provide brief quarterly progress reports in memorandum format to the Office of the Deputy Assistant Secretary for Acquisition and Materiel Management (90). The annual report to the Congress will be reviewed by the Office of the Assistant Secretary for Acquisition and Facilities (005) based on input from the steering group and OPRs. The report will be prepared by the VA Metric Task Group and approved by the Secretary (00).

Most of the tasks will require close cooperation with other agencies and the private sector. Recognizing that transition is inevitable, it is imperative that actions be planned and executed to ensure that the transition is as efficient and economical as possible.

A common requirement under all tasks will be the identification and elimination of barriers to the procurement or use of metric products. Recommendations for change will be submitted to the VA Metric Task Group (via the Office of the Deputy Assistant Secretary for Acquisition and Materiel Management (90)) for review and concurrence, after which the OPR will forward the recommendations to the cognizant organization for appropriate action. The OPR will inform the Office of the Deputy Assistant Secretary for Acquisition and Materiel Management

(90) if any approved recommendation is not being implemented expeditiously.

Responsibilities

The Office of the Assistant Secretary for Acquisition and Facilities (005) will ensure VA's implementation of the amended metric conversion act.

The Office of the Deputy Assistant Secretary for Acquisition and Materiel Management (90) will:

1. Provide representation on the ICMP.
2. Establish VA policy for use of the metric system of measurement and approve or disapprove deviations from that policy.
3. Ensure appropriate VA office representation on the MOC subcommittees.
4. Provide VA representation on the MOC. The representative will also serve as the VA Metric Coordinator.
5. Provide a person to chair the VA Metric Task Group.

The VA Metric Task Group will formulate metric policy for approval by the Office of the Deputy Assistant Secretary for Acquisition and Materiel Management (90).

The Office of the Deputy Assistant Secretary for Personnel and Labor Relations (05) will:

1. Identify and coordinate appropriate metric-related training programs for VA employees.
2. Devise and implement economical, effective means for informing VA employees of new uses of the metric system within the Department, and for increasing employee understanding of the metric system of measurement.

The Office of the Assistant Secretary for Public and Intergovernmental Affairs (002) will provide advice and guidance for the preparation and production of all publications and audiovisuals proposed by VA services, Administrations, Assistant Secretaries, and Other Key Officials, to inform other Federal agencies or the public of new uses of the metric system in VA programs. The Office of the Assistant Secretary for Public and Intergovernmental Affairs (002) should be included as a concurring element for the final text of any externally directed communications materials.

The Office of the Assistant Secretary for Finance and Information Resources Management (004) will include, in annual budget submissions to the Congress, a report on VA's progress in implementing the metric system pursuant to section 12 of Public Law 100-418 (see paragraph 9).

Applicable Administration Heads, Assistant Secretaries, Other Key Officials, and Field Facility Directors will:

1. Designate an organizational element to monitor metric conversion activities for which they are responsible.
2. Appoint an individual as their metric coordinator.
3. Develop metric guidelines applicable to their specific mission and responsibility. Guidelines will be consistent with this circular and guidelines and interpretations developed by the VA Metric Task Group (see paragraph 10b of the circular).

Tasks

Task 1: Transition Management

Background: Implementation of this plan will require the involvement of organizations throughout VA. The various tasks must be integrated and activities closely monitored. An annual report to the Congress is required. A central source of information is needed to avoid duplicate efforts.

Action Required: 1. Provide management support to the VA Metric Task Group.

2. Assist OPRs.
3. Maintain a reference library of metric transition, Government publications, and related items.
4. Prepare necessary reports.
5. Create and operate a management information system to monitor and report on all tasks.
6. Provide a point of contact for external organizations.
7. Coordinate the receipt of all correspondence from the task groups for the VA Metric Task Group.
8. Establish dates to begin and complete all tasks and goals.

Goals: 1. Activate VA Metric Task Group.

2. Issue VA circular.
3. Issue tasks.

Responsibility: OPR—Deputy Assistant Secretary for Acquisition and Materiel Management (90)

OCR—Office of the General Counsel (02)

VA Metric Task Group

Task 2: Education and Training

Background: Because the law requires agencies to use the metric system in procurements, grants, and other business-related activities, a comprehensive program to educate personnel throughout the Department is needed. Personnel who are required to use metric will receive specific training, as required. Rather than have each component or subordinate organization develop education courses, a common needs package can be developed and used by all appropriate program areas. Metric training courses available from

interagency or the private sector should be considered. It may also be appropriate to provide brochures and briefings to all personnel explaining the metric system and why and how VA is going to use it.

Action Required: 1. Develop and implement a comprehensive metric education program, including information materials and briefings for VA personnel.

2. Work with services to identify specific metric education requirements for skill training programs.

3. Identify metric training courses that may assist VA personnel in the transition to the metric measuring system.

4. Establish dates to begin and complete all tasks and goals.

Goals: 1. Submit task plan to the VA Metric Task Group.

2. Other goals as identified in the task plan.

Responsibility: OPR—Office of the Deputy Assistant Secretary for Personnel and Labor Relations (05).

OCR—To be determined if or when required.

Task 3. Specifications, Standards, and Grants

Background: Specifications and standards currently used by VA may be inch-pound, metric, or nonmeasurement-sensitive. Formal product descriptions (such as VA X-series specifications and Commercial Item Descriptions) prepared by VA include either the soft metric conversion (i.e., inch-pound to metric equivalent) or a paragraph that indicates a product made to an equivalent metric measurement would be acceptable. Priority should be given to the identification and conversion of measurement-sensitive documents to metric. Ideally, the new documents should be hard metric rather than just the soft conversion. The hard metric measurement should be included in purchase descriptions, such as VA prepared specifications, Commercial Item Descriptions, locally used purchase descriptions, documents prepared by the Office of the Deputy Assistant Secretary for Facilities (08), and product descriptions for local procurement by medical center activities, regional offices, and independent outpatient clinics. However, because VA acquires supplies and services commercially, it may be appropriate to soft convert dual inch-pound/metric measurements, or include a statement that will accept metric products meeting the procurement requirements. The transition to metric should be used as an opportunity to adopt commercial metric standards in lieu of preparing new

documents, avoid the proliferation of part sizes, and combine similar documents whenever possible.

Grants are used by VA for various purposes such as research, development, and education, and should also include requirements for hard metric measurements, the soft conversion, or use a statement that would accept a metric measurement in producing the product or report.

Action Required: 1. Identify measurement-sensitive documents with the potential for conversion to metric.

2. Establish projects to convert the documents as quickly as possible.

3. Identify any potential barriers that would prohibit conversion to metric.

4. Develop a reporting media that would monitor progress.

5. Establish dates to begin and complete all tasks and goals.

Goals: 1. Submit task plan to the VA Metric Task Group.

2. Other goals as identified in the task plan.

Responsibility: OPR—Office of the Deputy Assistant Secretary for Acquisition and Materiel Management (90)

OCR—Office of the Assistant Secretary for Finance and Information Resources Management (004)

Office of the Deputy Assistant Secretary for Facilities (08)

Veterans Canteen Service (VCS)

Office of the National Cemetery System (40)

Office of the General Counsel (02)

Task 4. Construction

Background: Construction measurements in the U.S. are made almost totally in inch-pounds. The long life of buildings, dams, factories, etc., means that inch-pound repair parts may be needed for decades after transition. On the other hand, as products to be installed in buildings transition to metric, the construction industry will have to accommodate them. The commercial construction sector already has experience adapting to metric in the design and construction of projects overseas. The export of metric building materials by U.S. companies is very limited, but growing. To satisfy the requirements of the law, VA must work closely with the MOC construction subcommittee and, in turn, with the construction industry in the development of short- and long-range transition plans.

Action Required: 1. Establish a VA metric transition working group responsible for developing, implementing, and monitoring plans in coordination with the MOC Construction Subcommittee.

2. Establish dates to begin and complete all tasks and goals.

Goals: 1. Submit task plan to the VA Metric Task Group.

2. Other goals as identified in the task plan.

Responsibility: OPR—Office of the Deputy Assistant Secretary for Facilities (08)

OCR—Office of the Deputy Assistant Secretary for Acquisition and Materiel Management (90)

External—ICMP Construction Subcommittee

Task 5. Small Businesses

Background: The amended metric conversion act specifies that the Federal Government has a responsibility to develop procedures and techniques to assist industry, especially small businesses, as they voluntarily convert to the metric system. VA must work with other Federal agencies and the States to encourage essential small businesses' transition to the metric system.

Action Required: 1. Develop, implement, and monitor a plan to inform small businesses of the intent of the Act and to assist them in adopting the metric system.

2. Establish dates to begin and complete all tasks and goals.

Goals: 1. Submit task plan to the VA Metric Task Group.

2. Other goals as identified in the task plan.

Responsibility: OPR—Office of Small and Disadvantaged Business Utilization (005SB)

OCR—Office of the Assistant Secretary for Public and Intergovernmental Affairs (002)

Office of the Assistant Secretary for Finance and Information Resources Management (004)

Office of the Assistant Secretary for Human Resources and Administration (006)

Office of the Deputy Assistant Secretary for Acquisition and Materiel Management (90)

Veterans Health Administration (10/13)

Task 6. Internal, Congressional and Public Affairs

Background: Even though Congress established the metric system as the preferred system of measurement, many individuals lack interest in or feel threatened by transition efforts. Some people believe their businesses will be hurt or their jobs put in turmoil. Most opposition is caused by the lack of understanding of the metric system and

how it will be used in and by the Government.

The success of VA's metric transition efforts with VA employees and the private sector is dependent upon how well VA informs them of what the Department is doing, and why. This, in turn, hinges on cooperation among VA Administration Heads, Assistant Secretaries, Other Key Officials, and Field Facility Directors in introducing use of the metric system and informing the private sector of VA's intentions and progress.

Each VA Administration, Assistant Secretary, and Other Key Official has the responsibility of consulting with the Office of the Assistant Secretary for Public and Intergovernmental Affairs (002) at an early stage in introducing a new use of metric or a new metric program to the private sector. At the initial consultation, a program office should provide factual, written explanations of the metric transition change; how VA is introducing the change; what it will mean to client agencies, supplier businesses, the general public, and VA employees; reference materials and where to get them; and contact points for telephone or written inquiries.

The Office of the Assistant Secretary for Public and Intergovernmental Affairs (002) will provide assistance, when requested, in wording metric transition information effectively, shaping it for internal or external audiences, recommending appropriate modes of presentation (news releases, posters, pamphlets, speakers, audiovisuals), and reviewing proposed production of print or visual items and their targeted distribution

Action Required: Each Administration, Assistant Secretary, and Other Key Official, with primary responsibility for a task in the transition plan, should ascertain if coordination with the Office of Public and Intergovernmental Affairs (002) is necessary, and incorporate concurrence procedures within the framework of established VA public and congressional affairs policy.

Goals: Responsible elements should familiarize themselves with existing policies affecting external and internal communications activities to ensure compliance in the process of developing actions for program support.

Responsibility: OPR—Office of the Assistant Secretary for Public and Intergovernmental Affairs (002)

OCR—Office of the Assistant Secretary for Finance and Information Resources Management (004)

Office of the Deputy Assistant Secretary for Personnel and Labor Relations (05)

Office of the General Counsel (02)

Office of the Deputy Assistant Secretary for Acquisition and Materiel Management (90)

Office of Small and Disadvantaged Business Utilization (005SB)

Task 7. VA Metrication Handbook

Background: Acquisition organizations that procure metric supplies and services will face new management challenges caused by the change in measurement units. Some VA systems may mix metric and nonmetric units. The effective control of interfaces among the metric and nonmetric parts requires special management procedures. Program offices must

determine how much of the system will be hard metric, soft metric, dual English/metric, hybrid, or nonmetric; should exceptions be included in the contract or should each require specific approval; what units should be used in technical data, drawings, reports, and briefings; and how were sources of metric parts identified. The lessons learned by organizations experienced in the development and acquisition of metric products should be shared. The creation of a handbook describing potential metrication issues and suggested solutions will be a valuable guide for acquisition offices and will provide consistency in the way they approach metrication. The initial handbook content will be provided by the organization currently managing metric program. Additions will then be provided to keep the handbook current.

Action Required: 1. Develop a metrication handbook for acquisition offices based on experiences of organizations currently acquiring metric supplies and services. Issue revisions to the handbook as required.

2. Establish dates to begin and complete all tasks and goals.

Goals: 1. Submit task plan to the VA Metric Task Group.

2. Other goals as identified in the task plan.

Responsibility: OPR—Office of the Deputy Assistant Secretary for Acquisition and Materiel Management (90).

OCR—VA Metric Task Group.

[FR Doc. 92-13024 Filed 6-24-92; 8:45 am]

BILLING CODE 8320-01-M

Corrections

Federal Register

Vol. 57, No. 123

Thursday, June 25, 1992

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF AGRICULTURE

Forest Service

Oil and Gas Leasing; Custer National Forest; Little Missouri National Grassland; Billings, Golden Valley and Slope Counties, ND; Cedar River National Grassland; Sioux and Grant Counties, ND; Grand River National Grassland; Corson and Perkins Counties, SD; Custer National Forest; Hardin County, SD

Correction

In notice document 92-14067 appearing on page 28818 in the issue of Tuesday, June 16, 1992, make the following correction:

In the second column, after the "Dated" line, insert "Curtis W. Bates, Forest Supervisor."

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 356

[Docket No. 81N-0033]

RIN 0905-AA06

Oral Health Care Drug Products for Over-the-Counter Human Use; Proposed Amendment to the Tentative Final Monograph

Correction

In proposed rule document 92-11177 beginning on page 20434 in the issue of

Wednesday, May 13, 1992, make the following corrections:

1. On page 20434, in the 2d column, in the 3d complete paragraph, in the 30th and 31st lines, remove "for OTC antitussive drug products and to provide an exemption".

§ 356.2 [Corrected]

2. On page 20435, in the second column, in § 356.52(e), in the sixth line from the bottom, insert "control" after "poison".

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 92F-0161]

Diversey Corp.; Filing of Food Additive Petition

Correction

In notice document 92-11129 beginning on page 20494 in the issue of Wednesday, May 13, 1992, make the following correction:

In the third column, under **SUPPLEMENTARY INFORMATION**, in the third line, "sec. 4098(b)(5)" should read "sec. 409(b)(5)" and in the fifth line "1B245" should read "1B4245".

BILLING CODE 1505-01-D

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6932

[AK-932-4214-10; F-14223]

Modification of Public Land Order No. 5150, as Amended, for Selection of Lands by the State of Alaska; AK

Correction

In rule document 92-13983 beginning on page 24985 in the issue of Friday, June 12, 1992, in the heading, "6932" was

omitted and should have read as set forth above.

BILLING CODE 1505-01-D

OFFICE OF PERSONNEL MANAGEMENT

Labor-Management Relations

Correction

In the correction published in the issue Tuesday, June 23, 1992, on page 28011, in the third column, in the fifth line from the bottom, insert "In notice document 92-14132 beginning on page 27079 in the issue of" before "Wednesday".

BILLING CODE 1505-01-D

SECURITIES AND EXCHANGE COMMISSION

[Release No. 35-25529]

Filings Under the Public Utility Holding Company Act of 1935 ("ACT")

Correction

In notice document 92-11374 appearing on page 20723, in the issue of Thursday, May 14, 1992, the "Release No." in the heading should read as set forth above.

BILLING CODE 1505-01-D

[The following table represents the extremely faint and illegible content of the page, which appears to be a table of contents or index. The text is too light to transcribe accurately.]

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federal register

Thursday
June 25, 1992

Part II

**Department of
Education**

**Office of Special Education and
Rehabilitative Services**

Special Studies Program; Notice

DEPARTMENT OF EDUCATION**Office of Special Education and
Rehabilitative Services; Special
Studies Program**

[CFDA No.: 84.159]

ACTION: Notice extending the closing date for transmittal of applications for new awards for fiscal year (FY) 1992—Special Studies Program

DEADLINE FOR TRANSMITTAL OF APPLICATIONS: On May 20, 1992, a notice was published that established the

closing date for transmittal of applications for two fiscal year 1992 competitions under the Special Studies Program authorized pursuant to the Individuals with Disabilities Education Act (57 FR 21399). The purpose of this notice is to extend the closing date for transmittal of applications. This action is taken as a result of delays in the mailing of the application packages. The closing date for applications is extended from June 30, 1992 to July 15, 1992.

FOR FURTHER INFORMATION CONTACT: Linda Glidewell, U.S. Department of Education, 400 Maryland Avenue, SW.,

Washington, DC 20202-2640. Telephone: (202) 732-1099. Deaf or hard of hearing individuals may call the Federal Dual Party Relay Service at 1-800-877-8339 (in the Washington, DC 202 area code, telephone 708-9300) between 8 a.m. and 7 p.m., Eastern time.

Program Authority: 20 U.S.C. 1418.

Dated: June 19, 1992.

Robert R. Davila,

*Assistant Secretary, Office of Special
Education and Rehabilitative Services.*

[FR Doc. 92-14911 Filed 6-24-92; 8:45 am]

BILLING CODE 4000-01-M

federal register

Thursday
June 25, 1992

Part III

Department of Education

**Early Education Program for Children
With Disabilities; Notice of Proposed
Funding Priority for FY 1993**

DEPARTMENT OF EDUCATION

Early Education Program for Children with Disabilities; Proposed Funding Priorities for FY 1993

AGENCY: Department of Education.

ACTION: Notice of Proposed Funding Priority for Fiscal Year 1993 for the Early Education Program for Children With Disabilities.

SUMMARY: The Secretary proposes a priority for the Early Education Program for Children with Disabilities for fiscal year 1993. The Secretary takes this action to focus Federal financial assistance on an identified national need. The priority is intended to increase the availability of personnel to provide early intervention, special education, and related services for infants, toddlers, and preschool-aged children with disabilities and their families.

DATES: Comments must be received on or before July 27, 1992.

ADDRESSES: All comments concerning this proposed priority should be addressed to Joseph Clair, U.S. Department of Education, 400 Maryland Avenue, SW., room 4620, Switzer Building, Washington, DC 20202-2644.

FOR FURTHER INFORMATION CONTACT: Joseph Clair. Telephone: (202) 732-4503. Deaf and hard of hearing individuals may call (202) 732-1169 for TDD services.

SUPPLEMENTARY INFORMATION: The purpose of this program is to support project activities that are designed (a) to address the special needs of children with disabilities, birth through age eight, and their families; and (b) to assist State and local entities in expanding and improving programs and services for these children and their families.

The Secretary will announce the final priority in a notice in the *Federal Register*. The final priority will be determined by responses to this notice, available funds, and other considerations of the Department. Funding of particular projects depends on the availability of funds, the nature of the final priority, and the quality of the applications received. The publication of this proposed priority does not preclude the Secretary from proposing additional priorities, nor does it limit the Secretary to funding only this priority, subject to meeting applicable rulemaking requirements.

This program supports AMERICA 2000, the President's strategy for moving the Nation toward the National Education Goals, by assisting those with disabilities to reach the high levels of

academic achievement called for by the National Education Goals.

Note: This notice of proposed priority does not solicit applications. A notice inviting applications under this competition will be published in the *Federal Register* concurrent with or following publication of the notice of final priorities.

Priority

Under 34 CFR 75.105(c)(3) the Secretary proposes to give an absolute preference to applications that meet the following priority. The Secretary proposes to fund under this competition only applications that meet this absolute priority:

*Proposed Priority—Model Early Intervention and Preschool Training Projects***Background**

Currently, States are striving to implement the Comprehensive System of Personnel Development (CSPD) component of the Program for Infants and Toddlers with Disabilities, under part H of the Individuals with Disabilities Education Act (IDEA), and to provide improved services to preschool children with disabilities. States have a critical need for training models to be used for training personnel about changing populations and exemplary practices in early education of children with disabilities.

Absolute Priority

This proposed priority supports capacity-building projects that develop, demonstrate, evaluate, and disseminate inservice training models (and accompanying materials) to prepare early intervention and preschool personnel to provide, coordinate, or enhance early intervention, special education, and related services for infants, toddlers, and preschoolers with disabilities and their families.

Project Design: Model projects must provide training for professionals and paraprofessionals who are, or could be, engaged in the provision of services but who have not been trained to serve infants, toddlers, or preschoolers with disabilities. Projects must obtain agreement of existing infant, toddler, or preschool programs that will serve as training sites. The model may target service providers in the corporate or private for-profit sector as well as in the public or private not-for-profit sector. The model must be based on a conceptual framework that identifies the existing roles and responsibilities of the individuals to be trained, the changes required in those roles to serve infants, toddlers, or preschool children with

disabilities, and the skills needed to implement the new roles. The model must include the direct training of personnel to provide, coordinate, or enhance early intervention, special education, or related services to those infants, toddlers, or preschool children in appropriate environments (which may include hospital, home, community-based, or center-based programs). Training procedures and materials must address the importance of coordinating early intervention, special education, and related services with other services as well as with the family. In addition to initial training, the model must include an array of follow-up and support activities that ensures that personnel participating in the training will master skills and implement services to meet the needs of infants, toddlers, and preschool children with disabilities.

Models must be consistent with personnel standards, certification, or licensing requirements in the States where the projects are located. Projects must collaborate with relevant State agencies responsible for the CSPD under part H or part B of IDEA. Projects must provide assurance that trainees will gain credit from training and that credit will apply toward a degree, certification, licensure, or renewal of licensure through continuing education credits.

Evaluation: Projects must evaluate the training model through direct assessment of participant skills immediately following the training and after returning to the service setting. At least some measures must be based on direct observation of trainees in the service setting using standardized observational rating techniques.

Dissemination: Projects must prepare and deliver reports in accordance with the following:

The Secretary, if appropriate, requires recipients of all grants, contracts, and cooperative agreements under parts C through G of the Act to prepare reports describing their procedures, findings, and other relevant information in a form that will maximize the dissemination and use of those procedures, findings, and information. The Secretary requires their delivery, as appropriate, to the Regional and Federal Resource Centers, the Clearinghouses, and the Technical Assistance to Parents Programs assisted under parts C and D of the Act as well as the National Diffusion Network, the ERIC Clearinghouse on the Handicapped and Gifted, and the Child and Adolescent Service Systems Program under the National Institute of Mental Health, appropriate parent and professional organizations,

organizations representing individuals with disabilities, and such other networks as the Secretary may determine to be appropriate.

Invitational Priority

Within the absolute priority specified in this notice, the Secretary is particularly interested in applications that meet the following invitational priority. However, under 34 CFR 75.105(c)(1), an application that meets this invitational priority does not receive competitive or absolute preference over other applications:

Projects that design training models to meet the special needs of children (1) who are members of culturally, linguistically, or racially diverse groups, or (2) who have been exposed prenatally to drugs or alcohol.

Intergovernmental Review

This program is subject to the requirements of Executive Order 12372 and the regulations in 34 CFR part 79. The objective of the Executive order is to foster an intergovernmental partnership and a strengthened federalism by relying on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

In accordance with the order, this document is intended to provide early notification of the Department's specific plans and action for this program.

Invitation to Comment

Interested persons are invited to submit comments and recommendations regarding these proposed priorities.

All comments submitted in response to this notice will be available for public inspection, during and after the comment period in room 4092, Switzer Building, 330 C Street, SW., Washington, DC, between the hours of 8:30 a.m. and 4 p.m., Monday through Friday of each week except Federal holidays. Applicable program regulations: 34 CFR part 309.

Program Authority: 20 U.S.C. 1423.
(Catalog of Federal Domestic Assistance Numbers: Early Education Program for Children with Disabilities, 84.024)

Dated: June 4, 1992.

Lamar Alexander,
Secretary of Education.
[FR Doc. 92-14912 Filed 6-24-92; 8:45 am]

BILLING CODE 4000-01-M

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federal register

**Thursday
June 25, 1992**

Part IV

Department of Education

**Independent Living Services for Older
Blind Individuals; Notice of Final Priority
and Notice Inviting Applications**

DEPARTMENT OF EDUCATION

Independent Living Services for Older Blind Individuals

AGENCY: Department of Education.

ACTION: Notice of final priority for fiscal year 1992.

SUMMARY: The Secretary announces a priority for fiscal year 1992 under the program of Independent Living Services for Older Blind Individuals. The Secretary takes this action to focus Federal financial assistance on States that do not currently have projects funded under this program. The priority is intended to increase the number of States participating in this program.

EFFECTIVE DATE: This priority takes effect either 45 days after publication in the *Federal Register* or later if the Congress takes certain adjournments. If you want to know the effective date of this priority, call or write the Department of Education contact person.

FOR FURTHER INFORMATION CONTACT: Raymond G. Melhoff, U.S. Department of Education, 400 Maryland Avenue, SW., room 3416, Switzer Building, Washington, DC 20202-2741. Telephone: (202) 732-1320 (until June 29) or (202) 205-9320 (after June 29). Deaf and hearing impaired individuals may call (202) 732-1352 for TDD services.

SUPPLEMENTARY INFORMATION: Grants under the program of Independent Living Services for Older Blind Individuals are authorized by title VII, part C, section 721(a) of the Rehabilitation Act of 1973, as amended. The purpose of this program is to authorize grants to any designated State unit providing independent living services to older blind individuals. These grants are to support projects that provide independent living services for older blind individuals to help correct blindness or visual impairment or adjust to blindness and live more independently in the home or community. This program supports AMERICA 2000, the President's strategy for moving the Nation toward the National Education Goals, by enhancing the skills of older blind individuals.

National Education Goal five calls for adult Americans to possess the knowledge and skills needed to exercise the rights and responsibilities of citizenship.

In fiscal year 1991, the Department funded projects in 28 States to provide independent living services for older blind individuals. Grantees are conducting a wide variety of programs and addressing a broad range of needs. Some projects have established community support networks of service providers, which include area agencies on aging and vocational rehabilitation agencies. Several projects are addressing the needs of older individuals with severe visual impairments by instituting statewide, locally managed equipment loan programs and free adaptive device servicing programs. Other examples include projects that emphasize mental health issues of visually impaired senior citizens, development of volunteer networks, or training consumers who are blind to provide services to other clients under this program.

The Secretary is interested in supporting projects in States that do not currently have projects funded under this program. This priority would increase the number of States providing services to older blind individuals under this program.

On April 24, 1992 the Secretary published a notice of proposed priority for this program in the *Federal Register* (57 FR 15204).

Note: This notice of final priority does not solicit applications. A notice inviting applications under this competition is published in a separate notice in this issue of the *Federal Register*.

Analysis of Comments and Changes

In response to the Secretary's invitation in the notice of proposed priority, 12 parties submitted comments, 11 of which supported the priority as worded. An analysis of the comments and of the changes in the priority since publication of the notice of proposed priority follows. Technical and other minor changes—and suggested changes the Secretary is not legally authorized to make under the applicable statutory authority—are not addressed.

Comments: One commenter opposed the priority because the commenter would be unable to compete for funds. The commenter's State currently receives funds under this program.

Discussion: The Secretary believes that the greatest benefit to older blind individuals is to increase the number of States participating in the program. This position is supported by the other 11 parties submitting comments from States both participating and not participating in the program. These 11 commenters encouraged expansion of the program to non-participating States.

Changes: None.

Priority

Under 34 CFR 75.105(c)(3) and 34 CFR 367.22, the Secretary gives an absolute preference to applications that meet the following priority. The Secretary funds under this competition only applications that meet this absolute priority:

Projects must provide services to older blind individuals in States that do not currently have projects funded under this program.

Intergovernmental Review

This program is subject to the requirements of Executive Order 12372 and the regulations in 34 CFR part 79. The objective of the Executive order is to foster an intergovernmental partnership and a strengthened federalism by relying on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

In accordance with the order, this document is intended to provide early notification of the Department's specific plans and actions for this program.

Applicable program regulations: 34 CFR part 367.

Program Authority: 29 U.S.C. 796f. (Catalog of Federal Domestic Assistance Number 84.177A, Independent Living Services for Older Blind Individuals)

Dated: June 19, 1992.

Lamar Alexander,

Secretary of Education.

[FR Doc. 92-14914 Filed 6-24-92; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF EDUCATION

[CFDA No. 84.177A]

Independent Living Services for Older Blind Individuals; Notice inviting applications for new awards for fiscal year (FY) 1992

Purpose of Program: This program authorizes grants that support projects that provide independent living services for older blind individuals to help correct blindness or visual impairment or adjust to blindness and live more independently in the home or community.

This program supports AMERICA 2000, the President's strategy for moving the Nation toward the National Education Goals, by enhancing the skills of older blind individuals. National Education Goal five calls for adult Americans to possess the knowledge and skills needed to exercise the rights and responsibilities of citizenship.

Eligible Applicants: Any designated State unit that is authorized to provide rehabilitation services to blind individuals is eligible for an award under this program.

Deadline for Transmittal of Applications: July 29, 1992.

Deadline for Intergovernmental Review: September 29, 1992.

Applications Available: June 29, 1992.

Available Funds: \$591,000.

Estimated Range of Awards: \$185,000-215,000.

Estimated Average Size of Award: \$200,000.

Estimated Number of Awards: 3.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 36 months.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 75, 77, 79, 80, 81, 82, 85, and

86; and (b) The regulations for this program in 34 CFR part 367.

Priority: The priority in the notice of final priority for this program, as published elsewhere in this issue of the Federal Register, applies to this competition.

For Applications or Information Contact: Raymond Melhoff, U.S. Department of Education, 400 Maryland Avenue, SW., room 3416 Switzer Building, Washington, DC 20202-2741. Telephone: (202) 732-1320 (until June 29) or (202) 205-9320 (after June 29). Deaf and hearing impaired individuals may call (202) 732-1352 for TDD services.

Program Authority: 29 U.S.C. 796f.

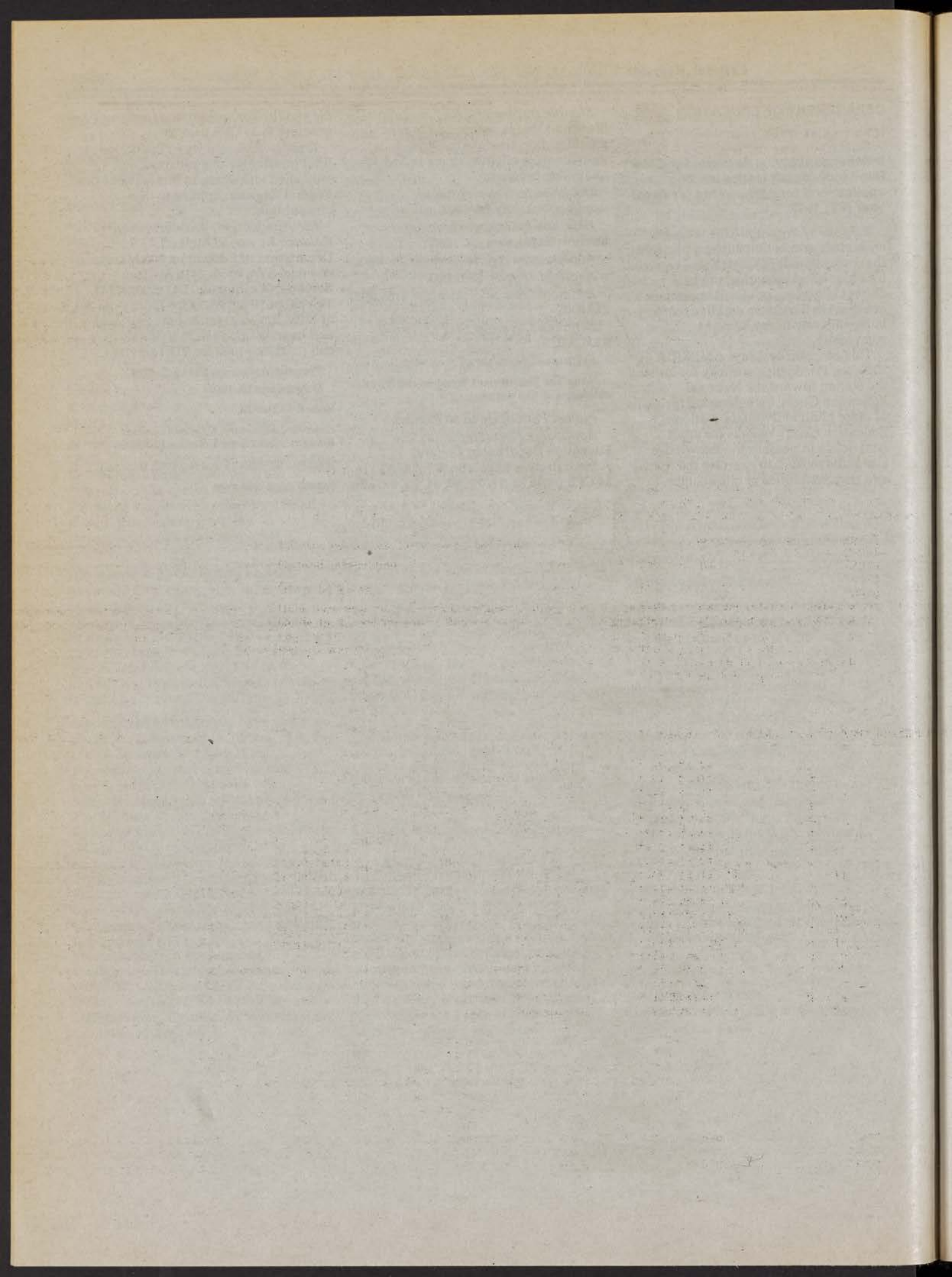
Dated: June 19, 1992.

Robert R. Davila,

Assistant Secretary, Office of Special Education and Rehabilitative Services.

[FR Doc. 92-14913 Filed 6-24-92; 8:45 am]

BILLING CODE 4000-01-M



federal register

**Thursday
June 25, 1992**

Part V

**Department of
Education**

**34 CFR Part 690
Pell Grant Program; Final Regulations**

DEPARTMENT OF EDUCATION

34 CFR Part 690

RIN 1840-AB56

Pell Grant Program

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary amends the regulations prescribing those special conditions under which a special calculation of a student's expected family contribution is to be made under the Pell Grant Program. These regulations are needed to implement the provisions of the Department's of Labor, Health and Human Services, Education, and Related Agencies Appropriation's Act, 1992.

EFFECTIVE DATE: These regulations take effect either 45 days after publication in the *Federal Register* or later if the Congress takes certain adjournments. If you want to know the effective date of these regulations, call or write the Department of Education contact person. A document announcing the effective date will be published in the *Federal Register*.

FOR FURTHER INFORMATION CONTACT: Joyce R. Coates, U.S. Department of Education, 400 Maryland Avenue, SW. (Regional Office Building 3, room 4318), Washington, DC 20202-5444. Telephone (202) 708-7888. Deaf and hearing impaired individuals may call the Federal Dual Party Relay Service at 1-800-877-8339 (in the Washington, DC 202 area code, telephone 708-9300) between 8 a.m. and 7 p.m., Eastern time.

SUPPLEMENTARY INFORMATION: The Departments of Labor, Health and Human Services, and Education and Related Agencies Appropriations Act, 1992 (Pub. L. 102-170), signed by President Bush on November 26, 1991, makes changes to the determination of a student's expected family contribution (EFC), also called the Pell Grant Index (PGI), under the Pell Grant Program for the 1992-93 award year. The above-mentioned appropriations act rescinded a financial aid administrator's (FAA's) authority under section 479A of the Higher Education Act of 1965, as amended (HEA), to make individual adjustments based on adequate documentation to a student's EFC under the Pell Grant Program. This rescission applies only to the Pell Grant Program and is effective only for the 1992-93 award year.

The new legislation provides that, in those instances where special conditions exist (as determined by the Secretary), the student's PGI for the Pell

Grant Program shall be based upon expected year income instead of base year income. That is, any student whose family circumstances meet a special condition criterion shall have his or her PGI calculated using the expected income for the 1992 calendar year instead of by the standard procedure of using the base year income from the 1991 calendar year. This use of expected year income in the Pell Grant formula is identical to the use of expected year income in the Pell Grant formula for the 1991-92 award year.

The purpose of these regulations is to provide a list of the special conditions under which a computation of a student's PGI would be performed using expected year data. The regulations include the same special conditions used in the Pell Grant Program in the 1991-92 award year and include additional provisions for individuals who served on active duty in connection with Operation Desert Shield or Operation Desert Storm.

Section 4 of the Higher Education Technical Amendments of 1991 (Pub. L. 102-26) granted the Secretary the authority to waive or modify any statutory or regulatory provision applicable to the student financial aid programs under title IV of the HEA to assist individuals who served on active duty in connection with Operation Desert Shield or Operation Desert Storm. The Secretary published a notice in the *Federal Register* on September 16, 1991 (56 FR 46974) providing that special conditions exist under the Pell Grant Program for the 1991-92 award year when applicants, spouses of applicants, and parents of applicants were Reservists called to active duty in connection with Operation Desert Shield or Operation Desert Storm. The Secretary has decided to extend this benefit for the Pell Grant Program for the 1992-93 award year and to expand the list of special conditions to include independent applicants, spouses of independent applicants, and parents of dependent applicants who served on active duty in connection with Operation Desert Shield or Operation Desert Storm.

To ensure that students know that they may be eligible to have their awards calculated on the basis of special conditions, a message will be printed on each Student Aid Report (SAR) indicating that a student who believes that he or she qualifies for a special condition calculation should contact his or her FAA. Students meeting a special condition criterion must provide the data needed for the special calculation on either the Correction Application for Federal

Student Assistance or the SAR. In either case, the student forwards the document to the processor indicated on the form. At that time, the processor will compute a PGI based on the expected year data and generate a new SAR.

As in prior award years, a student's eligibility for the simplified needs test (SNT) is determined using base year information. If a student qualifies for the SNT and also qualifies for a special condition calculation, that special condition calculation is made using full expected year information.

In addition, this document corrects a typographical error made in § 690.83(c)(1)(ii) of the final regulations for the Pell Grant Program that were published in the *Federal Register* on November 6, 1991 at 55 FR 56912.

The Pell Grant Program supports AMERICA 2000, the President's strategy for moving the Nation toward the National Education Goals, by enhancing opportunities for postsecondary education. The National Education Goals call for increasing the rate at which students graduate from high school and pursue high quality postsecondary educations.

Waiver of Notice of Proposed Rulemaking

In accordance with section 431(b)(2)(A) of the General Education Provisions Act (20 U.S.C. 1232(b)(2)(A)) and the Administrative Procedure Act (5 U.S.C. 553), it is the practice of the Secretary to offer interested parties the opportunity to comment on proposed regulations. However, under the Departments of Labor, Health and Human Services, and Education and Related Agencies Appropriations Act, 1992 (Pub. L. 102-170), the Secretary is required to apply regulatory criteria governing special condition calculations for the 1992-93 award year.

The public is also unlikely to object to these regulations because they include the same special conditions contained in the regulations that were in effect for the 1987-88, 1989-90, 1990-91, and 1991-92 award years. The regulations in effect for the 1987-88 award year were the product of notice and comment rulemaking.

These regulations contain additional provisions for individuals who served on active duty in connection with Operation Desert Shield or Operation Desert Storm. The Higher Education Technical Amendments of 1991 (Pub. L. 102-26) required the Secretary to modify the regulatory provisions governing the determination of need for student financial assistance to reflect more accurately the financial condition of an

individual when the individual or certain members of his or her family served on active duty in connection with Operation Desert Shield or Operation Desert Storm. Section 4(c) of the Higher Education Technical Amendments requires the Secretary to publish, by notice in the Federal Register, these modifications of the regulatory provisions, notwithstanding the requirements of 20 U.S.C. 1232 and 5 U.S.C. 553.

For the above reasons, the Secretary has determined that publication of a proposed rule is unnecessary and contrary to the public interest under 5 U.S.C. 553(b)(B).

Executive Order 12291

These regulations have been reviewed in accordance with Executive Order 12291. They are not classified as major because they do not meet the criteria for major regulations established in the order.

Paperwork Reduction Act of 1980

These regulations have been examined under the Paperwork Reduction Act of 1980 and have been found to contain no information collection requirements.

Assessment of Education Impact

The Secretary has determined that the regulations in this document do not require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

List of Subjects in 34 CFR Part 690

Administrative practice and procedure, Education, Education of

disadvantaged, Grant programs—education, Student aid.

(Catalog of Federal Domestic Assistance Number: 84.063 Pell Grant Program)

Dated: May 14, 1992.

Lamar Alexander,
Secretary of Education.

The Secretary amends part 690 of title 34 of the Code of Federal Regulations as follows:

PART 690—PELL GRANT PROGRAM

1. The authority citation for part 690 continues to read as follows:

Authority: 20 U.S.C. 1070a through 1070a-8, unless otherwise noted.

2. In § 690.31, paragraph (a), the introductory text is amended by removing "1991-92", and adding, in its place, "1992-93", and by removing "1991", and adding, in its place, "1992"; paragraphs (a)(2), (3), (4), and paragraph (b), are amended by removing "1991" each time it appears, and adding, in its place, "1992"; paragraphs (a)(1), (2), (3), (4), and (6), are amended by removing "1990" each time it appears, and adding, in its place, "1991"; paragraph (a)(6) is amended by removing the word "or" following the semicolon; paragraph (a)(7) is amended by removing the period and adding, in its place, "; or"; a new paragraph (a)(8) is added; and the authority citation is revised to read as follows:

§ 690.31 Special conditions affecting the expected family contribution determination for an independent student.

(a) * * *

(8) The student or spouse served on active duty in connection with

Operation Desert Shield or Operation Desert Storm.

* * * * *
(Authority: Pub. L. 102-170, 102-26)

3. In § 690.32, paragraph (a), the introductory text is amended by removing "1991-92", and adding, in its place, "1992-93", and by removing "1991", and adding, in its place, "1992"; paragraphs (a)(2), (3), (5), and paragraph (b), are amended by removing "1991" each time it appears, and adding, in its place, "1992"; paragraphs (a)(1), (2), (3), and (5), are amended by removing "1990" each time it appears, and adding, in its place, "1991"; paragraph (a)(4) is amended by removing the word "or" following the semicolon; paragraph (a)(5) is amended by removing the period and adding, in its place, "; or"; a new paragraph (a)(6) is added, and the authority citation is revised, to read as follows:

§ 690.32 Special conditions affecting the expected family contribution determination for a dependent student.

(a) * * *

(6) A parent or stepparent served on active duty in connection with Operation Desert Shield or Operation Desert Storm.

* * * * *
(Authority: Pub. L. 102-170, 102-26)

§ 690.83 [Amended]

4. In § 690.83, paragraph (c)(1)(ii) is amended by removing the words "overpayment," and adding in their place the word "underpayment."

[FR Doc. 92-14795 Filed 6-24-92; 8:45 am]

BILLING CODE 4000-01-M

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Bottom section of faint, illegible text, possibly a signature block or a concluding paragraph.

federal register

Thursday
June 25, 1992

Part VI

Department of Transportation

Federal Transit Administration

49 CFR 659

**Rail Fixed Guideway Public Systems;
State Safety Oversight; Proposed Rule**

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

49 CFR Part 659

[Docket No. 92-D; RIN 2132-AA45]

Rail Fixed Guideway Public Systems;
State Safety Oversight**AGENCY:** Federal Transit Administration, DOT.**ACTION:** Advance Notice of Proposed Rulemaking.

SUMMARY: Section 28 of the Federal Transit Act, as amended (the Act), directs the Federal Transit Administration (FTA) to issue a rule requiring States to oversee the safety of rail fixed guideway public transportation systems not regulated by the Federal Railroad Administration. This Advance Notice of Proposed Rulemaking (ANPRM) solicits public comment on a range of issues involved in the implementation of this requirement. The ANPRM also announces three public hearings.

DATES: Comments on the ANPRM must be received on or before August 24, 1992. Public hearings will be held on June 17, June 30, and July 14, 1992. See the "SUPPLEMENTARY INFORMATION" section of this preamble.

ADDRESSES: Comments, on the ANPRM, in duplicate, should be sent to Docket No. 92-D, Docket Clerk, room 9316, Office of the Chief Counsel, Federal Transit Administration, 400 7th Street, SW., Washington, DC 20590. Those wishing the agency to acknowledge receipt of their comments should include a stamped, self-addressed postcard with their comments. Those wishing to submit written comments concerning the hearings may send those comments to the same address. All comments will be available for review by the public at this address from 9 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

The three public hearings will be held in Los Angeles, California; Portland, Oregon; and Washington, DC. For information concerning the public hearings see "SUPPLEMENTARY INFORMATION" below.

FOR FURTHER INFORMATION CONTACT: For program issues: Franz Gimmmler, Deputy Associate Administrator for Safety, Office of Technical Assistance and Safety, Federal Transit Administration, 400 7th Street, SW., Room 6432, Washington, DC 20590, (202) 366-2896 (telephone) or (202) 366-3765 (fax). For legal issues: Nancy Zaczek, Office of the Chief Counsel, Federal

Transit Administration, same address, room 9316, (202) 366-4011.

SUPPLEMENTARY INFORMATION:**Information on Public Hearings**

This ANPRM not only seeks written comment from those concerned about the safety of rail fixed guideway systems, it also announces that public hearings on the ANPRM will be held in Los Angeles, California; Portland, Oregon; and Washington, DC. The following is the schedule for the public hearings (all times are local times):

1. Wednesday, June 17, 1992
10 a.m.-2 p.m., Westin Bonaventure Hotel, Los Feliz Room, 404 South Figueroa, Los Angeles, California
2. Tuesday, June 30, 1992
4 p.m.-6 p.m., Red Lion Hotel, Lloyd Center, 1000 Northeast Multnomah, Portland, Oregon
3. Tuesday, July 14, 1992
9 a.m.-12 p.m., U.S. Department of Transportation, Room 3200, 400 7th Street SW., Washington, DC.

Those interested in providing comments on the ANPRM may respond in writing to the docket or participate in the public hearings and are encouraged to do both.

FTA has established the following procedures to facilitate the hearings. Those wishing to participate in the public hearings should either contact Mr. Franz Gimmmler or Mr. Roy Field by telephone at (202) 366-2896, by fax at (202) 366-3765, or in writing at the address in the "FOR FURTHER INFORMATION CONTACT" section above at least three business days before the hearing is to be held or register with the FTA on the day of the hearing. Those contacting FTA at least three business days before the hearing is scheduled may request a particular time to testify. FTA will try to accommodate those requests.

For those who have not contacted FTA at least three business days in advance, a registration desk will be available at the hearing site on the day of the hearing. Individuals may register beginning one hour before the hearing is scheduled to start. The registration desk will remain open until the hearings begin, after which FTA staff will try to accommodate late registrants. Time permitting individuals will testify in the order in which they have registered.

Those who request to testify may be given ten minutes to make a statement as well as other relevant documents which will be included in the docket. FTA encourages those individuals to submit a written statement which will be included in the docket.

Those individuals in need of an oral interpreter or an assistive listening device should inform Mr. Gimmmler or Mr. Field of that need also at least three business days before the hearing is to be held. Unless requested three business days before the hearing, an oral interpreter will not be provided. Assistive listening devices will be available at the hearing site. The hearing sites are accessible to persons with disabilities.

A hearing officer will preside over the hearing. The hearing officer may make a statement to clarify issues or facilitate discussion during the hearing. Any statements the hearing officer makes during a hearing are not intended to be and should not be construed as a position of the FTA with respect to the ANPRM or any future rulemaking.

The hearings will be recorded by a court reporter. A transcript of each hearing will be included in the official rulemaking Docket 92-D and is available for inspection. Any individual interested in a copy of the transcript of a hearing may contact the court reporter directly.

The hearings are designed to solicit public views and information on the ANPRM. Therefore, the hearings will be conducted in an informal and nonadversarial manner. However, the hearing officer may ask questions in order to clarify statements made at the hearing. To facilitate comment and get a broad cross-section of views, the FTA may ask some of those who register to testify in advance to participate as a panel during the hearing.

Background on the ANPRM

FTA recognizes that the authority and responsibility for the safety of transit resides with the local operating authorities. The agency also acknowledges the established roles of State and local agencies in transit safety oversight. For these reasons, FTA has supported non-Federal responses in safety matters and has infrequently exercised the agency's limited authority under sections 22 and 23 of the Act. FTA does, however, provide a variety of safety training and technical support activities to recipients of Federal funds.

Moreover, the agency recently has been granted explicit authority by Congress to require recipients of its funds to test safety-sensitive workers for drug and alcohol use. The FTA currently is drafting an NPRM to implement these requirements.

Even more recently, section 28 of the Act, established by the Intermodal Surface Transportation Efficiency Act of 1991 (Pub. L. 102-240), directs the FTA to

issue a rulemaking requiring a State to oversee the safety of rail fixed guideways within the State.

Section 28 requires a State to establish and implement a safety program plan for each rail system in the State, other than commuter rail operations, which already are subject to the jurisdiction of the Federal Railroad Administration. It also requires a State to designate a State oversight agency to: (1) Require, review and approve, and monitor implementation of, such plans; (2) investigate hazardous conditions and accidents on such systems; and (3) require corrective actions to correct or eliminate such conditions.

The law also provides that when a single transit agency serves more than one State, the affected States may designate an entity other than that agency to ensure uniform safety standards and enforcement. As noted above, the statute exempts rail systems regulated by the Federal Railroad Administration.

Section 28 further provides that, beginning in fiscal year 1995, the FTA may withhold up to five percent of funds apportioned under section 9 of the Act to State or urbanized area within a State if a State fails to comply with the requirements of section 28, or is not making adequate efforts to comply. In addition, the Act provides that if funds are withheld under this provision for longer than three years, the funds shall be reapportioned for use among all other States. Finally, section 28 requires the FTA to issue regulations implementing section 28 by December 18, 1992.

After the FTA reviews the comments to this ANPRM, the ANPRM will be followed by a Notice of Proposed Rulemaking (NPRM) in which the agency more specifically will outline and seek comment on its proposed implementation of the section 28 program. After reviewing and considering comments to the NPRM, the FTA will issue a Final Rule.

Existing State Oversight Program

The States of California, New York, Pennsylvania, and Florida already have safety oversight agencies for rail fixed guideway systems in place, and these illustrate a variety of oversight mechanisms. The FTA seeks information on these, and other types of existing State oversight operations, below in the "ISSUES FOR COMMENT" section.

Overview of Issues for Comment Section

The following section seeks comment on a number of broad areas involving the implementation of the section 28

program. FTA encourages comment on any aspect of the proposed program, whether or not a specific question about it is raised below.

The first broad area asks for comment on the definition of rail fixed guideway systems, which will determine which States specifically will be affected by the rule.

The second concerns the safety plans each affected State must develop on safety requirements.

The third addresses existing State oversight practices. The FTA seeks information on the different types of programs that exist and their effectiveness.

More specifically, the fourth seeks information on how the State agency should conduct investigations of accidents and hazardous conditions, as required by section 28.

The fifth and final topic deals with State noncompliance and the withholding of funds as provided for under the law.

I. Issues for Comment

A. Definition of "Rail Fixed Guideway Transit Systems"

Section 28(d) of the Act provides that the section " * * * only applies to States that have rail fixed guideway mass transportation systems which are not subject to regulations by the Federal Railroad Administration." Thus, commuter rail operations funded by the FTA would not be subject to the regulation. Beyond this, the FTA is considering several different definitions of rail fixed guideway transit systems. A basic definition, for example, would cover light and heavy rail systems. A broader definition could include people movers and incline plane systems, in addition to light and heavy rapid rail. In short, should the FTA use a broad definition or limit the rule's applicability to traditional light and heavy rail systems?

B. Safety Program Plans

Section 28(b) provides that each affected State is to establish and implement a safety program plan for each rail fixed guideway system in the State. The law also states that the plan is to establish safety requirements, lines of authority, levels of responsibility and accountability, and methods of documentation.

The FTA is proposing that these plans address "System Safety," the application of special technical and managerial skills to the systematic identification and management of hazards throughout the life cycle of a project, program, or system. The System

Safety concept was developed by the Department of Defense in its 1984 Military Standard (MIL-STD) 882B, which defines system safety as, "The application of engineering and management principles, criteria, and techniques to optimize safety within the constraints of operational effectiveness, time, and cost throughout all phases of the system life cycle."

A "System Safety Program" is defined in MIL-STD 882B to include "the combined tasks and activities of system safety management and system safety engineering that enhance operational effectiveness by satisfying the system safety requirements in a timely, cost-effective manner throughout all phases of the system life cycle." The four elements of an effective system safety program are identified in MIL-STD 882B as having: (1) A planned approach to system safety tasks; (2) qualified personnel to accomplish the tasks; (3) authority to implement the tasks through all levels of management; and (4) appropriate financial and personnel resources to accomplish the tasks.

Further, a "System Safety Program Plan" (SSPP) is described in the same materials as a description of the planned methods to be used by the system to implement the requirements of system safety, including organizational responsibilities, resources, methods of accomplishment, milestones, depth of effort, and integration with other program engineering and management activities. It is not a technical document which establishes safety standards; rather, it is a document which defines roles, responsibilities, and procedures.

SSPP is an important element in establishing a program to realize the safety goals and objectives of each transit system. It should: (1) Set forth the safety objectives based on management commitment; (2) define tasks necessary to achieve the objectives; (3) define the organizations which will perform the safety tasks and subtasks; (4) define functional interfaces with other organizations (internal and external); (5) define the technical methods which will be used; (6) define data requirements and describe necessary outputs; and (7) schedule the efforts.

The FTA believes that the safety plan called for in section 28(b) should be structured along these lines but seeks comment on this general approach. Is this too presumptive? Assuming we proceed with the SSPP approach, there are several ways the regulation could require them to be developed. The rule could specify in detail the content of a State's SSPP and the structure of the State's oversight agency. The States

would then be responsible for implementing the specific FTA requirements. Or, a State could develop a safety oversight program based on broad guidelines provided by FTA. Under a third approach, the agency would impose minimal standards or guidelines, allowing each State to develop its own SSPP consistent with the requirements of section 28. Or there could be some range of options involving different aspects of these three approaches.

1. What are the advantages and disadvantages of each of these options for States and transit authorities?

2. Should FTA develop uniform safety standards for SSPPs instead of broad guidelines? Or should the FTA let the States develop SSPPs on their own? If so, how should FTA determine the adequacy of SSPP developed by either a State oversight or transit agency?

3. What SSPP guidelines currently are available? Should existing guidelines for SSPPs (from the American Public Transit Association, New York's Public Transportation Safety Board, or the California Public Utilities Commission, for example) be used as models for FTA guidelines? For state guidelines? What does the transit industry consider to be adequate guidelines for SSPPs?

4. In addition to conventional safety considerations, the definition of safe transit has been expanded by some to include other safety concerns. Should SSPP guidelines include information about or references to emergency preparedness, security (crime prevention), or other hazards, such as those currently covered by the Occupational Safety and Health Administration and the Environmental Protection Agency? In short, how comprehensive should the SSPPs be?

C. State Safety Oversight of Rail Fixed Guideway Systems

Several States oversee the safety of transit systems. The State of California, for example, places rail fixed guideway oversight responsibility with the California Public Utilities Commission (CPUC). Its oversight activities include reviewing specification documents for equipment and facilities, monitoring redesign and new system start-up, coordinating evacuation drills with transit and other safety personnel, investigating and classifying accidents, and conducting hearings on accident causes and prevention. Primary responsibility for safety, however, rests with local transit agencies.

New York's safety oversight of rail systems may be the most extensive in the nation. The State's Public Transportation Safety Board (PTSB),

established by a 1983 statute, became fully operational in February, 1985. An investigatory agency, the PTSB is part of the New York Department of Transportation. It is required to: Investigate accidents; be notified of all collisions and derailments on scheduled routes, all accidents at grade crossings, all fatal accidents and those involving more than two injuries; review transit maintenance and training; and recommend safety-related equipment and standards. Another primary responsibility is to require each system to develop and implement a SSPP for PTSB to review and approve. The PTSB is authorized to hold hearings, examine witnesses under oath, and subpoena witnesses and documents. It is also required to coordinate with the inspector general of the New York Metropolitan Transportation Authority concerning the operation of it or its affiliates.

The Florida Department of Transportation assists recipients of State transit funds to develop safety standards which incorporate, at a minimum, all Federal guidelines and criteria for developing, operating, and maintaining fixed guideway systems. Florida law further requires both public and private transit systems to have "an overall safety program for system operations" and provides for corrective action when violations are discovered. Immediate danger to the public requires service suspension until the violation is corrected. Fixed guideway transit systems must submit a safety certification to the Department before operations commence, and the Department also requires annual safety inspections of transit vehicles.

The FTA recognizes that several other States currently oversee transit safety. (Pennsylvania recently initiated a safety "oversight" program, with the actual oversight functions performed through a contract with a private consultant). We seek general information on their experience, as well as that of the three States noted above, and how their oversight activities relate to the requirements of section 28. We also seek information on the cost of current State transit safety oversight practices, as well as suggestions for cost-effective State safety oversight. The following questions highlight areas of particular concern.

1. How were the State agencies or operations established? What safety oversight functions do they perform? Does the transit safety agency require transit authorities to submit safety plans? What have been the strengths and weaknesses of existing transit safety oversight systems?

2. When dealing with local transit systems concerning safety issues, how does the State maintain its objectivity?

3. How are findings and recommendations enforced? How much influence or authority does the State oversight agency have in directing the resources of a transit system to correct problems?

4. How are transit systems monitored for implementing State recommendations?

5. Does the State transit oversight entity employ contractors to oversee transit authorities? If so, how are contractors used? What are the advantages and disadvantages of using contractors?

6. Would the SSPP discussed in the previous section be a significant change from existing requirements? If so, should the FTA permit existing plans to remain in place as an alternative to requiring a new SSPP?

7. Of the different types of existing oversight agencies, is there one in particular that could serve as a model for the section 28 program?

D. State Oversight Role in Investigations

In addition to requiring the State agency to require, review, and approve safety plans, section 28 requires State oversight agencies to investigate accidents and hazardous conditions and to require corrective actions to correct or eliminate such conditions.

1. For States that currently investigate accidents and hazardous conditions: How are accidents and hazardous conditions defined? What constitutes an investigation? What legal authority is needed to conduct an adequate investigation? How are investigations of accidents and hazards carried out? Are contractors hired to investigate accidents? Are transit agencies allowed to conduct their own investigations for the State? What are the strengths and weaknesses of existing methods in this regard?

2. Do or should States use outside contractors to help perform investigations or monitor transit agency compliance with State oversight requirements? If so, do States have guidelines to monitor contractors?

3. What constitutes "hazardous conditions and accidents" and when do they warrant an investigation?

4. How should these terms be defined? FTA's section 15 reporting manual, for example, defines an "incident" as "[a]n unforeseen occurrence resulting in casualty (injury/fatality), collision or property damage." Should a dollar threshold be established for both conditions and accidents? Should FTA

establish a precise definition or allow the States some latitude in defining the terms themselves?

E. Noncompliance and FTA Enforcement

Section 28 allows the withholding of section 9 funds after fiscal year 1995 to the extent that a State has not complied with section 28 and its implementing regulation or is not making adequate efforts to comply.

FTA at this point intends to ask each affected State, beginning in fiscal year 1993, to report to the agency on the status of its compliance with section 28, and such reports will form the basis for any noncompliance action.

II. Regulatory Process Matters

It is not clear at this preliminary point what the annual effect of any rule or program will be on the economy. There are too many variables and possible alternatives for the FTA to provide an overall cost benefit analysis as required by Executive Order 12291. Upon review

of the comments to this ANPRM, the FTA will assess the costs and benefits. We do not anticipate at this point that the annual effect on the economy of the rule will be \$100 million or more. If it becomes apparent at a later stage in this rulemaking that the impact on the economy will be major, then we will prepare a regulatory impact analysis. Otherwise, we will prepare an economic evaluation in accordance with the Department's Regulatory Policies and Procedures. Commenters should submit any relevant cost data.

This ANPRM is significant under the Department's Regulatory Policies and Procedures, because it involves matters of significant public and Congressional interest.

At the same time, however, it does not appear that there would be a significant economic impact on a substantial number of small entities. A Regulatory Flexibility Analysis will be prepared if we determine that this rulemaking would have such an impact

At this stage, we cannot determine whether this rule will contain any reporting or paperwork requirements under the Paperwork Reduction Act.

Federalism

Depending upon what action we determine to take, this rulemaking may have substantial effects on the States or on the relationship between the national Government and the States. Because of the many possibilities at this time, we do not have enough information to determine whether a Federalism Assessment will be necessary in accordance with Executive Order 12612. We specifically request that commenters consider the impact on federalism of any of their comments or proposals.

Authority: 49 U.S.C. 1642.

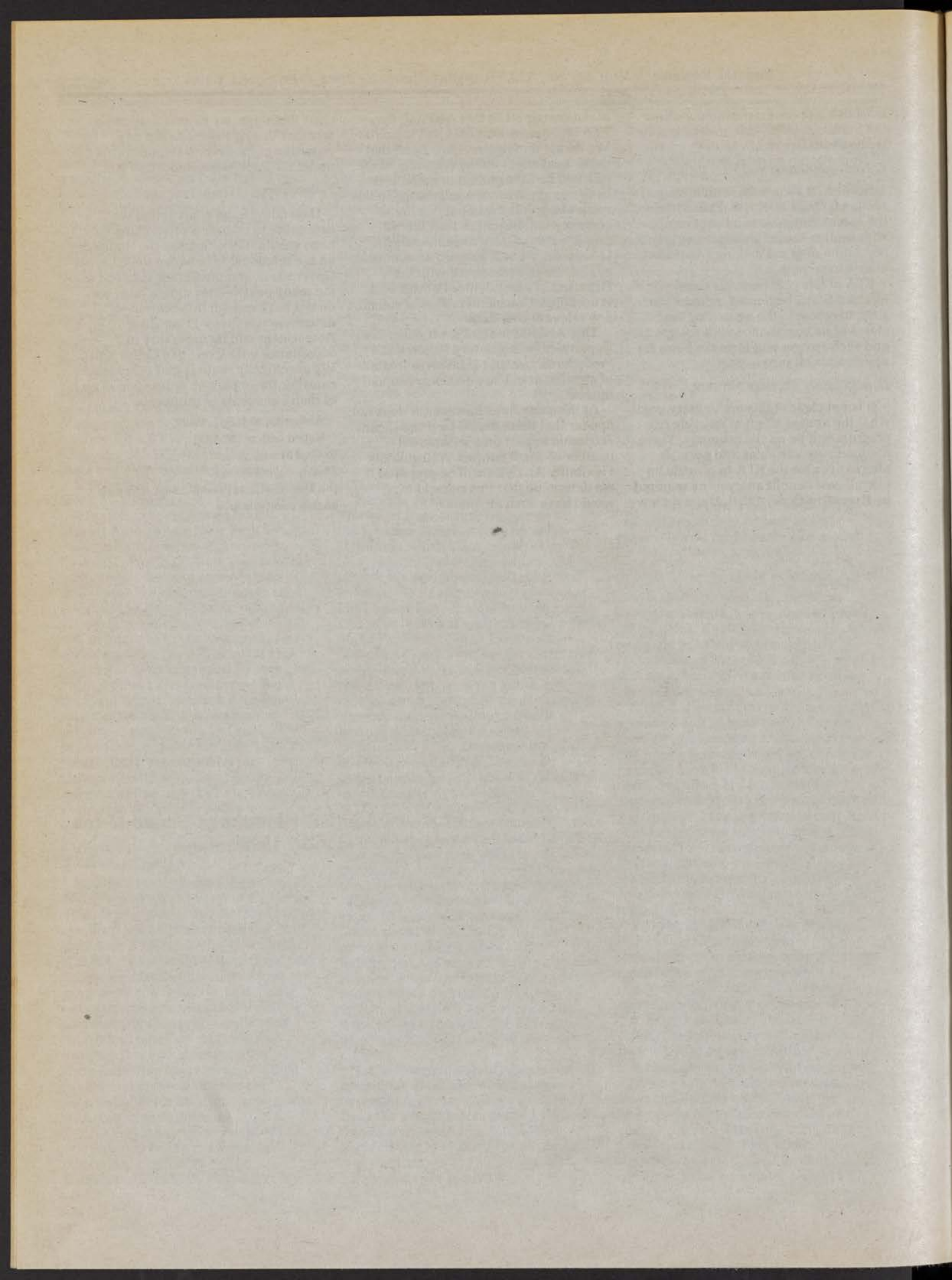
Issued on June 23, 1992.

Roland Mross,

Deputy Administrator.

[FR Doc. 92-15090 Filed 6-23-92; 3:10 pm]

BILLING CODE 4910-57-M



Federal Register

Thursday
June 25, 1992

Part VII

The President

**Proclamation 6450—Year of
Reconciliation Between American Indians
and Non-Indians, 1992**

**Proclamation 6451—National Scleroderma
Awareness Month, 1992**

THE
PRESIDENT
OF
THE
UNITED
STATES
OF
AMERICA

The President

Part VII

Proclamation 120-100 of
the President of the United States
and his family, 1999
The President of the United States
and his family, 1999

Presidential Documents

Title 3—

Proclamation 6450 of June 23, 1992

The President

Year of Reconciliation Between American Indians and Non-Indians, 1992

By the President of the United States of America

A Proclamation

By observing 1992 as the Year of the American Indian, we celebrate the rich heritage of each of this country's native peoples, as well as the unique government-to-government relationship that has evolved between Indian tribes and the Federal Government of the United States. At a time when we are working hard to strengthen a relationship based on mutual trust and cooperation—one in which the tribes of the Nation stand shoulder to shoulder with the other governmental units that form our Republic—it is fitting that we also designate 1992 as a "Year of Reconciliation Between American Indians and Non-Indians."

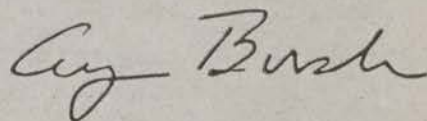
Because reconciliation begins with mutual understanding and acceptance, this observance is aimed at encouraging cultural education and exchange among American Indians and non-Indians. This year schools, business associations, and the media, as well as religious organizations and civic groups, are invited to join in honoring America's indigenous peoples and in helping non-Indians to learn more about each tribe's unique history, customs, and traditions. Through education, we can overcome age-old myths and stereotypes and heal divisions that hinder progress toward our shared goals of equal opportunity and justice.

Over the years, efforts to increase tribal self-governance have brought a renewed sense of pride and empowerment to this country's native peoples. By continuing to seek full reconciliation among American Indians and non-Indians, we will strengthen and enrich the entire Nation.

The Congress, by Public Law 102-279, has designated 1992 as a "Year of Reconciliation Between American Indians and Non-Indians," and has requested the President to issue a proclamation in observance of this year.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim 1992 as a Year of Reconciliation Between American Indians and Non-Indians. I invite all Americans to observe this year with appropriate programs and activities in honor of this country's native peoples and in recognition of the importance of promoting increased understanding among all the inhabitants of this great and blessed land.

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



Presidential Documents

Proclamation 6451 of June 23, 1992

National Scleroderma Awareness Month, 1992

By the President of the United States of America

A Proclamation

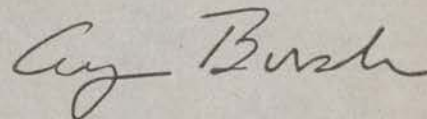
Scleroderma is a painful, disfiguring, and sometimes life-threatening disease that can strike individuals of any age or background, although it occurs predominantly among women in the prime of life. Individuals who have this disease experience hardening of the skin caused by excessive accumulation of the structural protein collagen. Scleroderma also affects the blood vessels and immune system and can impair the function of the kidneys, lungs, heart, or gastrointestinal tract.

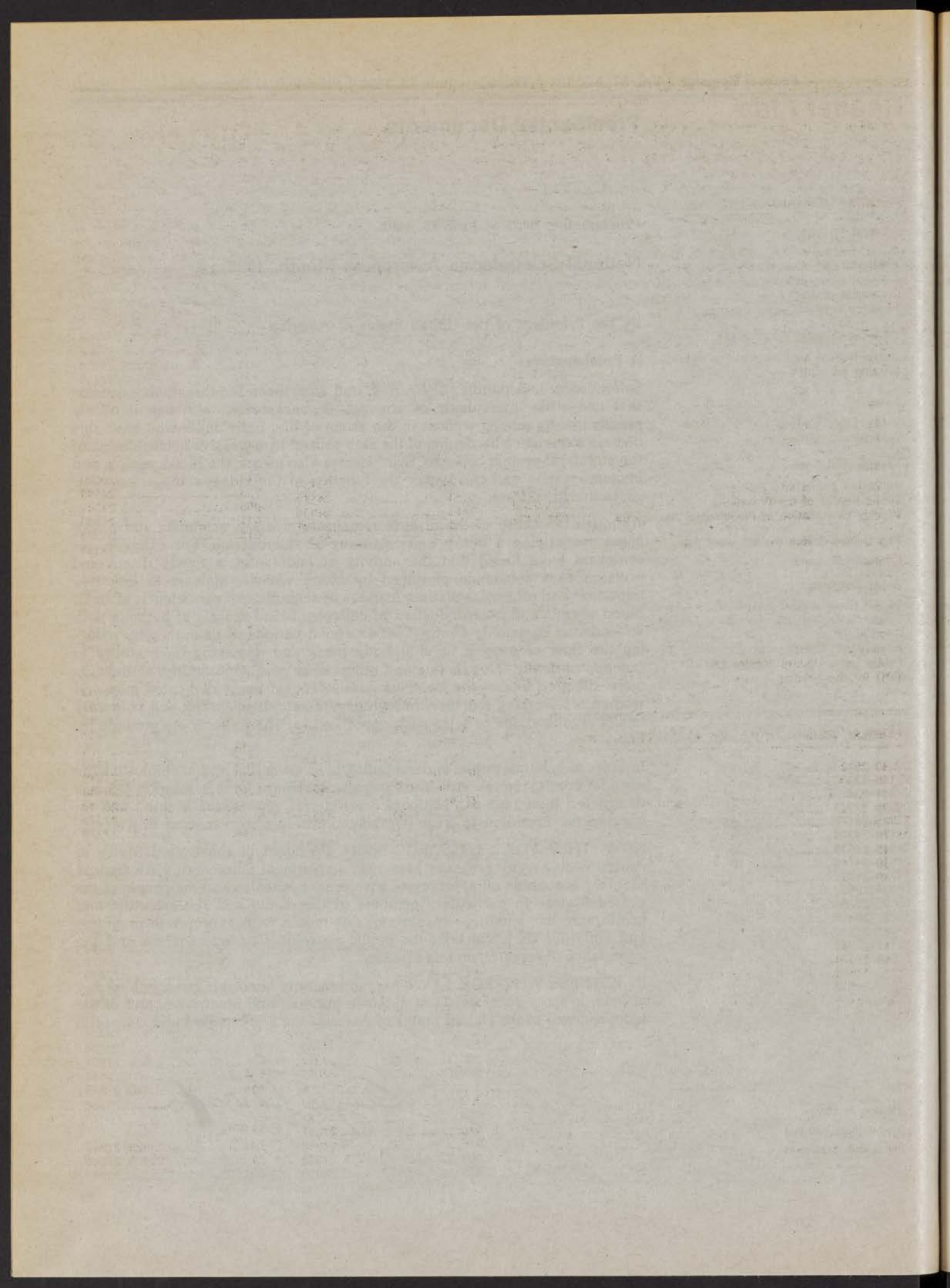
Although the cause of the disease remains a mystery, scientists and physicians are gaining a better understanding of scleroderma. For example, researchers have found that the activity of endothelin, a newly discovered proteinaceous substance produced by blood vessels, appears to link two important and otherwise distinct features of scleroderma: constriction of small blood vessels and overproduction of collagen. Blood vessels of patients with scleroderma commonly contract for extended periods of time, thereby reducing the flow of oxygen to vital body parts and damaging their ability to function normally. This finding and others offer new opportunities to develop more effective treatments for scleroderma. Today, many dedicated men and women are working together through governmental, scientific, and voluntary health organizations to seize such opportunities. Their efforts are grounds for hope.

In order to enhance public understanding of scleroderma and to emphasize the need for continuing research, the Congress, by House Joint Resolution 445, has designated June 1992 as "National Scleroderma Awareness Month" 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 proclaim June 1992 as National Scleroderma Awareness Month. I encourage all appropriate government agencies and the people of the United States—in particular, members of the media and the scientific and health care communities—to observe this month with appropriate programs and activities that will enhance public awareness of scleroderma and the importance of research on this disease.

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





Reader Aids

Federal Register

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INFORMATION AND ASSISTANCE

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H.R. 5132/P.L. 102-302

Dire Emergency Supplemental Appropriations Act, 1992, for Disaster Assistance To Meet Urgent Needs Because of Calamities Such as Those Which Occurred in Los Angeles and Chicago. (June 22, 1992; 106 Stat. 248; 7 pages) Price: \$1.00

Last List June 24, 1992