10-6-92
Vol. 57 No. 194

federal register

Tuesday
October 6, 1992

United States
Government
Printing Office
SUPERINTENDENT
OF DOCUMENTS
Washington, DC 20402

OFFICIAL BUSINESS
Penalty for private use, $300

SECOND CLASS NEWSPAPER
Postage and Fees Paid
U.S. Government Printing Office
(ISSN 0097-6326)

10-6-92
Vol. 57 No. 194
Pages 45973-46078

federal register

Tuesday
October 6, 1992

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The seal of the National Archives and Records Administration authenticates this issue of the **Federal Register** as the official serial publication established under the Federal Register Act. 44 U.S.C. 1507 provides that the contents of the **Federal Register** shall be judicially noticed.

The **Federal Register** is published in paper, 24x microfiche format and magnetic tape. The annual subscription price for the **Federal Register** paper edition is $375, or $415 for a combined **Federal Register**, Federal Register Index and List of CFR Sections Affected (LSA) subscription; the microfiche edition of the **Federal Register** including the Federal Register Index and LSA is $353; and magnetic tape is $37,500. Six month subscriptions are available for one-half the annual rate. All prices include regular domestic postage and handling. International customers please add 25% for foreign handling. Remit check or money order, made payable to the Superintendent of Documents, or charge to your GPO Deposit Account, VISA or MasterCard. Mail to: New Orders, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250-7954.

There are no restrictions on the republication of material appearing in the **Federal Register.**

How To Cite This Publication: Use the volume number and the page number. Example: 57 FR 12345.

SUBSCRIPTIONS AND COPIES

PUBLIC

Subscriptions:

Paper or fiche	202-783-3238
Magnetic tapes	512-1530
Problems with public subscriptions	512-2303

Single copies/back copies:

Paper or fiche	783-3238
Magnetic tapes	512-1530
Problems with public single copies	512-2457

FEDERAL AGENCIES

Subscriptions:

Paper or fiche	523-5243
Magnetic tapes	512-1530
Problems with Federal agency subscriptions	523-5243

For other telephone numbers, see the Reader Aids section at the end of this issue.

Contents

Federal Register

Vol. 57, No. 194

Tuesday, October 6, 1992

Separate Parts In This Issue

Reader Aids
Additional information, including a list of public laws, telephone numbers, and finding aids, appears in the Reader Aids section at the end of this issue.

CFR PARTS AFFECTED IN THIS ISSUE

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

7 CFR
920.....45973
955.....45974
987.....45975
Proposed Rules:
735.....45993
736.....45993
737.....45993
738.....45993
739.....45993
740.....45993
741.....45993
742.....45993
958.....45993
1030.....45995
1098.....45996

12 CFR
328.....45977
506.....45977
563.....45977

14 CFR
71 (5 documents).....45981–45983
Proposed Rules:
71.....45997

16 CFR
Proposed Rules:
435.....45998

17 CFR
Proposed Rules:
1.....45999

21 CFR
310.....46067
510.....45984
520.....45984
Proposed Rules:
864.....46068
872.....46068

24 CFR
Proposed Rules:
91.....46068

30 CFR
914.....45985

33 CFR
100.....45985

40 CFR
Proposed Rules:
58.....46003

48 CFR
Proposed Rules:
1512.....46007
1516.....46007
1552.....46007

50 CFR
227.....45986
663.....45987
672.....45988
685.....45989
Proposed Rules:
17.....46007

Rules and Regulations

Federal Register
Vol. 57, No. 194
Tuesday, October 6, 1992

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 920

[FV-92-098IFR]

Kiwifruit Grown in California; Expenses and Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule with request for comments.

SUMMARY: This interim final rule authorizes expenditures and establishes an assessment rate under Marketing Order No. 920. Authorization of this budget enables the Kiwifruit Administrative Committee to incur expenses that are reasonable and necessary to administer the program. Funds to administer this program are derived from assessments on handlers.

DATES: Effective beginning August 1, 1992, through July 31, 1993. Comments received by November 5, 1992, will be considered prior to issuance of a final rule.

ADDRESSES: Interested persons are invited to submit written comments concerning this action. Comments must be sent in triplicate to the Docket Clerk, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, Room 2523–S, Washington, DC 20090–6456. Comments should reference the docket number and the date and page number of this issue of the **Federal Register** and will be available for public inspection in the Office of the Docket Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Caroline Thorpe, Marketing Order Administration Branch, F&V, AMS, USDA, P.O. Box 96456, Room 2523–S, Washington, DC 20090–6456; telephone: 202–720–8139; or Terry Vawter, California Marketing Field Office, Fruit and Vegetable Division, AMS, USDA, 2202 Monterey Street, Suite 102B, Fresno, CA 93721, telephone 209–487–5901.

SUPPLEMENTARY INFORMATION: This interim final rule is issued under Marketing Order No. 920 [7 CFR part 920], as amended, regulating the handling of kiwifruit grown in California. The marketing order is effective under the Agricultural Marketing Agreement Act of 1937, as amended [7 U.S.C. 601–674], hereinafter referred to as the Act.

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

This interim final rule has been reviewed under Executive Order 12778, Civil Justice Reform. Under the marketing order provisions now in effect, California kiwifruit are subject to assessments. It is intended that the assessment rate as issued herein will be applicable to all assessable California kiwifruit during the 1992–93 fiscal year beginning August 1, 1992, through July 31, 1993. This interim final rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and requesting a modification of the order or to be exempted therefrom. Such handler is afforded the opportunity for a hearing on the petition. After the hearing the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his principal place of business, has jurisdiction in equity to review the Secretary's ruling on the petition, provided a bill in equity is filed not later than 20 days after date of the entry of the ruling.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this rule on small entities.

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

There are approximately 100 handlers of kiwifruit grown in California who are subject to regulation under the kiwifruit marketing order and approximately 850 producers of kiwifruit in the regulated area. Small agricultural producers have been defined by the Small Business Administration [13 CFR 121.601] as those having annual receipts of less than $500,000, and small agricultural service firms are defined as those whose annual receipts are less than $3,500,000. The majority of kiwifruit producers and handlers may be classified as small entities.

The budget of expenses for the 1992–93 fiscal year was prepared by the Kiwifruit Administrative Committee (Committee), the agency responsible for local administration of the marketing order, and submitted to the Department for approval. The Committee consists of kiwifruit producers and a non-industry member. They are familiar with the Committee's needs and with the costs for goods, services, and personnel in their local area and are thus in a position to formulate an appropriate budget. The budget was formulated and discussed in public meetings. Thus, all directly affected persons have an opportunity to participate and provide input.

The assessment rate recommended by the Committee was derived by dividing anticipated expenses by expected shipments of kiwifruit. Because that rate is applied to actual shipments, it must be established at a rate which will produce sufficient income to pay the Committee's expected expenses. The recommended budget and rate of assessment are usually acted upon by the committee shortly before a season starts, and expenses are incurred on a continuous basis. Therefore, the budget and assessment rate approval must be

expedited so that the Committee will have funds to pay its expenses.

The Committee met on July 22, 1992, and recommended 1992–93 marketing order expenditures of $152,913 and an assessment rate of $0.02 per tray or tray equivalent of kiwifruit. In comparison, 1991–92 marketing year budgeted expenditures were $138,452 and the assessment rate was $0.015 per tray. Assessment income for 1992–93 is estimated to total $170,000 based on anticipated fresh domestic shipments of 8.5 million trays or tray equivalents of kiwifruit. This will be adequate to cover budgeted expenses. Funds in the reserve at the end of the 1992–93 fiscal year, estimated at $29,082, will be within the maximum permitted by the order of one fiscal year's expenses.

The major budget category for 1992–93 is $109,170 for administrative, staff and field salaries.

While this action will impose some additional costs on handlers, the costs are in the form of uniform assessments on all handlers. Some of the additional costs may be passed on to producers. However, these costs will be offset by the benefits derived from the operation of the marketing order. Therefore, the Administrator of the AMS has determined that this action will not have a significant economic impact on a substantial number of small entities.

After consideration of all relevant material presented, including the Committee's recommendation, and other available information, it is found that this interim final rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined upon good cause that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect and that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** because: (1) The Committee needs to have sufficient funds to pay its expenses which are incurred on a continuous basis; (2) the 1992–93 fiscal year began August 1, 1992, and the marketing order requires that the rate of assessment for the fiscal year apply to all assessable kiwifruit handled during the fiscal year; (3) handlers are aware of this action which was recommended by the Committee at a public meeting; and (4) this interim final rule provides a 30-day comment period, and all comments timely received will be considered prior to finalization of this action.

List of Subjects in 7 CFR Part 920

Kiwifruit, Marketing agreements.

For the reasons set forth in the preamble, 7 CFR Part 920 is amended as follows:

PART 920—KIWIFRUIT GROWN IN CALIFORNIA

1. The authority citation for 7 CFR Part 920 continues to read as follows:

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

2. A new § 920.209 is added to read as follows:

§ 920.209 Expenses and assessment rate.

Expenses of $152,913 by the Kiwifruit Administrative Committee are authorized, and an assessment rate of $0.02 per tray or tray equivalent of assessable kiwifruit is established for the 1992–93 fiscal year ending on July 31, 1993. Unexpended funds may be carried over as a reserve.

Dated: October 1, 1992.

Robert C. Keeney,

Deputy, Director, Fruit and Vegetable Division.

[FR Doc. 92–24226 Filed 10–5–92; 8:45 am]

BILLING CODE 3410–02–M

---

7 CFR Part 955

[Docket No. FV–92–099IFR]

Vidalia Onions Grown in Georgia; Expenses and Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule with request for comments.

SUMMARY: This interim final rule authorizes expenditures and establishes an assessment rate under Marketing Order No. 955 for the 1992–93 fiscal period (September 16, 1992, through September 15, 1993). Authorization of this budget enables the Vidalia Onion Committee (Committee) to incur expenses that are reasonable and necessary to administer the program. Funds to administer this program are derived from assessments on handlers.

DATES: Effective September 16, 1992, through September 15, 1993. Comments received by November 5, 1992, will be considered prior to issuance of a final rule.

ADDRESSES: Interested persons are invited to submit written comments concerning this action. Comments must be sent in triplicate to the Docket clerk, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2523–S, Washington, DC 20090–6456. Comments should reference the docket number and the date and page number of this issue of the **Federal Register** and will be available for public inspection in the Office of the Docket Clerk during regular hours.

FOR FURTHER INFORMATION CONTACT: John R. Toth, Southeast Marketing Field Office, Fruit and Vegetable Division, AMS, USDA, P.O. Box 2276, Winter Haven, FL 33883–2276, telephone 813–299–4770, or Martha Sue Clark, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2523–S, Washington, DC 20090–6456, telephone 202–720–9918.

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Agreement and Order No. 955 [7 CFR part 955], regulating the handling of Vidalia onions grown in Georgia. The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended [7 U.S.C. 601–674], hereinafter referred to as the Act.

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

This interim final rule has been reviewed under Executive Order 12778, Civil Justice Reform. Under the provisions of the marketing order now in effect, Vidalia onions are subject to assessments. It is intended that the assessment rate as issued herein will be applicable to all assessable onions handled during the 1992–93 fiscal period, beginning September 16, 1992, through September 15, 1993. This interim final rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

This Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provisions of the order, or any obligation imposed in connection with the order is not in accordance with law and requesting a modification of the order or to be exempted therefrom. Such handler is afforded the opportunity for a hearing on the petition. After the hearing the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his principal place of business, has jurisdiction in equity to review the Secretary's ruling on the petition, provided a bill in equity is filed not later

than 20 days after date of the entry of the ruling.

Pursuant to the requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this rule on small entities.

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

There are approximately 250 producers of Georgia Vidalia onions under this marketing order, and approximately 145 handlers. Small agricultural producers have been defined by the Small Business Administration [13 CFR 121.601] as those having annual receipts of less than $500,000, and small agricultural service firms are defined as those whose annual receipts are less than $3,500,000. The majority of Vidalia onion producers and handlers may be classified as small entities.

The budget of expenses for the 1992–93 fiscal period was prepared by the Vidalia Onion Committee, the agency responsible for local administration of the marketing order, and submitted to the Department of Agriculture for approval. The members of the Committee are producers and handlers of Vidalia onions. They are familiar with the Committee's needs and with the costs of goods and services in their local area and are thus in a position to formulate an appropriate budget. The budget was formulated and discussed in a public meeting. Thus, all directly affected persons have had an opportunity to participate and provide input.

The assessment rate recommended by the Committee was derived by dividing anticipated expenses by expected shipments of Vidalia onions. Because that rate will be applied to actual shipments, it must be established at a rate that will provide sufficient income to pay the Committee's expenses.

The Committee met July 23, 1992, and unanimously recommended a 1992–93 budget of $338,497, $145,697 more than the previous year. The size of the increase in the budget is due in large part to increased marketing activity, which appears necessary to the Committee as the crop size continues to grow. Major increases of $4,000 for furniture/equipment lease and maintenance, $6,177 for office overhead, $14,255 for contract management, $22,950 for research, and $127,965 for marketing will be partially offset by decreases of $1,000 for office supplies and $2,000 for postage/courier, and the elimination of the supplemental marketing category for which $27,300 was budgeted last year.

The Committee also unanimously recommended an assessment rate of $0.10 per 50-pound bag, the same as last year. This rate, when applied to anticipated shipments of 2,094,517 50-pound bags, will yield $209,451 in assessment income. This, along with $14,000 in interest income and $115,046 from the Committee's authorized reserve, will be adequate to cover budgeted expenses. Funds in the Committee's authorized reserve at the beginning of the 1992–93 fiscal period, estimated at $134,588, will be within the maximum permitted by the order of three fiscal periods' expenses.

While this action will impose some additional costs on handlers, the costs are in the form of uniform assessments on handlers. Some of the additional costs may be passed on to producers. However, these costs will be offset by the benefits derived by the operation of the marketing order. Therefore, the Administrator of the AMS has determined that this action will not have a significant economic impact on a substantial number of small entities.

After consideration of all relevant matter presented, including the information and recommendations submitted by the Committee and other available information, it is hereby found that this rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined upon good cause that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect and that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** because: (1) The committee needs to have sufficient funds to pay its expenses which are incurred on a continuous basis; (2) the fiscal period begins on September 16, 1992, and the marketing order requires that the rate of assessment for the fiscal period apply to all assessable onions handled during the fiscal period; (3) handlers are aware of this action which was unanimously recommended by the Committee at a public meeting and similar to other budget actions issued in past years; and (4) this interim final rule provides a 30-day comment period, and all comments timely received will be considered prior to finalization of this action.

List of Subjects in 7 CFR Part 955

Marketing agreements, Onions, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 955 is amended as follows:

PART 955—VIDALIA ONIONS GROWN IN GEORGIA

1. The authority citation for 7 CFR part 955 continues to read as follows:

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

2. A new § 955.205 is added to read as follows:

§ 955.205 Expenses and assessment rate.

Expenses of $338,497 by the Vidalia Onion Committee are authorized, and an assessment rate of $0.10 per 50-pound bag of Vidalia onions is established for the fiscal period ending September 15, 1992. Unexpended funds may be carried over as a reserve.

Dated: October 1, 1992.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 92-24227 Filed 10-5-92; 8:45 am]

BILLING CODE 3410-02-M

---

7 CFR Part 987

[Docket No. FV-92-097IFR]

Expenses and Assessment Rate for Marketing Order Covering Domestic Dates Produced or Packed in Riverside County, CA

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule with request for comments.

SUMMARY: This interim final rule authorizes expenditures and establishes an assessment rate under Marketing Order 987 for the 1992–93 crop year established for that order. Authorization of the budget enables the California Date Administrative Committee (Committee) to incur operating expenses during the 1992–1993 crop year and to collect funds during that year to pay those expenses. Funds to administer this program are derived from assessments on handlers.

DATES: This action is effective for the period October 1, 1992, through

September 30, 1993. Comments must be received by November 5, 1992.

ADDRESSES: Interested persons are invited to submit written comments concerning this proposal. Comments must be sent in triplicate to the Docket Clerk, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, Room 2525–S, Washington, DC 20090–6456. Comments should reference the docket number and date and page number of this issue of the **Federal Register** and will be available for public inspection in the Office of the Docket Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Kellee J. Hopper, Marketing Specialist, California Marketing Field Office, Fruit and Vegetable Division, AMS, USDA, 2202 Monterey Street, Suite 102B, Fresno, California 93721; telephone: (209) 487–5901 or Valerie L. Emmer, Marketing Specialist, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, Room 2525–S, Washington, DC 20090–6456; telephone: (202) 205–2829.

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Order No. 987 [7 CFR part 987] regulating the handling of dates produced or packed in Riverside County, California. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended [7 U.S.C. 601–674], hereinafter referred to as the Act.

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

This rule has been reviewed under Executive Order 12778, Civil Justice Reform. Under the provisions of the marketing order now in effect, California dates are subject to assessments. It is intended that the assessment rate as issued herein will be applicable to all assessable dates handled during the 1992–93 crop year, beginning October 1, 1992, through September 30, 1993. This interim final rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order, is not in accordance with law and requesting a modification of the order or to be exempted therefrom. Such handler is afforded the opportunity for a hearing on the petition. After the hearing, the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has a principal place of business, has jurisdiction in equity to review the Secretary's ruling on the petition, provided a bill in equity if filed not later than 20 days after date of the entry of the ruling.

Pursuant to the requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this rule on small entities.

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

There are approximately 25 handlers of California dates regulated under the date marketing order each season, and approximately 135 date producers in the regulated area. Small agricultural service firms have been defined by the Small Business Administration [13 CFR 121.601] as those whose annual receipts are less than $3,500,000, and small agricultural producers have been defined as those having annual receipts of less than $500,000. The majority of these handlers and producers may be classified as small entities.

The California date marketing order, administered by the Department, requires that the assessment rate for a particular crop year apply to all assessable dates handled from the beginning of such year. An annual budget of expenses is prepared by the Committee and submitted to the Department for approval. The members of the Committee are date handlers and producers. They are familiar with the Committee's needs and with the costs for goods, services and personnel in their local area and are thus in a position to formulate appropriate budgets. The budgets are formulated and discussed in public meetings. Thus, all directly affected persons have an opportunity to participate and provide input.

The assessment rate recommended by the Committee is derived by dividing anticipated expenses by expected shipments of dates (in hundredweight). Because that rate is applied to actual shipments, it must be established at a rate which will produce sufficient income to pay the Committee's expected expenses.

The Committee met on July 16, 1992, and recommended 1992–93 crop year expenditures of $495,500 and an assessment rate of $1.40 per hundredweight of assessable dates shipped under M.O. 987. In comparison 1991–92 crop year budgeted expenditures were initially established at $479,400 and the assessment rate was established at $1.40 per hundredweight [56 FR 50647, October 8, 1991]. Subsequently, the Committee recommended an increase in expenditures of $155,000 to $634,400, to cover advertising and promotion expenditures [57 FR 31670, July 17, 1992].

Included in 1992–93 budgeted expenditures is an operating budget of $121,703, with a 20% surplus account allocation, for a net operating budget of $97,363. The major expenditure item this year is $392,470 for continuation of the Committee's market promotion program The industry is faced with an oversupply of product dates and the Committee considers this program necessary to stimulate sales. The remaining expenditures are for program administration and are budgeted at about last year's amounts.

Income for the 1992–93 season is expected to total $495,500. Such income consists of $490,000 in assessments based on shipments of 35,000,000 assessable pounds of dates at $1.40 per hundredweight and $5,500 in interest income.

The Committee also recommended that any unexpended funds or excess assessments from the 1991–92 crop year be placed in its reserve. The Committee's reserve is well within the maximum amount authorized under the order.

While this action will impose some additional costs on handlers, the costs are in the form of uniform assessments on all handlers. Some of the additional costs may be passed on to producers. However, these costs will be significantly offset by the benefits derived from the operation of the marketing order. Therefore, the Administrator of the AMS has determined that this action will not have a significant economic impact on a substantial number of small entities.

After consideration of all relevant matter presented, including the information and recommendations submitted by the Committee and other available information, it is hereby found

that this rule as hereinafter set forth will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined upon good cause that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect and that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** because: (1) The Committee needs to have sufficient funds to pay its expenses which are incurred on a continuous basis; (2) the crop year begins on October 1, 1992, and the marketing order requires that the rate of assessment for the crop year apply to all assessable California dates handled during the crop year; (3) handlers are aware of this action which was unanimously recommended by the Committee at a public meeting and which is similar to budgets issued in past years; and (4) this interim final rule provides a 30-day comment period, and all comments timely received will be considered prior to finalization of this action.

List of Subjects in 7 CFR Part 987

Dates, Marketing agreements, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 987 is amended as follows:

PART 987—DOMESTIC DATES PRODUCED OR PACKED IN RIVERSIDE COUNTY, CALIFORNIA

1. The authority citation for 7 CFR Part 987 continues to read as follows:

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

2. New § 987.335, is added to read as follows:

§ 987.335 Expenses and assessment rate.

Expenses of $495,500 by the California Date Administrative Committee are authorized, and an assessment rate of $1.40 per hundredweight of assessable dates is established for the crop year ending September 30, 1993. Unexpended funds from the 1991–92 crop year may be carried over as a reserve.

Dated: October 1, 1992.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 92–24225 Filed 10–5–92; 8:45 am]

BILLING CODE 3410–02–M

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 328

RIN 3064–AA95

Advertisement of Membership; Correcting Amendments

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: CFR correcting amendments.

SUMMARY: This document contains corrections to the final regulations which were published Wednesday, August 16, 1989 (54 FR 33669). The regulations related to the manner of display and use of the official bank sign and the official savings association sign by insured banks and insured savings associations.

EFFECTIVE DATE: August 16, 1989.

FOR FURTHER INFORMATION CONTACT: Jenetha M. Hickson, Alternate Liaison Officer, (202) 898–3807.

SUPPLEMENTARY INFORMATION: The final regulations contained errors that have appeared in the 1990 CFR and subsequent issues. The errors are misleading and, therefore, are in need of correction.

List of Subjects in 12 CFR Part 328

Advertising, Bank deposit insurance, Banks, Banking, Savings associations, Signs and symbols.

Accordingly, 12 CFR Part 328 is corrected by making the following correcting amendments:

PART 328—ADVERTISEMENT OF MEMBERSHIP

1. The authority citation for part 328 continues to read as follows:

Authority: 12 U.S.C. 1819; 12 U.S.C. 1828(a), as amended by sec. 221, Public Law 101–73, 103 Stat. 183.

§ 328.1 [Corrected]

2. In § 328.1(b), change the words "shall be 5¼" in diameter" to "shall be 5⅛" in diameter".

§§ 328.2 and 328.4 [Corrected]

3. In §§ 328.2(c) and 328.4(c), change the words "paragraph (a) of § 303.14" to "§ 303.0(b)(18) of this chapter".

Dated: October 1, 1992.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 92–24237 Filed 10–5–92; 8:45 am]

BILLING CODE 6714–01–M

DEPARTMENT OF THE TREASURY

Office of Thrift Supervision

12 CFR Parts 506 and 563

[No. 92–361]

RIN 1550–AA42

Loans to Executive Officers, Directors, and Principal Shareholders of Savings Associations

AGENCY: Office of Thrift Supervision, Treasury.

ACTION: Final rule.

SUMMARY: Pursuant to and in accordance with sections 4(a), 10(d) and 11 of the Home Owners' Loan Act (HOLA), the OTS is amending its regulations pertaining to insider transactions by adopting a rule governing extensions of credit by savings associations to their executive officers, directors and principal shareholders, and to related interests of such persons (collectively referred to herein as "insiders"). This rule was proposed by the OTS on April 9, 1992. It will clarify and simplify the regulatory scheme currently governing these lending transactions involving insiders or affiliated persons by replacing the OTS's existing "Conflicts Rule," current 12 CFR 563.43, with a new rule that incorporates by means of cross-reference subpart A of the Federal Reserve Board's (FRB) Regulation O, 12 CFR part 215, as now or hereafter in effect.

In addition, the OTS has determined not to adopt at this time an additional rule, "Insider Transactions and Conflicts of Interest," also proposed on April 9, 1992, that would govern business transactions, other than extensions of credit, between savings associations and their insiders. These transactions continue to be subject to general fiduciary principles as enunciated in agency and judicial decisions.

EFFECTIVE DATE: November 5, 1992.

FOR FURTHER INFORMATION CONTACT: Leonard J. Essig, Senior Attorney (202) 906–6476; Aline J. Henderson, Assistant Chief Counsel (202) 906–7308, Corporate and Securities Division; or Michael P. Scott, Program Manager, Affiliates Policy (202) 906–5748; Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552.

SUPPLEMENTARY INFORMATION:

I. Background

On April 9, 1992 (57 FR 12232), the OTS published two proposed rules for comment. The first proposal, "Loans to

Executive Officers, Directors, and Principal Shareholders of Savings Associations," was designed to implement the provisions of sections 22(g) and 22(h) of the FRA,[1] which govern extensions of credit by savings associations to insiders, and also to implement the public disclosure requirements authorized by section 7(k) of the Federal Deposit Insurance Act [2] (FDIA). The second proposal, "Insider Transactions and Conflicts of Interest," was designed to regulate non-credit business transactions between savings associations and insiders. These rules would have been codified as new sections 563.43 and 563.44, respectively. The proposed rules would also have replaced the OTS's existing "Conflicts Rule" at current § 563.43.

II. Comment Summary

The OTS received a total of 11 comment letters on the proposed rules. Those who submitted comments included seven savings associations, three thrift trade associations, and one law firm. In addition, one savings association and one savings and loan holding company submitted letters after the close of the public comment period.

In general, the commenters supported the OTS's effort to clarify and simplify the existing regulatory scheme. However, nearly all commenters also stressed the importance of regulatory uniformity with the standards applicable to banks. They urged the OTS to adopt regulations consistent with those applicable to banks and avoid the imposition of additional restrictions with respect to loans to and other business transactions with insiders.[3] Several commenters noted that the President has directed the federal banking agencies to attempt to achieve regulatory uniformity in order to reduce unnecessary compliance costs for federally-insured financial institutions.[4] Some commenters also noted that adoption of nonconforming regulations by the OTS could put savings associations at a significant disadvantage relative to other depository institutions without a commensurate enhancement in the safety and soundness of savings associations' operations.

The great majority of commenters who addressed proposed § 563.43 encouraged the OTS to follow Regulation O in applying sections 22(g) and 22(h) of the FRA to thrifts. One commenter also suggested that the OTS adopt the approach used by the FDIC in 12 CFR 337.3, which generally makes Regulation O applicable to insured nonmember banks.

In addition, the commenters addressed a number of specific issues on which the OTS requested comment in connection with proposed § 563.43. These issues included whether the OTS should adopt a "direct or indirect benefit" standard for determining whether an extension of credit would be deemed made to an insider instead of the "tangible economic benefit" standard contained in Regulation I. Many commenters argued that this would be an unworkable and overly broad standard.

Other issues on which the OTS requested comment included (1) whether the OTS should broaden the definitions of certain terms such as "immediate family," "control," "principal shareholder" and "company" found in Regulation O and (2) whether the OTS should adopt provisions more stringent than those contained in regulation O in areas such as the calculation of the appropriate lending limits, the applicability of the provisions prohibiting the payment of overdrafts, the recordkeeping and reporting requirements for loans to insiders, and the possibility of imposing any additional restrictions on loans to executive officers. In general, commenters opposed these changes on the grounds that: (1) Thrifts should not be treated differently than banks; (2) adoption of some of these definitional changes might lead to confusion in implementation of the new rule; and (3) extending the purview of Regulation O to encompass additional parties and transactions is unnecessary and unwarranted.

One commenter asserted that § 563.43 would be unduly burdensome for diversified savings and loan holding companies and their subsidiaries since the definitions of "executive officer" and "director" include individuals holding such positions with the holding company or with holding company subsidiaries that are not depository institutions. The commenter requested that the OTS revise § 563.43 to provide for exemption procedures and recordkeeping requirements for diversified savings and loan holding companies that are less burdensome than those contained in Regulation O. Consistent with the policies of the FRB, the OTS has determined that it may not do so.

Virtually all of the commenters opposed the adoption of proposed § 563.44. They argued primarily that the other federal banking regulators have not adopted comparable rules. According to the commenters, since the issues raised by non-credit business transactions are common to both banks and thrifts, any rules addressing such transactions should be proposed jointly by all of the federal banking regulators.[5]

After reviewing all of the comments received, the OTS has determined that many have substantial merit and, as discussed below, has substantially revised the final rule to incorporate by means of cross-reference the FRB's Regulation O, as now or hereafter in effect.[6] The OTS has also determined not to proceed with the proposed business transactions rule at the present time, but to continue its reliance on general principles of fiduciary responsibilities and safety and soundness as enunciated in case law.

III. Changes to the Proposed Rules

A. Section 563.43

The OTS is revising proposed section 563.43 to incorporate by means of cross-reference substantially without change [7]

---

[1] 12 U.S.C. 375a and 375b. These provisions are applicable to thrifts as a result of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA) and the Federal Deposit Insurance Corporation Improvement Act of 1991 (FDICIA). Under section 11(b) of the HOLA, 12 U.S.C. 1468, as added by section 301 of the FIRREA and amended by section 306 of the FDICIA, sections 22(g) and 22(h) of the FRA are applicable to a savings association "in the same manner and to the same extent as if the savings association were a member bank" of the Federal Reserve System.

[2] 12 U.S.C. 1817(k).

[3] One commenter, however, objected to proposed § 563.43, asserting that federally insured institutions should be barred from extending credit to their directors and officers.

[4] See Office of the Press Secretary, The White House, "Fact Sheet on Financial Services Reforms" (Apr. 24, 1992).

[5] Some commenters also raised more specific issues with respect to proposed § 563.44. Included among these were comments opposing the proposed prohibition on a savings association investing in real property in which an insider has an equity interest and seeking clarification of the terms "business dealing" and "direct or indirect benefit." As the OTS is not adopting proposed § 563.44 at this time, these comments are not addressed in this final rule.

[6] *See* 12 U.S.C. 1468(b)(1). Section 1468(b)(1) mandates that "Subsections (g) and (h) of section 22 of the Federal Reserve Act shall apply to every savings association in the same manner and to the same extent as if the savings association were a member bank."

[7] Section 215.13 of Regulation O generally provides that any member bank or other person who violates subpart A of Regulation O will be subject to the civil penalties specified in section 29 of the FRA, 12 U.S.C. 504. Section 29 of the FRA is not applicable to savings associations, and thus the OTS has not incorporated § 215.13 into new § 563.43. The OTS notes, however, that the remedial provisions of section 8 of the FDIA, 12 U.S.C. 1818, will apply to any violations of new § 563.43.

the provisions of subpart A of Regulation O that implement sections 22(g) and 22(h) of the FRA, section 7(k) of the FDIA, and section 306(o) of the FDICIA. These provisions are set forth in §§ 215.1–215.12 of Regulation O.[8] By virtue of section 11 of the HOLA, enacted as part of FIRREA, savings associations have been required to comply with major portions of Regulation O since August 1989. This action therefore continues and updates the application to savings associations of the well-recognized standards of Regulation O, providing savings associations with stability in the rules they must follow, achieving a level playing field for savings associations and banks, and promoting regulatory uniformity among the federal banking agencies. This approach also permits savings associations and the OTS to take advantage of the experiences of the FRB and the other federal banking agencies in the application and implementation of Regulation O.

The final rule accordingly contains a number of substantive changes from the proposed rule. These changes are discussed below. Certain technical changes have also been made to the rule to conform certain definitional provisions of Regulation O to the regulatory scheme applicable to savings associations.

1. Extensions of Credit

As noted above, Regulation O provides that an extension of credit is deemed made to an insider "to the extent that the proceeds of the extension of credit are used for the tangible economic benefit of, or are transferred to" the insider.[9] By incorporating Regulation O by means of cross-reference, the OTS will follow this standard and will not, as set forth in the proposal, substitute a broader standard that would *per se* attribute an extension of credit to an insider if that insider received a "direct or indirect" benefit from the loan.

This change and the OTS's determination at this time not to adopt proposed § 563.44 highlight a crucial aspect of the function and effect of insider transactions rules such as Regulation O. The specific proscriptions and directives of statutes and regulations are only the *per se* portion of regulatory oversight. Compliance with Regulation O is not a "safe harbor." Simply because a transaction satisfies the quantitative and procedural requirements of the rule does not mean that an insider transaction is necessarily safe and sound or that an insider participating in or benefiting from a transaction has acted in full conformity with his or her fiduciary duties. In addition to compliance with *per se* regulatory requirements such as Regulation O, institutions and their insiders have fundamental responsibilities to ensure that transactions undertaken by the institution are safe and sound and comply with general fiduciary requirements.[10]

2. Lending Limits

Under the final rule and Regulation O, an association's loans to an insider may not exceed the loans-to-a-single-borrower limitations applicable to member banks prescribed by section 5200 of the Revised Statutes.[11] Proposed § 563.43 would have permitted savings associations to take advantage of certain higher lending limits available to thrifts pursuant to section 5(u) of the HOLA.

The OTS, however, has determined that its authority to apply the HOLA's higher lending limits to extensions of credit subject to section 22(h) is limited in light of the plain language in section 11(b) of the HOLA, which applies section 22(h) to thrifts "in the same manner and to the same extent" as if thrifts were member banks of the Federal Reserve System. Section 22(h) expressly provides that a member bank's loans to an insider may not exceed the limitations set forth in section 5200 of the Revised Statutes. Thus, the OTS has concluded that, for purposes of calculating the lending limits under section 563.43 as revised, the higher lending limitations are not available to savings associations. This result also achieves regulatory uniformity with banks.

3. Meaning of the Term "Bank"

The OTS has also revised § 563.43 to clarify that savings associations are regarded as "banks" as well as "member banks" for purposes of sections 22(g) and 22(h) of the FRA and § 563.43. The OTS has previously taken the position that savings associations should be regarded as both "member banks" and "banks" for purposes of sections 23A and 23B of the FRA, except where Congress expressly withheld such treatment.[12] In the OTS's view, savings associations should be afforded similar treatment under sections 22(g) and 22(h) of the FRA and Regulation O to the extent that status as both a "bank" and a "member bank" has relevance under those provisions.

4. FDICIA Section 306(o)

Section 306(o) of the FDICIA generally requires that executive officers and directors of an insured depository institution or bank or thrift holding company, the shares of which are not publicly traded, report annually to the board of directors any extensions of credit to the executive officer or director that are secured by the stock of the institution or holding company. Section 215.12 of Regulation O implements section 306(o) of FDICIA with respect to both member banks and, pursuant to new § 563.43, savings associations.[13]

B. Proposed Section 563.44

The OTS has determined at present not to adopt proposed § 563.44. As discussed above, however, the absence of a rule establishing *per se* regulatory standards and prohibitions relating to business transactions with insiders does not affect the responsibilities of directors and managers to oversee and ensure an institution's safe and sound operations; nor does it affect in any way the fiduciary standards applicable to insiders.

The OTS also notes that, under section 38 of the FDIA, "Prompt Corrective Action," enacted as part of FDICIA, the OTS may impose various restrictions on institutions that are "critically undercapitalized," "significantly undercapitalized," or "undercapitalized" and have failed to submit and implement an acceptable capital plan.[14] Under this Prompt

[8] The FRB recently amended Regulation O to implement certain statutory revisions to section 22(h) wrought by FDICIA. See 57 FR 22417 (May 28, 1992) *republishing* 57 FR 21199 (May 19, 1992). By incorporating Regulation O by means of cross-reference, the OTS also adopts these regulatory amendments, as well as any future amendments to Regulation O that the FRB may adopt.

[9] 12 CFR 215.3(f).

[10] See in the Matter of Neil M. Bush, OTS Decision and Order (April 18, 1991); see also 12 CFR 571.7.

[11] 12 U.S.C. 84.

[12] See 56 FR 34005, 34008, July 25, 1991 (adopting rules implementing sections 23A and 23B of the FRA, now codified at 12 CFR 563.41 and 463.42).

[13] The FRB has amended its Regulation Y, 12 CFR part 225, to implement section 306(o) with respect to bank holding companies. With respect to savings and loan holding companies, the OTS notes that section 306(o) is self-executing and is thus applicable to such companies without implementing regulation.

[14] 12 U.S.C. 1831(o).

Corrective Action authority, effective December 19, 1992, the OTS has discretion to take any action with respect to such institutions that the OTS determines is necessary to carry out the purposes of section 38. This could include, on a case-by-case basis, limitations and standards for non-credit business transactions with insiders. Limitations and standards may also be required on a case-by-case basis as an element of an association's capital plan.

IV. Existing Section 563.43

In amending § 563.43 to incorporate by means of cross-reference Regulation O, the OTS is eliminating the provisions of the Conflicts Rule regarding loans, other investments and real and personal property transactions involving affiliated persons. The provisions of existing § 563.43 will remain in effect until the effective date of these amendments, however, and any violations of existing § 563.43 that have occurred or may occur prior to the effective date remain fully subject to enforcement action after such date.

Regulatory Flexibility Act

Pursuant to section 605(b) of the Regulatory Flexibility Act, it is certified that this rule will not have a significant economic impact on a substantial number of small entities. Accordingly, a Regulatory Flexibility Act Analysis is not required.

Executive Order 12291

The OTS has determined that this rule does not constitute a "major rule" and, therefore, does not require the preparation of a final regulatory impact analysis.

Paperwork Reduction Act

The collection of information contained in this rule has been submitted to and approved by the Office of Management and Budget in accordance with the Paperwork Reduction Act of 1980, 44 U.S.C. 3504(h) under OMB Control No. 1550–0075. It can be found in 12 CFR 563.43(f), (g), (h), (i)(3) and 563.44(g).

Due to changes made to the rule as proposed, now reflected in this final rule, the OTS has revised its estimate of the total recordkeeping and reporting burden for all savings associations. The first change to the proposed rule, resulting in a decreased burden, is that the OTS has determined not to proceed at present with proposed new § 563.44, which contained certain recordkeeping requirements. The second change, resulting in an increased burden, arises from the fact that the FRB has revised subpart A of Regulation O to implement a FDICIA provision requiring officers and directors of insured depository institutions that are not publicly traded to report annually to the institution's board of directors the amount of any outstanding loans to such officers or directors that are secured by the institution's stock. Because the OTS is now incorporating subpart A of Regulation O by means of cross-reference, this provision of Regulation O is incorporated as well. As a result of these changes, the total annual burden of the final rule for all savings associations is now estimated to be 19,950 hours, a decrease of 14,150 hours from the previous estimate. These changes will be made through an inventory correction worksheet.

Comments on the collection of information should be sent to the Office of Management and Budget, Paperwork Reduction project (1550), Washington, DC 20503, with copies to the Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552.

List of Subjects

12 CFR Part 506

Reporting and recordkeeping requirements.

12 CFR Part 563

Accounting, Advertising, Crime, Currency, Flood Insurance, Investments, Reporting and recordkeeping requirements, Savings associations, Securities, Surety bonds.

Accordingly, the Office of Thrift Supervision hereby amends chapter V, title 12, of the Code of Federal Regulations as set forth below.

SUBCHAPTER A—ORGANIZATION AND PROCEDURES

PART 506—INFORMATION COLLECTION REQUIREMENTS UNDER THE PAPERWORK REDUCTION ACT

1. The authority citation for part 506 is revised to read as follows:

Authority: 44 U.S.C. 3501 *et seq.*

2. Section 506.1 is amended by adding three new entries in numerical order to the table in paragraph (b) to read as follows:

§ 506.1 OMB control numbers assigned pursuant to the Paperwork Reduction Act.

* * * * *

(b) *Display*

12 CFR part or section where identified and described	Current OMB control No.
* * * * *	
563.43(f) through (h)	1550–0075
563.43(i)(3)	1550–0075
* * * * *	

SUBCHAPTER D—REGULATIONS APPLICABLE TO ALL SAVINGS ASSOCIATIONS

PART 563—OPERATIONS

3. The authority citation for part 563 is revised to read as follows:

Authority: 12 U.S.C. 1462, 1462a, 1463, 1464 1467a, 1468, 1817, 1828; 42 U.S.C. 4106; Public Law 102–242, sec. 306, 105 Stat. 2236, 2355 (1991).

4. Section 563.43 is revised to read as follows:

§ 563.43 Loans by savings associations to their executive officers, directors and principal shareholders.

Pursuant to 12 U.S.C. 1468, a savings association, its subsidiaries and its insiders (as defined) shall be subject to the restrictions contained in subpart A of 12 CFR part 215, the Federal Reserve Board's Regulation O, with the exception of 12 CFR 215.13, in the same manner and to the same extent as if the association were a bank and a member bank of the Federal Reserve System, except that:

(a) Such provisions shall be administered and enforced by the OTS;

(b) References to the term "bank holding company" shall be deemed to refer to "savings and loan holding company";

(c) References to "report of condition filed under 12 U.S.C. 1817(a)(3)" shall be deemed to refer to "Thrift Financial Report"; and

(d) The term *subsidiary* shall include a savings association that is "controlled," within the meaning of § 563.41(a)(3) of this part, by a company (including for this purpose an insured depository institution) that is a savings and loan holding company. When used to refer to a subsidiary of a savings association, the term *subsidiary* shall mean a "subsidiary" as that term is defined at § 563.41(b)(4) of this part.

Dated: September 28, 1992.

By the Office of Thrift Supervision.

Timothy Ryan,

Director.

[FR Doc. 92-24206 Filed 10-5-92; 8:45 am]

BILLING CODE 6720-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 92-ANM-1]

Establishment of Transition Area; Salmon, ID

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes a 700 foot transition area at Salmon, Idaho, to provide controlled airspace for aircraft executing a new instrument approach procedure to the Lemhi County Airport, Salmon, Idaho. The intent of this action is to accurately define controlled airspace for pilot reference. The airspace will be depicted on aeronautical charts.

EFFECTIVE DATE: 0901 u.t.c., December 10, 1992.

FOR FURTHER INFORMATION CONTACT: Robert L. Brown, ANM-535, Federal Aviation Administration, Docket 92-ANM-1, 1601 Lind Avenue SW, Renton, Washington 98055-4056, Telephone: (206) 227-2535.

SUPPLEMENTARY INFORMATION:

History

On July 10, 1992, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to establish a transition area at Salmon, Idaho (57 FR 30702).

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. The coordinates in the proposal were North American Datum 27; however, these coordinates have been updated to North American Datum 83. Transition areas are published in § 71.181 of Handbook 7400.7 effective November 1, 1991, which is incorporated by reference in 14 CFR 71.1. The transition area listed in this document will be published subsequently in the Handbook.

The Rule

This amendment to part 71 of the Federal Aviation Regulations establishes controlled airspace for aircraft executing a new instrument approach procedure to the Lemhi County Airport, Salmon, Idaho. The airspace will be depicted on aeronautical charts to accurately define controlled airspace for pilot reference. 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, Incorporation by reference, Transition areas.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 71 of the Federal Aviation Regulations (14 CFR part 71), is amended, 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 71.181 Designation

* * * * *

ANM ID TA Salmon, ID [New]

That airspace extending from 700 feet above the surface within an area bounded by a line beginning at lat. 45°25'10" N, long. 114°05'03" W to lat. 45°25'10" N, long. 113°48'18" W to lat. 45°07'20" N, long. 113°39'13" W to lat. 44°48'10" N, long. 114°17'48" W to lat. 44°58'30" N, long. 114°28'18" W to lat. 45°09'00" N, long. 114°09'23" W, thence to point of beginning.

* * * * *

Issued in Seattle, Washington, on September 23, 1992.

Temple H. Johnson, Jr.,

Manager, Air Traffic Division.

[FR Doc. 92-24117 Filed 10-5-92; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 91-AWP-17]

Establishment of Mesquite, NV, Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes a 700' AGL transition area at Mesquite, NV. This transition area will provide controlled air space for aircraft executing a standard instrument approach procedure (SIAP) to the Mesquite Airport, Mesquite, NV.

EFFECTIVE DATE: 0901 u.t.c., December 10, 1992.

FOR FURTHER INFORMATION CONTACT: Gene Enstad, Airspace Specialist, System Management Branch, AWP-530, Air Traffic Division, Western-Pacific Region, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261, telephone (310) 297-0010.

SUPPLEMENTARY INFORMATION:

History

On December 16, 1991, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to establish the Mesquite, NV Transition Area (56 FR 65199). A SIAP had been developed to serve the Mesquite, NV Airport and the additional controlled airspace was needed for of IFR aeronautical operations. This proposed action would lower the base of controlled airspace from 1200 feet to 700 feet above the surface in the vicinity of the airport to the north and west and from the base of controlled airspace to 700 feet above the surface in a small area south and east of the airport.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. One comment was received from the Department of the Air Force, Barksdale Air Force Base, Louisiana, the Originating Activity for two (2) established Military Training Routes (MTRs), IR126 and IR266, which will traverse the new transition area. The FAA believes the establishment of the transition area will have no impact on the two MTRs. The coordinates in the proposal were North American Datum 27; however, these coordinates have been updated to North American Datum 83. Transition Areas are published in Section 71.181 of FAA Handbook 7400.7, effective November 1, 1991, which is incorporated by reference in 14 CFR

71.1. The transition area listed in this document will be published subsequently in the Handbook.

The Rule

This amendment to part 71 of the Federal Aviation Regulations establishes the Mesquite, NV Transition Area. The base of controlled airspace is lowered from 1200 feet to 700 feet above the surface in the vicinity of the Mesquite Airport to the north and west and from the base of controlled airspace to 700 feet above the surface to the east and south. A SIAP has been developed to serve the airport and the additional controlled airspace is needed to contain IFR aeronautical operations.

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, Incorporated by reference, Transition areas.

Adoption of the Amendment

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

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS, JET ROUTES, AND AREA HIGH ROUTES

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 71.181 Designation

* * * * *

AWP CA TA Mesquite, NV [New]

(lat. 36°50'06" N, long. 114°03'19" W)

That airspace extending upward from 700 feet above the surface within a 6.5 mile radius of the Mesquite Airport and within 1.8 miles either side of the Mormon Mesa VORTAC 068° T (052° M) radial extending from the Mesquite Airport to 10 miles southwest of the Mesquite Airport.

* * * * *

Issued in Los Angeles, California, on September 15, 1992.

Richard R. Lien,

Manager, Air Traffic Division, Western-Pacific Region.

[FR Doc. 92-24121 Filed 10-5-92; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 71

[Airspace Docket No. 91-AWA-10]

Alteration of Jet Route J-167 and Revocation of Jet Route J-529; AK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment removes Jet Route J-529 between Fort Yukon, AK, and Shingle Point, Canada, and extends Jet Route J-167 from Fort Yukon, AK, to the Shingle Point, Nondirectional Radio Beacon (NDB). Canada has a J-529 elsewhere in Canada and has requested the elimination of the J-529 segment that enters the United States.

EFFECTIVE DATE: 0901 u.t.c., December 10, 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.

SUPPLEMENTARY INFORMATION:

History

On May 12, 1992, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to remove J-529 between Fort Yukon, AK, and Shingle Point, Canada, and also to extend J-167 from Fort Yukon, AK, to the Shingle Point, NDB (57 FR 20218). 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 routes 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 jet routes listed in this document will be removed or published subsequently in the Handbook.

The Rule

This amendment to part 71 of the Federal Aviation Regulations removes J-529 between Fort Yukon, AK, and Shingle Point, Canada. Canada has requested that the segment of J-529 that enters the United States be eliminated from the airspace system and that J-167 be extended from Fort Yukon, AK, to Shingle Point, Canada. This action removes the duplication of jet routes within Canadian 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, Incorporation by reference, Jet routes.

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 71.607 Jet Routes

* * * * *

J-167 [Revised]

From Johnstone Point, AK, via Gulkana, AK; Big Delta, AK; Fort Yukon, AK; to Shingle Point NDB, YT, Canada. The airspace within Canada is excluded.

* * * * *

J-529 [Removed]

* * * * *

Issued in Washington, DC, on September 29, 1992.

Harold W. Becker,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 92-24193 Filed 10-5-92; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 91-ASO-18]

Alteration of Jet Route J-91; FL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment alters the description of Jet Route J-91 located in the vicinity of Cross City, FL. This alteration creates a common crossing for J-75, J-89, and J-91. This action improves flight planning and reduces land-line telephone coordination.

EFFECTIVE DATE: 0901 u.t.c., December 10, 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.

SUPPLEMENTARY INFORMATION:

History

On March 25, 1992, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to alter the description of J-91 located in the vicinity of Cross City, FL (57 FR 10304). 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 and a minor radial change between the INT Orlando, FL, and Cross City, FL, this amendment is the same as that proposed in the notice. Jet routes are published in § 75.100 of Handbook 7400.7 effective November 1, 1991, which is incorporated by reference in 14 CFR 71.1. The jet route listed in this document will be published subsequently in the Handbook.

The Rule

This amendment to 14 CFR part 71 of the Federal Aviation Regulations alters the description of Jet Route J-91 located in the vicinity of Cross City, FL. This alteration creates a common crossing for J-75, J-89, and J-91 thereby improving flight planning, traffic flow, and reducing land-line telephone coordination in that area.

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 routing 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, Incorporation by reference, Jet routes.

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 71.607 Jet Routes

* * * * *

J-91 [Revised]

From INT Orlando, FL, 274° and Cross City FL, 135° radials; Cross City; INT Cross City 338° and Atlanta, GA, 169° radials; Atlanta; Knoxville, TN; Henderson, WV; to Bellaire, OH.

* * * * *

Issued in Washington, DC, on September 29, 1992.

Harold W. Becker,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 92-24194 Filed 10-05-92; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 90-ASO-19]

Alteration of VOR Federal Airway; FL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment alters the description of VHF Omnidirectional Range (VOR) Federal Airway V-329 located in the vicinity of Eglin Air Force Base (AFB), FL. The Eglin VOR has been decommissioned and was part of the description of V-329. Federal Airway V-329 is now realigned from an intersection. This action is in conjunction with the decommissioning of the Eglin VOR.

EFFECTIVE DATE: 0901 u.t.c., December 10, 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.

SUPPLEMENTARY INFORMATION:

History

On December 5, 1990, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to alter the description of V-329 located in the vicinity of Eglin AFB, FL (55 FR 50188). The Andalusia VOR would not pass flight check; the FAA therefore published a Supplemental Notice on February 5, 1991 (56 FR 4583), proposing to realign V-329 from Andal, FL, direct to Montgomery, AL. Federal Airway V-329 is now realigned direct to Montgomery, AL, from VOR Intersection Andal, FL. 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 Supplemental Notice. 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 airway listed in this document will be published subsequently in the Handbook.

The Rule

This amendment to part 71 of the Federal Aviation Regulations alters the description of VOR Federal Airway V-329 located in the vicinity of Eglin AFB, FL, due to the decommissioning of the Eglin VOR.

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, Incorporation by reference, VOR Federal airways.

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 71.123 Domestic VOR Federal Airways

* * * * *

V-329 [Revised]

From INT Monroeville, AL, 104° and Montgomery, AL, 188° radials; Montgomery; to Vulcan, AL

* * * * *

Issued in Washington, DC, on September 29, 1992.

Harold W. Becker,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 92-24192 Filed 10-5-92; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 510 and 520

Animal Drugs, Feeds, and Related Products; Change of Sponsor

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect a change of sponsor for a new animal drug application (NADA) from Elite Chemical Corp., Inc., to RSR Laboratories, Inc.

EFFECTIVE DATE: October 6, 1992

FOR FURTHER INFORMATION CONTACT: Judith O'Haro, Center for Veterinary Medicine (HFV-238), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301-295-8737.

SUPPLEMENTARY INFORMATION: Elite Chemical Corp., Inc., P.O. Box 1947, Norcross, GA 30091, has informed FDA that it has transferred ownership of, and all rights and interests in approved NADA 140-850 to RSR Laboratories, Inc., 501 Fifth St., Bristol, TN 37620. Accordingly, the agency is amending the regulations in 21 CFR 510.600(c)(1) and (c)(2) and in 21 CFR 520.580(b)(1) to reflect the change of sponsor.

List of Subjects

21 CFR Part 510

Administrative practice and procedure, Animal drugs, Labeling, Reporting and recordkeeping requirements.

21 CFR Part 520

Animal drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR parts 510 and 520 are amended as follows:

PART 510—NEW ANIMAL DRUGS

1. The authority citation for 21 CFR part 510 continues to read as follows:

Authority: Secs. 201, 301, 501, 502, 503, 512, 701, 706 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 331, 351, 352, 353, 360b, 371, 376).

§ 510.600 [Amended]

2. Section 510.600 is amended in the table in paragraph (c)(1) by removing the entry "Elite Chemical Corp., Inc.," and by alphabetically adding a new entry for "RSR Laboratories, Inc.," and in the table in paragraph (c)(2) by removing the entry "055025" and by numerically adding a new entry for "058670" to read as follows:

§ 510.600 Names, addresses, and drug labeler codes of sponsors of approved applications.

* * * * *

(c) * * *

(1) * * *

Firm name and address	Drug labeler code
* * * * *	
RSR Laboratories, Inc., 501 Fifth St., Bristol, TN 37620	058670
* * * * *	

(2) * * *

Drug labeler code	Firm name and address
* * * * *	
058670	RSR Laboratories, Inc., 501 Fifth St., Bristol, TN 37620.
* * * * *	

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS

3. The authority citation for 21 CFR part 520 continues to read as follows:

Authority: Sec. 512 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b).

§ 520.580 [Amended]

4. Section 520.580 *Dichlorophene and toluene capsules* is amended in paragraph (b)(1) by removing "055025" and adding in its place "058670".

Dated: September 29, 1992.

Robert C. Livingston,

Director, Office of New Animal Drug Evaluation, Center for Veterinary Medicine.

[FR Doc. 92-24191 Filed 10-5-92; 8:45 am]

BILLING CODE 4160-01-F

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 914

Indiana Abandoned Mine Land Reclamation Plan

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Correcting amendment.

SUMMARY: This document contains corrections to the final rule approving revisions to the Indiana State Reclamation Plan, which was published Monday, May 11, 1992 (56 FR 20048).

EFFECTIVE DATE: October 6, 1992.

FOR FURTHER INFORMATION CONTACT: Mr. Roger W. Calhoun, Director, Indianapolis Field Office, Office of Surface Mining Reclamation and Enforcement, Minton-Capehart Federal Building, 575 North Pennsylvania Street, room 301, Indianapolis, IN 46204, Telephone (317) 226–6166.

SUPPLEMENTARY INFORMATION:

Background

The final regulation that is the subject of these corrections was published in the **Federal Register** on May 11, 1992. The regulation announced the approval of a proposed amendment to the Indiana Abandoned Mine Land Reclamation Program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA), 30 U.S.C. 1231 *et seq.*, as amended. The amendment pertains to changes to SMCRA made by the Abandoned Mine Land Reclamation Act of 1990 which became effective October 1, 1991. The amendment revises the Indiana Program to address the changes to SMCRA effected by the amendment.

Need for Correction

As published, the final regulation contains errors which may prove to be misleading and are in need of clarification.

Correction of Publication

On page 20051, second column, "section 914.15, Approval of Regulatory Program Amendments" was inadvertently designated and should be corrected to read, "section 914.25, Amendments to approved Indiana abandoned mine land reclamation plan." Paragraph (kk) should be corrected to read paragraph (b).

List of Subjects in 30 CFR Part 914

Intergovernmental relations, Surface mining, Underground mining.

Dated: September 15, 1992.

Jeffrey D. Jarrett,

Acting Assistant Director, Eastern Support Center.

Accordingly, 30 CFR part 914 is amended as follows:

PART 914—INDIANA

1. The authority citation for part 914 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

2. Section 914.25 is revised to read as follows:

§ 914.25 Amendments to approved Indiana abandoned mine land reclamation plan.

(a) The following amendments to the Indiana AMLR plan, as submitted on January 22, 1988, and modified on June 20, 1988, and August 10, 1988, are approved effective December 29, 1988: Revisions to the Indiana AMLR plan which concern policies and procedures regarding project selection reclamation coordination, land acquisition, rights of entry, lien consideration, public participation, procurement, accounting systems, endangered and threatened species listing, and a revised administrative and management structure of the plan.

(b) The following amendment, which concerns abandoned mine land reclamation, is approved effective May 11, 1992. Revisions to the Indiana State Reclamation Plan corresponding to 30 CFR 884.13 as follows:

884.13(c)(1)—Goals and Objectives
884.13(c)(2)—Project Ranking and Selection Procedures
884.13(c)(3)—Coordination with Other Programs
884.13(c)(5)—Reclamation on Private Land
884.13(c)(7)—Public Participation Policies
884.13(d)(1)—Organization of Designated Agency
884.13(e)(1)(2)—Description of Eligible Lands and Waters
884.13(f)(1)—Economic Base

[FR Doc. 92–24131 Filed 10–5–92; 8:45 am]
BILLING CODE 4310–05–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD 05–92–69]

Special Local Regulations for Marine Events; Philadelphia Columbus Day Fireworks Display; Delaware River, Philadelphia, PA

AGENCY: Coast Guard, DOT.

ACTION: Notice of implementation of special local regulations.

SUMMARY: This notice implements 33 CFR 100.509 for the Philadelphia Columbus Day fireworks Display. The display will be launched from barges anchored off Penns Landing, Delaware River, Philadelphia, Pennsylvania on October 11, 1992. The regulations in 33 CFR 100.509 are needed to control vessel traffic in the immediate vicinity of the event due to the confined nature of the waterway and expected spectator craft congestion during the event. The regulations restrict general navigation in the area for the safety of life and property on the navigable waters during the event.

EFFECTIVE DATES: The regulations in 33 CFR 100.509 are effective from 6 p.m. to 9:30 p.m., October 11, 1992.

FOR FURTHER INFORMATION CONTACT: Mr. Stephen L. Phillips, Chief, Boating Affairs Branch, Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23704–5004 (804) 398–6204, or Commander, Coast Guard Group Philadelphia (215) 271–4825.

Drafting Information: The drafters of this notice are QMI Kevin R. Connors, project officer, Boating Affairs Branch, Boating Safety Division, Fifth Coast Guard District, and LT Monica L. Lombardi, project attorney, Fifth Coast Guard District Legal Staff.

Discussion of Regulations: The Philadelphia Columbus 500th Corporation submitted an application dated September 10, 1992 to hold a fireworks display in conjunction with a Columbus Day celebration. The display will be launched from barges anchored off Penns Landing, Delaware River, Philadelphia, Pennsylvania. Since many spectator vessels are expected to be in the area to watch the fireworks, the regulations in 33 CFR 100.509 are being implemented for this event. The fireworks will be launched from within the regulated area. The waterway will be closed during the display. Since the closure will not be for an extended period, commercial traffic should not be severely disrupted.

Dated: September 25, 1992.

W.T. LeLand,

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

[FR Doc. 92–24200 Filed 10–5–92; 8:45 am]
BILLING CODE 4910–14–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 227

[Docket No. 920780-2180]

Sea Turtle Conservation; Shrimp Trawling Requirements

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

ACTION: Turtle excluder device exemption in North Carolina restricted area and request for comments.

SUMMARY: The National Marine Fisheries Service (NMFS) will continue to allow limitations on tow times as an alternative to the requirement to use turtle excluder devices (TEDs) by shrimp trawlers in a small area off the coast of North Carolina through October 30, 1992. This area exhibits intermittently high concentrations of a brown alga, (*Dictyopteris sp.*), that makes trawling with TEDs impracticable. Shrimp inhabit the alga, and fishermen wish to harvest the alga to catch the shrimp. When algal concentrations are high, TEDs may reduce shrimp retention by excluding a large portion of the algae and the shrimp within. The tow time alternative allows fishermen to harvest shrimp more productively. NMFS will monitor the situation to ensure there is adequate protection for sea turtles in this area when tow times are allowed in lieu of TEDs, and to determine whether algal concentrations continue to make TED use impracticable.

DATES: This rule is effective from October 1, 1992 through November 2, 1992. Comments on this action must be received by November 2, 1992.

ADDRESSES: Comments on this action should be sent to Dr. Nancy Foster, Director, Office of Protected Resources, NMFS, 1335 East-West Highway, Silver Spring, MD 20910. Comments on the collection-of-information requirement subject to the Paperwork Reduction Act should be directed to the Office of Protected Resources, NMFS, 1335 East-West Highway, Silver Spring, MD 20910, Attention: Phil Williams, and to the Office of Information and Regulatory Affairs, OMB, Washington, DC 20503, Attention: Desk Officer for NOAA.

FOR FURTHER INFORMATION CONTACT: Phil Williams, NMFS National Sea Turtle Coordinator (301/713-2322) or Charles A. Oravetz, Chief, Protected Species Program, Southeast Region, NMFS, (813/893-3366).

SUPPLEMENTARY INFORMATION:

Background

All sea turtles that occur in the U.S. waters are listed as either endangered or threatened under the Endangered Species Act of 1973, U.S.C. 1531 *et seq.* (ESA). Incidental capture by shrimp trawlers has been documented for five species of sea turtles that occur in waters off of North Carolina. Interim final regulations at 50 CFR parts 217 and 227 require shrimp trawlers 25 feet (7.6m) long or longer in offshore waters of the Atlantic Area, which includes waters off North Carolina, to use approved TEDs in trawls year round. Shrimp trawlers less than 25 feet long in offshore waters of the Atlantic area are required to limit tow times to 90 minutes or less, or use TEDs. Tow time is defined as the interval for trawl doors entering the water to trawl doors being removed from the water.

Special Environmental Conditions

Interim final rules published on July 29, 1992 (57 FR 33452), and September 8, 1992 (57 FR 40859), allowed shrimpers to limit tow times rather than use TEDs through September 30, 1992, in a restricted area off the coast of North Carolina. The background and need for this exemption was thoroughly discussed in the July 29, 1992, interim final rule, and will not be repeated here. NMFS' continuing review of the TED exemption program in the North Carolina restricted area indicates there are no sea turtle mortalities associated with this program. Incomplete reports of sea turtle strandings on beaches adjacent to the restricted area show that one loggerhead turtle stranded during the period of September 1-25, 1992. NMFS and the State of North Carolina, have conducted cooperative enforcement activities and report that shrimpers have complied with the tow-time restrictions. Fishing activity in the restricted area has been limited. Thirty-eight vessels have registered for the TED exemption program, but daily fishing activity has been limited to a maximum of 15 vessels. NMFS placed an observer on one vessel on September 10, 1992. No turtles were taken during five tows that lasted a maximum of 34 minutes each. Shrimping was poor and bycatch of algae predominated the hauls, followed by finfish and other crustaceans.

NMFS has determined that there is nothing to indicate that the environmental conditions in the restricted area that were initially determined to make TED use impracticable have changed. Therefore, the Assistant Administrator for Fisheries, NOAA, (Assistant Administrator) extends the authorization to use restricted tow times, as an alternative to the requirement to use TEDs, in the North Carolina restricted area, acting pursuant to the interim final regulations effective September 1, 1992, (57 FR 40861), codified at 50 CFR 227.72(e)(3)(iii).

Comments on the Interim Final Rule

NMFS requested comments on the September 8, 1992, interim final rule extending the authorization to use restricted tow times instead of TEDs in the North Carolina restricted area. No comments were received.

Sea Turtle Conservation Measures

This action applies to shrimp trawlers 25 feet (7.6m) in length or longer in a restricted area off the coast of North Carolina. The "North Carolina restricted area" is that portion of the offshore waters between Rich Inlet, North Carolina, (34°17.6'N. latitude) and Brown's Inlet, North Carolina, (34°35.7'N. latitude), the inner boundary of which is the 72 COLREGS demarcation line (International Regulations for Preventing Collisions at Sea, 1972) and the seaward boundary of which is 1 nautical mile east of that line.

A shrimp trawler utilizing this authorization must limit tow times to no more than 55 minutes (measured from the time trawl doors enter the water, until they are retrieved from the water). NMFS does not anticipate that there will be adverse effects to sea turtles by substituting tow times for TEDs if shrimpers comply with the tow time requirements. The 55-minute tow time limitation allows at least 40 minutes bottom-time for trawling. The 55-minute tow time has also been determined to constitute an acceptable limit for forced submergence of sea turtles in shrimp trawls, and the more restricted tow time facilitates enforcement. The National Academy of Sciences report, "Decline of the Sea Turtles: Causes and Prevention," provided guidance on effects of tow times on sea turtles. The report concluded that tow times of 40 minutes in summer months and 60 minutes during winter months would provide protection comparable to the afforded by TEDs. Thus, a tow-time limitation appears to be an effective alternative to mandatory TED use and should provide comparable protection for sea turtles.

The owner or operator of a shrimp trawler 25 feet (7.6m) in length or longer trawling in the North Carolina restricted area must register with the Southeast Regional Director, NMFS, by telephoning at 813/893-3163. The following information is requested: (1)

The name and official number of the vessel; (2) the time and date of the telephone registration; the number of the state permit authorizing fishing in the restricted area; (3) a statement that the owner or operator intends to trawl in the North Carolina restricted area using the limited tow times option; (4) and the dates trawling operations in the North Carolina restricted area are expected to be conducted.

If required by the Assistant Administrator, or his designee, the owner and operator of a shrimp trawler 25 feet (7.6m) in length or longer trawling in the North Carolina restricted area must carry a NMFS-approved observer. The observer will monitor compliance with required conservation measures, including restricted tow times, and resuscitation of captured turtles in accordance with 50 CFR 227.72(e)(1)(i).

Any person who does not comply with any requirement in this action is in violation of the interim final regulations (57 FR 40861), codified at 50 CFR 227.71(b)(3).

Additional Sea Turtle Conservation Measures: Termination

The Assistant Administrator, at any time, may modify the required conservation measures through notice in the **Federal Register**, if necessary, to ensure adequate protection of endangered and threatened sea turtles. Under this procedure, the Assistant Administrator will impose any necessary additional or more stringent measures, including requiring more restrictive tow times or synchronized tow times, if the Assistant Administrator determines that conditions do not make trawling with TEDs impracticable, that there is insufficient compliance with the required conservation measures, or, that compliance cannot be monitored effectively. Likewise, conservation measures may be modified if monitoring to assess turtle mortality indicates that the incidental take level for the program is approaching the incidental take level established by the biological opinion for this action issued as a result of consultation under section 7 of the ESA. That level is one lethal take of a Kemp's ridley, green, hawksbill, or leatherback turtle; or two lethal takes of loggerhead turtles.

The Assistant Administrator will terminate this exemption for the North Carolina restricted area, if the incidental take level is exceeded, if significant or unanticipated levels of lethal or non-lethal takings or strandings of sea turtles associated with fishing activities in the North Carolina restricted area occur, or if conditions do not make trawling with TEDs impracticable. NMFS will monitor algal concentrations regularly in the restricted area through limited observer coverage and the testing of TEDs to evaluate the need for continued TED exemption for this local fishery. Finally, the Assistant Administrator may terminate this exemption for the North Carolina restricted area, if shrimpers refuse to accept observers when requested to do so and the level of observer coverage is insufficient to adequately monitor incidental take. The Assistant Administrator may take such action, for these or other reasons, as appropriate, at any time. A notice will be published in the **Federal Register** announcing any additional sea turtle conservation measures or the termination of the tow time option in the North Carolina restricted area.

Classification

The Assistant Administrator has determined that this action is necessary to respond to an emergency situation to allow more efficient fishing for shrimp, while providing adequate protection for listed sea turtles, and is consistent with the ESA and other applicable law. This action does not require a regulatory impact analysis under Executive Order 12291, because it is not a major rule.

Because neither section 553 of the Administrative Procedure Act (APA) nor any other law requires that general notice of proposed rulemaking be published for this action, under section 603(b) of the Regulatory Flexibility Act, an initial Regulatory Flexibility Analysis is not required.

The Assistant Administrator prepared an environmental assessment (EA) for the interim final rule published on September 8, 1992, (57 FR 40861), and the two previous interim final rules (57 FR 33452, July 29, 1992; and 57 FR 40859, September 8, 1992) implementing this TED exemption program. A supplemental EA prepared for this action concludes, that with specified mitigation measures, this action would have no significant impact on the human environment.

This action continues a registration program that contains a collection-of-information requirement subject to the Paperwork Reduction Act, namely, requests for registration to trawl using restricted tow times in lieu of TEDs in the North Carolina restricted area. This collection has been approved by the Office of Management and Budget (OMB) under OMB control number 0648-0267.

The public reporting burden for this collection-of-information is estimated to average 7 minutes per response, including the time for reviewing instruction, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection-of-information. Comments regarding this burden estimate or any other aspect of this collection-of-information, including suggestions for reducing this burden, may be sent to NMFS and OMB (see **ADDRESSES**). See OMB control number 0643-0267 and related analysis.

The Assistant Administrator, pursuant to section 553(b)(B) of the APA, finds there is good cause to take this action on an emergency basis and that it is impracticable and contrary to the public interest to provide notice and opportunity for comment. Failure to implement temporary measures immediately would result in fishermen not being able to catch shrimp as efficiently as possible in the North Carolina restricted area, while still protecting endangered and threatened sea turtles. Because this action relieves a restriction (the requirement to use TEDs), under section 553(d)(1) of the APA, this rule is being made immediately effective.

Dated: September 30, 1992.

Nancy Foster,

Deputy Assistant Administrator for Fisheries.

[FR Doc. 92-24120 Filed 10-1-92; 10:12 am]

BILLING CODE 3510-22-M

---

50 CFR Part 663

[Docket No. 920400-2100]

Pacific Coast Groundfish Fishery

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

ACTION: Notice of reassessment.

SUMMARY: NMFS announces that 24,000 mt of the initial shore-based allocation of 80,000 mt of Pacific whiting is surplus to shore-based processing needs and is available for at-sea processing in 1992. This action is intended to provide for full utilization of the Pacific whiting resource by U.S. fishermen and processors as provided for in the emergency interim rule allocating the 1992 whiting resource.

DATES: Effective one half hour after official sunrise (local time) October 1, 1992.

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

SUPPLEMENTARY INFORMATION: The emergency interim rule allocating the 1992 Pacific whiting (whiting) resource at 50 CFR 663.23(b)(5) (57 FR 13661,

April 17, 1992, extended at 57 FR 32181, July 21, 1992, corrected at 57 FR 35765, August 11, 1992) initially limited the amount of the whiting harvest guideline of 208,800 metric tons (mt) that could be processed at sea in the EEZ to 98,800 mt, with 80,000 mt set aside for shoreside processing and the remaining 30,000 mt set aside as a reserve. The reserve was made available for at-sea processing on September 4, 1992, because shoreside processors had not used 48,000 mt (60% of their initial allocation) by September 1, 1992, as provided in the emergency rule (57 FR 40136; September 2, 1992). Further at-sea processing of whiting was prohibited at 1400 hours on September 12, 1992, when the reserve was projected to have been taken (57 FR 42898; September 17, 1992).

The emergency rule also provides for an October reassessment such that any amount of the harvest guideline not needed by shore-based processors may be made available for at-sea processing on October 1 or as soon as practicable thereafter. The best available information on September 25, 1992, indicates that approximately 40,000 mt of whiting was processed shoreside through September 15, 1992, and that 56,000 mt would accommodate shore-based processing needs through November 30, 1992. Consequently, 24,000 mt of the initial 80,000-mt shore-based allocation for 1992 is surplus to shore-based processing needs and is made available for at-sea processing on October 1. This increases the limit for at-sea processing from 128,800 mt to 152,800 mt. Approximately, 127,500 mt has been processed at-sea in 1992, leaving about 25,300 mt available for at-sea processing after October 1.

The emergency rule allocating whiting in 1992 expires at 2400 hours on October 13, 1992, at which time all limitations on at-sea processing will expire. However, any amount of the whiting harvest guideline still remaining after October 14 is intended by the Pacific Fishery Management Council (Council) for shoreside processing needs through the end of November 1992.

The Council has recommended that a 3,000-pound trip limit be imposed when the harvest guideline is reached, to minimize landings in excess of the harvest guideline while allowing incidental catches to be landed and small target fisheries to continue. If approved, implementation of this trip limit will be announced in a separate notice in the **Federal Register**.

Secretarial Action

For the reasons stated above, an additional 24,000 mt of whiting is made available for at-sea processing one-half hour after official sunrise on October 1, 1992. This increases the amount of whiting available for at-sea processing in 1992 from 128,800 mt (98,800-mt initial allocation plus 30,000-mt reserve release) to 152,800 mt (128,800 mt plus 24,000-mt surplus from the initial shore-based allocation). When 152,800 mt of whiting is projected to have been processed at-sea in 1992, or the harvest guideline is projected to be reached, further at-sea processing in the fishery management area will be prohibited.

Consistent with 50 CFR 663.23 (b)(5)(vii), any prohibitions or adjustments may be made effective immediately by actual notice to fishermen and processors (by phone, FAX, Northwest Region computerized bulletin board (contact 206–526–6128), letter, press release, and/or U.S. Coast Guard Notice to Mariners (monitor channel 16 VHF)), followed by publication in the **Federal Register**.

Classification

This action is taken under the authority of, and in accordance with 50 CFR 663.23(b)(5)(vi) and (vii). The determination of the amount of whiting surplus to shore-based processing needs is based on the most recent data available. The aggregate data upon which the determination is based are available for public inspection at the Office of the Director, Northwest Region (see **ADDRESSES**) during business hours until October 15, 1992.

This action implements the emergency rule for the 1992 allocation of Pacific whiting (57 FR 13661, extended at 57 FR 32181), is taken under the authority of 50 CFR 663.23(b)(5), and is exempt from the normal review procedures of Executive Order 12291.

List of Subjects in 50 CFR Part 663

Administrative practice and procedure, Fisheries, Fishing, and Record keeping and reporting requirements.

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

Dated: September 30, 1992.

David S. Crestin,

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

[FR Doc. 92–24148 Filed 9–30–92; 4:31 pm]

BILLING CODE 3510–22–M

50 CFR Part 672

[Docket No. 911176–2018]

Groundfish of the Gulf of Alaska

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

ACTION: Closure of directed fishing.

SUMMARY: NMFS is closing the directed fishery for Pacific cod by the offshore component in the Central Regulatory Area (statistical areas 62 and 63) of the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the allowance of Pacific cod total allowable catch (TAC) to the offshore component in this area.

EFFECTIVE DATES: Effective 12 noon, Alaska local time (A.l.t.), September 30, 1992, through 12 midnight, A.l.t., December 31, 1992.

FOR FURTHER INFORMATION CONTACT: Andrew N. Smoker, Resource Management Specialist, Fisheries Management Division, NMFS, 907–586–7228.

SUPPLEMENTARY INFORMATION: The groundfish fishery in the exclusive economic zone within the GOA is managed by the Secretary of Commerce according to the Fishery Management Plan for Groundfish of the GOA (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson Fishery Conservation and Management Act. Fishing by U.S. vessels is governed by regulations implementing the FMP at 50 CFR parts 620 and 672.

The allowance of Pacific cod TAC to the offshore component in the Central Regulatory Area of the GOA is 363 metric tons (mt) in accordance with § 672.20(a)(2)(v)(B).

The Director of the Alaska Region, NMFS, has determined, in accordance with § 672.20(c)(2)(ii), that the entire 363 mt will be needed as bycatch to support other groundfish fisheries. Therefore, NMFS is establishing a directed fishing allowance of 0 mt for the Central Regulatory Area, and is setting aside 363 mt as incidental catch in directed fishing for other species. Consequently, NMFS is prohibiting directed fishing for Pacific cod in the Central Regulatory Area of the GOA by the offshore component effective from 12 noon, A.l.t., September 30, 1992, through 12 midnight, A.l.t., December 31, 1992.

Directed fishing standards for applicable gear types may be found in the regulations at § 672.20(g).

Classification

This action is taken under 50 CFR 672.20 and is in compliance with E.O. 12291.

List of Subjects in 50 CFR Part 672

Fisheries, Reporting and recordkeeping requirements.

Authority: 16 U.S.C. 1801 *et seq.*
Dated: September 30, 1992.

David S. Crestin,

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

[FR Doc. 92-24125 Filed 9-30-92; 4:38 pm]
BILLING CODE 3510-22-M

---

50 CFR Part 685

[Docket No. 920538-2249]

Pelagic Fisheries of the Western Pacific Region

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

ACTION: Final rule.

SUMMARY: NMFS issues this final rule recommended by the Western Pacific Fishery Management Council (Council) to reduce seasonally (October through January) the longline fishing area closures off the windward sides of the Main Hawaiian Islands (MHI). This action will allow operators of longline vessels to fish for bigeye tuna in waters around the MHI that were previously closed to longline fishing to prevent conflicts with troll and handline fishing vessels. This action is intended to reduce economic strain experienced by certain longline vessel operators and owners as a result of the area closures without significantly increasing the risks of gear conflicts. It also may reduce the safety risk associated with longline vessels fishing far offshore in months with rough weather and dangerous ocean conditions.

EFFECTIVE DATE: This action becomes effective at 0001 hours local time October 1, 1992.

ADDRESSES: Copies of the Environmental Assessment/Regulatory Impact Review for Amendment 5 to the Fishery Management Plan for Pelagic Fisheries of the Western Pacific Region (FMP) establishing the original longline fishing area closures, and the supporting documentation for the proposed adjustment of the area closures, may be obtained from the Western Pacific Fishery Management Council, 1164 Bishop Street, Suite 1405, Honolulu, Hawaii 96813.

FOR FURTHER INFORMATION CONTACT: Svein Fougner, Southwest Region, NMFS, 310-980-4034; Alvin Z. Katekaru, Pacific Area Office, Southwest Region, NMFS 808-955-8831, or the Western Pacific Fishery Management Council at 808-523-1368.

SUPPLEMENTARY INFORMATION: Under the authority of the Magnuson Fishery Conservation and Management Act (Magnuson Act), the Secretary of Commerce (Secretary) approved Amendment 5 to the FMP that established longline fishing area closures around the MHI. The amendment was implemented by a final rule (57 FR 7661, March 4, 1992). This amendment made permanent longline area closures that had been first imposed by emergency rule effective June 14, 1991 (56 FR 28816, June 19, 1991); corrected by a notice published on July 11, 1991 (56 FR 31689); and extended for a second 90-day period by a notice on September 20, 1991 (56 FR 47701). These regulations prohibit fishing for pelagic species with longline gear within 75 nautical miles (nm) of Kauai County (which includes the islands of Kauai, Niihau, and Kaula) and the island of Oahu, and within 50 nm around Maui County (which includes the islands of Maui, Kahoolawe, Lanai, and Molokai) and Hawaii County (which is the island of Hawaii). The closures are intended to prevent conflicts between longline gear and troll and handline gear by precluding longline fishing in areas on which troll and handline fisheries have been dependent. Additional information on the basis for this action may be found in the **Federal Register** of June 19, 1991 (56 FR 28816).

The amendment also established procedures for adjusting the longline area closures through a rulemaking process, if necessary, to meet the goals and objectives of the FMP (50 CFR 685.24). The Council proposal that has resulted in this rule has followed that procedure. The basis for the proposal and the rationale for the specific adjustment in the area closures are described in detail in the proposed rule published at 57 FR 33926 (July 31, 1992) and is not repeated here. When presented with information from participants in the longline fishery, troll and handline fisheries, and marketing and processing industries, the council concluded that a seasonal adjustment in the longline fishing area closures would provide opportunity for the longline fishery to fish for bigeye tuna in the waters concerned without significantly increasing the risk of gear conflict between the longline fishery and the troll and handline fisheries for pelagic species. The seasonal adjustment could reduce adverse economic impacts on the longline fishery sector without a significant reduction in the effectiveness of the closures in preventing gear conflicts. The information supporting the Council's conclusion was presented in the proposed rule and is not repeated here. The Council acknowledged the limitations of the data on which to base its decision, but noted that the areas to be open to longline vessel operators, although important for bigeye tuna fishing in the late fall and early winter months, are relatively little used by the troll and handline fishery sectors. While total longline fishery catches increased in 1991 compared to 1990, there was a sharp decrease in longline activity following the imposition of the original area closures, suggesting that the closures had severely affected at least a portion of the fleet. There is no definitive information concerning the effects of catches by one fishery sector on the catches of another sector; however, it was noted by the Council that total commercial small boat landings of pelagic species increased by 11 percent in 1991 from 1990 levels in spite of the large longline fishery landings.

Based on these data, the Council concluded that a seasonal reduction in the longline area closures on the windward sides of the MHI is warranted. This will relieve an economic burden for at least some longline vessel operators, while not increasing significantly the probability of gear conflicts among the principal gear types in the pelagics fishery around Hawaii.

The Council recommended that the longline fishery area closures around the MHI be as follows:

1. From October 1 through January 31 of the following year, longline fishing would be prohibited within waters approximately 25 nm from the windward shores of Kauai County, Maui County, and Hawaii County, and 50 nm off the windward coast of Oahu; and within waters approximately 75 nm off the leeward coasts of Kauai County and Oahu and 50 nm of Maui County and Hawaii County. The distances are approximations; the U.S. Coast Guard and NMFS Enforcement staff have provided specific latitude and longitude coordinates to designate the closed areas with straight lines that approximate the 25, 50, and 75 nm boundaries. In some areas, the closure may be slightly more or less than the mileage indicated.

2. From February 1 through September 30 each year, longline fishing would be prohibited within waters, on the windward and the leeward side,

approximately 75 nm from Kauai County and Oahu, and within 50 nm of Maui County and Hawaii County. Again, specific latitude and longitude coordinates are set to facilitate enforcement.

The Council did not condition this adjustment on a vessel tracking system (VTS) or observer requirement or a bycatch limit. However, the Council agreed to develop an amendment to require VTS equipment on all longline vessels by September 1993 and an amendment authorizing the Southwest Regional Director, NMFS (Regional Director), to place observers on longline vessels to collect scientific data on catch composition, especially the catch of blue marlin in the longline fishery. These FMP amendments are under preparation. The Council also agreed to convene a workshop on blue marlin management, including the possibility of bycatch limits.

NMFS agrees that the proposed modification of the longline fishing area closures is consistent with the FMP and is warranted to reduce an economic burden without reducing the effectiveness of the area closures in preventing gear conflicts.

Comments on the Proposed Rule and Responses

Three persons submitted comments on the proposed rule, with one person submitting several sets of comments. These comments and the responses to them are presented below.

1. *Comment:* The information is insufficient to support a reduction in the longline area closures. The total landings of the longline fleet increased in 1991, indicating the closures did not have an adverse effect on the fleet.

Response: It is correct that total fleet landings increased, largely due to a significant increase in swordfish landings made by vessels fishing beyond the closed areas and outside the EEZ. However, there was a sharp drop in the level of longline fleet activity in the period following the initial imposition of the area closures, indicating that the closures were preventing a portion of the fleet from fishing. These vessels may not have had the capability or gear to be used to fish beyond the closed areas, or the operators may not have had the experience to fish successfully beyond the closed areas. As longlining vessels that are smaller or less-equipped are forced to fish in waters further off the coast when ocean conditions are more severe, safety risks will increase. Thus, a long-term decrease in total fleet landings may occur as the gear of longlining vessels becomes lost or damaged, or as long as certain longlining vessels are unable to fish far offshore in the months of rough weather and dangerous ocean conditions. Nonetheless, the area closure adjustment will allow these vessels a period of time to fish closer to shore at a time when bigeye tuna, a principal target species, are generally available. This may mitigate the adverse economic effect of the closures.

2. *Comment:* The Council did not consider the potential adverse effects of the reduced closure on troll and handline fishery sectors. These sectors are dependent on waters which are closed to longline vessels. Longline vessels have the capability to fish farther from shore and are not dependent on nearshore waters.

Response: The Council considered the potential impacts on other fishery sectors. The Council noted that troll and handline fisheries are heavily dependent on nearshore waters, as most fishing trips occur less than 20 miles from shore according to State of Hawaii fisheries data. Further, there is less activity in these fisheries in the winter than in the summer, when the larger closures would be in effect. While many longline vessels are capable of fishing beyond the closed areas, the Council noted that longline fishing activity dropped sharply after the closures initially went into effect, indicating that at least a portion of the longline fleet was dependent on these areas and could not fish far from shore. The Council further noted that there is not a clear relationship between longline catches and troll and handline catches; all sectors experienced increased landings in 1991 compared to 1990.

3. *Comment:* The reduction in the area closures will pose a threat to threatened and endangered species, such as the Hawaiian monk seal and humpback whale. There has been increasing movement of seals between the northwestern Hawaiian Islands (NWHI) and the MHI, especially around Niihau and Kauai, and waters 50 miles west and north of Kauai should remain closed all year. The humpback whale range extends to Molokai, Lanai, and Kahoolawe, not just to Maui, and reducing the area closures in the winter when whales are most abundant risks more entanglements with longline gear.

Response: Based upon the environmental assessment (EA) prepared by the Council for the emergency action and FMP amendment that established the original longline area closures, NMFS concluded that there would be no risk to threatened and endangered species. The only documented instances of interaction between longline fishing and Hawaiian monk seals occurred in the NWHI; no instances have been known to occur around the MHI. While there have been increased sightings of monk seals around the MHI, these are still relatively rare and there is no reason to expect adverse effects on the population as a result of the closure adjustment. With respect to humpback whales, NMFS noted that there had been two recorded instances of entanglement in longline gear in 1991. NMFS concluded, however, that because the winter distribution of humpback whales is predominantly within the 100-fathom isobath around the MHI (less than 25 miles from shore), the seasonal closure adjustment would not adversely affect humpback whales.

4. *Comment*: The Council did not consider the bycatch by longliners of blue marlin and other species of importance to small scale commercial and recreational fisheries. The Council should have adopted requirements that a NMFS study has indicated would reduce the bycatch of these species. The requirement for longline vessels to carry observers also should be imposed.

Response: The Council considered these points but did not take immediate action. The Council is aware that troll and handline fisheries view blue marlin and some other species as bycatch to the longline fishery, but it is clear that these fish are sold and thus generate revenue to longline as well as troll and handline fisheries. As for the NMFS study, it indicated that it may be possible to reduce the catch of blue marlin on longlines by using certain gear modifications or techniques, but the ability to require and enforce the use of such gear or methods has not been evaluated by the Council or its plan team. The Council did agree to convene a workshop on blue marlin management, at which such actions may be addressed. The Council also agreed to prepare an FMP amendment to authorize the Regional Director to require a longline vessel operator to make accommodations for a scientific observer on a fishing trip to collect scientific data on the longline fishery. Completion of this amendment will take some time, including solicitation of public comments and consideration of the results of the blue marlin management workshop.

5. *Comment*: The Council did not adequately notify the public of its intent to consider longline fishing area closure adjustments and did not hold public meetings or hearings in all areas to solicit public comment before taking action.

Response: The Council met the Magnuson Act requirements and followed the framework process in the FMP for proposing adjustments to the area closures. The Council meeting at which the proposal was agreed to was announced in the **Federal Register** which indicated that this topic would be on the agenda for the meeting. The meeting also was announced in Honolulu newspapers and was open to the public. Meetings of the Council's Select Committee to address the area closure issue, Pelagics Plan Team, and Scientific and Statistical Committee also were announced in the **Federal Register** and in Hawaii newspapers and were open to the public. The Council also dedicated a portion of its March 16–17, 1992, meeting to take public testimony on the issue. The Council was not required to hold public hearings on all islands before making a decision on the issue.

6. *Comment*: The Council should accelerate the requirement for longline vessels to be equipped with vessel tracking system (VTS) devices before September 1993.

Response: The Council is preparing an FMP amendment on this issue. The requirement cannot be imposed until that amendment is finished and submitted to the Secretary for approval and implementation. Public input on the amendment will be required before it can be completed by the Council.

Changes From the Proposed Rule

No substantive changes were made from the proposed rule.

Classification

The Assistant Administrator for Fisheries, NOAA (Assistant Administrator), has determined that this rule is necessary for the conservation and management of the western Pacific pelagics fishery and is consistent with the Magnuson Act and other applicable law.

The Council prepared an EA for the emergency action implementing the original area closures and prepared a supplemental EA for the FMP amendment that established the current area closures and the process for adjusting the area closures through rulemaking. The EA and supplemental EA concluded that the closures would not have a significant impact on the marine or human environment and were the basis for a Finding of No Significant Impact under the National Environmental Policy Act. There is no new information that would result in a different conclusion at this time, and this action falls within the scope of the alternatives considered in the EA and supplemental EA. Therefore, this action is categorically excluded from the requirement to prepare an environmental assessment under section 6.02.c.3(f) of NOAA Administrative Order 216–6. Copies of the EA and supplemental EA are available from the Council (see **ADDRESSES**).

The Assistant Administrator determined that this rule is not a "major rule" requiring a regulatory impact analysis under Executive Order 12291. This determination is based on the fact that the final rule will not have a cumulative effect on the economy of $100 million or more, nor will it result in a major increase in costs to consumers, industries, government agencies, or geographical regions. No significant adverse impacts are anticipated on competition, employment, investments, productivity, innovation, or competitiveness of U.S.-based enterprises.

The General Counsel of the Department of Commerce certified to the Small Business Administration that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act. As a result, a regulatory flexibility analysis was not prepared.

This rule does not contain a collection-of-information requirement for purposes of the Paperwork Reduction Act.

Biological Opinions and the results of informal consultations under the Endangered Species Act pertaining to the pelagic fisheries have concluded that, with the conservation and management measures in effect under the FMP, the fisheries are not likely to adversely affect any listed species or adversely affect critical habitat.

This rule will be implemented in a manner that is consistent to the maximum extent possible with the approved coastal management program of the State of Hawaii. The responsible state agency has concurred with this determination.

This rule does not contain policies with federalism implications sufficient to warrant preparation of a federalism assessment under Executive Order 12612.

The Administrative Procedure Act (5 U.S.C. 553) requires that, generally, final rules be published not less than 30 days before they become effective. This 30-day period may be shortened if the rulemaking agency publishes with the rule an explanation of what good cause justifies an earlier effective date. This rule is intended to alleviate economic strain during the months of October through January every year by allowing longline vessels an opportunity to fish for bigeye tuna when they are expected to be in waters which would be closed to longline vessels in the absence of this action. Also, the final rule relieves a restriction that forces longline vessels to operate far off the windward coasts in the winter, when ocean conditions are more severe. It is desirable to implement the rule by the intended effective date so that economic strain will be reduced. Allowing a full 30-day delayed effectiveness period will limit the beneficial effects of this action. Since the final rule is relieving a restriction, NMFS finds good cause to waive a portion of the delayed effectiveness period to make this rule effective on a timely basis.

List of Subjects in 50 CFR Part 685

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: September 30, 1992.

Samuel W. McKeen,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 685 is amended as follows:

PART 685—PELAGIC FISHERIES OF THE WESTERN PACIFIC REGION

1. The authority citation for part 685 continues to read as follows:

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

2. In § 685.2, the definitions of "Guam longline fishing prohibited area" and "Hawaii longline fishing prohibited area" are removed, the definition of "Regional Director" is revised, and a new definition of "Longline fishing prohibited area" is added, to read as follows:

§ 685.2 Definitions.

* * * * *

Longline fishing prohibited area means the portions of the EEZ in which longline fishing is prohibited as specified in § 685.24 (b), (c), and (d).

* * * * *

Regional Director means the Director, Southwest Region, National Marine Fisheries Service, 501 West Ocean Boulevard, suite 4200, Long Beach, California 90802, or a designee.

3. In § 685.5, paragraph (t) is revised to read as follows:

§ 685.5 Prohibitions.

* * * * *

(t) Fish with longline gear within a longline fishing prohibited area, except as allowed pursuant to an exemption issued under § 685.25.

§ 685.24 Redesignated as § 685.26

4. Section 685.24 is redesignated § 685.26 and a new § 685.24 is added to read as follows:

§ 685.24 Longline fishing prohibited area management.

(a) Longline fishing shall be prohibited in the longline fishing prohibited areas as defined in (b), (c), and (d) of this section.

(b) From February 1 through September 30 each year, the longline fishing prohibited area around the main Hawaiian Islands is the portion of the EEZ seaward of Hawaii bounded by straight lines connecting the following coordinates in the order listed:

Point	Latitude	Longitude
A	18°05' N	155°40' W
B	18°20' N	156°25' W
C	20°00' N	157°30' W
D	20°40' N	161°40' W
E	21°40' N	161°55' W
F	23°00' N	161°30' W
G	23°05' N	159°30' W
H	22°55' N	157°30' W
I	21°30' N	155°30' W
J	19°50' N	153°50' W
K	19°00' N	154°05' W
A	18°05' N	155°40' W

(c) From October 1 through the following January 31 each year, the longline fishing prohibited area around the main Hawaiian Islands is the portion of the EEZ seaward of Hawaii bounded by straight lines connecting the following coordinates in the order listed:

Point	Latitude	Longitude
A	18°05' N	155°40' W
L	18°25' N	155°40' W
M	19°00' N	154°45' W
N	19°15' N	154°25' W
O	19°40' N	154°20' W
P	20°20' N	154°55' W
Q	20°35' N	155°30' W
R	21°00' N	155°35' W
S	22°30' N	157°35' W
T	22°40' N	159°35' W
U	22°25' N	160°20' W
V	21°55' N	160°55' W
W	21°40' N	161°00' W
E	21°40' N	161°55' W
D	20°40' N	161°40' W
C	20°00' N	157°30' W
B	18°20' N	156°25' W
A	18°05' N	155°40' W

(d) The longline fishing prohibited area around Guam shall be the waters seaward of Guam bounded by straight lines connecting the following coordinates in the order listed:

Point	Latitude	Longitude
A	14°25' N	144°00' E
B	14°00' N	143°38' E
C	13°41' N	144°33'30" E
D	13°00' N	143°25'30" E
E	12°20' N	143°37' E
F	11°40' N	144°09' E
G	12°00' N	145°00' E
H	13°00' N	145°42' E
I	13°27' N	145°51' E

[FR Doc. 92-24208 Filed 10-1-92; 3:39 pm]
BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 57, No. 194
Tuesday, October 6, 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

Agricultural Stabilization and Conservation Service

7 CFR Parts 735, 736, 737, 738, 739, 740, 741, and 742

RIN 0560 AC05

Liquidation and Informal Hearing Procedures Under the U.S. Warehouse Act

AGENCY: Agricultural Stabilization and Conservation Service, USDA.

ACTION: Withdrawal of proposed rules.

SUMMARY: On May 9, 1991, a proposed rule was published in the **Federal Register** (56 FR 21452). The rule proposed amendments to the regulations governing warehousemen licensed under the U.S. Warehouse Act (USWA). Those amendments would provide liquidation procedures for the closure of licensed grain warehouses and informal hearing procedures for all USWA licensed warehousemen.

The proposal regarding informal hearing procedures will be published separately as a Proposed Rule for comment by interested parties. The proposal regarding liquidation procedures is hereby being withdrawn in response to the President's regulatory moratorium.

FOR FURTHER INFORMATION CONTACT: Lynda Moore, Agricultural Marketing Specialist, ASCS, USDA, telephone 202–720–2121.

Signed at Washington, DC, on September 30, 1992.

Keith D. Bjerke,

Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 92–24241 Filed 10–5–92; 8:45 am]

BILLING CODE 3410–05–M

Agricultural Marketing Service

7 CFR Part 958

[Docket No. FV–92–093PR

Onions Grown in Certain Designated Counties in Idaho and Malheur County, Oregon—Amendment to Handling Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would change the term "pearl onions" to "pickler onions" for consistency of terminology with Federal grade standards. This proposal would also change the maximum size exemption of such onions from 1¾ inches to 1 inch in diameter. Under the current handling regulation, pearl onions as large as 1¾ inches in diameter are exempt from grade, size, maturity, assessment and inspection requirements, while other white onions more than 1 inch in diameter must meet minimum requirements in these areas. This action would eliminate the ambiguity over which onions are exempt and which are regulated by establishing a new, smaller, size range for pearl onions that more closely follows current industry practice. To eliminate redundancy and possible confusion in regulations, this proposal would also remove a paragraph from the handling regulation regarding imported onions.

DATES: Comments must be received by November 5, 1992.

ADDRESSES: Interested persons are invited to submit written comments concerning this proposal to: Docket Clerk, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2523–S, Washington, DC 20090–6456. Three copies of all written material shall be submitted. Comments received will be made available for public inspection at the Office of the Docket Clerk during regular business hours. All comments should reference the docket number and the date and page number of this issue of the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: Gary Olson, Northwest Marketing Field Office, 1220 S.W. Third Avenue, room 369, Portland, Oregon, 97204, telephone (503) 326–2724, or Robert F. Matthews, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2523–S, Washington, DC 20090–6456, telephone (202) 690–0464.

SUPPLEMENTARY INFORMATION: This rule is proposed under Marketing Agreement No. 130 and Order No. 958 (7 CFR part 958) (order), regulating the handling of onions grown in Idaho and Malheur County, Oregon. The marketing agreement and order are authorized by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the Act.

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

This rule has been reviewed under Executive order 12778, Civil Justice Reform. This action is not intended to have retroactive effect. This proposed rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 8c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and requesting a modification of the order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After the hearing, the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has a principal place of business, has jurisdiction in equity to review the Secretary's ruling on the petition, provided a bill in equity is filed not later than 20 days after the date of the entry of the ruling.

Pursuant to the requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this proposal on small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly

or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 35 handlers of Idaho-Oregon onions subject to regulation under the marketing order, and approximately 450 producers in the production area. Small agricultural service firms are defined as those whose annual receipts are less than $3,500,000, and small agricultural producers have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than $500,000. The majority of onion producers and handlers subject to regulations under the order may be classified as small entities.

On June 30, 1992, the Idaho-Eastern Oregon Onion Committee (Committee) unanimously recommended amending the order's handling regulation to change the term "pearl onions" to "pickler onions" and to reduce the maximum allowable size of such onions to not more than 1 inch in diameter. Paragraph (h) of § 958.328 *Handling regulation* currently defines pearl onions as onions grown using specific cultural practices that limit growth to the same general size as boiler and pickler onions, measuring 1¾ inches in diameter or less. The regulation groups all small onion under the heading of boilers and picklers with sizes up to 1¾ inches in diameter. The United States Standards for Grades of Onions (Other Than Bermuda-Granex-Grano and Creole Type) (7 CFR § 51.2834) states that the size range for boiler onions shall be 1 to 1⅞ inches in diameter while picklers shall be 1 inch or less in diameter. The industry generally considers pearl onions to be in the range of ¾ to 1 inch in diameter. Therefore, defining pearl onions as pickler onions, for purposes of the handling regulation, would describe the size of such onions in accordance with current industry practice. The Committee contends that using terminology consistent with the U.S. grade standards for onions would prevent confusion between sellers and buyers.

Pursuant to paragraph (e) of § 958.328, pearl onions are handled as special purpose shipments and, thus, are exempt from the grade, size, maturity, assessment and inspection requirements of the order. However, paragraphs (a)(1)(i) and (a)(3)(ii) of § 958.328 also specify that white varieties of onions must be a least 1 inch in diameter and that other (yellow) varieties must be at least 1½ inches in diameter, respectively. Because it is not readily apparent, after harvest, whether onions have been produced under cultural practices that would qualify such onions as pearl onions, small onions ranging from 1 inch to 1¾ inches in diameter could be considered exempt from regulations as pearl onions or regulated under the order's size requirements. This proposed rule would alleviate this ambiguity by limiting the size of pearl onions to 1 inch or less in diameter, which is smaller than the minimum size requirements for nonexempt onions. Handlers of pearl onions would still be required to comply with safeguard requirements of the order.

The Committee has twice increased the exempted size of pearl onions, most recently to 1¾ inches in diameter in September 1990 (55 FR 36601, September 6, 1990). That increase was justified because a small number of the pearl onions were larger than the intended size of 1 inch or less in diameter. The Committee had reported that buyers were more willing to purchase the somewhat larger onions in lots of pearl onions than to pay the additional handling costs associated with sorting the various sizes. Because pearl onions are sold as a specialty item, distinct from other onions grown in the production area, it was not expected that the increase in the exemption size would adversely affect the marketing of other onions.

However, the Committee now reports that the larger sizes of exempted pearl onions; i.e., those greater than 1 inch and 1¾ inches or less in diameter, compete directly with nonexempt onions regulated under the order. This size overlap for exempt and nonexempt onions has presented a compliance problem for the Committee. Thus, the Committee recommends that pearl onions larger than 1 inch and 1¾ inches or less in diameter not be exempt from order requirements. The Committee recommends that such pearl onions be subject to the same grade, size, maturity, assessment and inspection requirements as other smaller sized onions regulated under the order. Under this proposal, all pearl onions 1 inch or less in diameter would remain exempt from order requirements as special purpose shipments specified in paragraph (e) of § 958.328.

The information collection requirements that are contained in 7 CFR Part 958 have been previously approved by the Office of Management and Budget and have been assigned OMB No. 0581–0087. This action proposes that such pearl onions, currently being reported as special purpose shipments, be specified as pickler onions because such onions can be marketed in both fresh and processed markets. No additional increase in reporting burden would be required.

This action also proposes that paragraph (i) *Applicability to Imports* of § 958.328 be removed from the handling regulations. That paragraph provides information that is contained in 7 CFR 980.117 *Import regulations; onions.* Since the same information applicable to imported onions is contained in the import regulations, paragraph (i) in the domestic handling regulation should be removed to eliminate redundancy of regulations and possible confusion.

The recommended changes are intended to result in more consistent terminology used in describing onions produced in the production area, improve conformity in regulations by removing the ambiguity of size exemptions, and improve the Committee's ability to oversee compliance with program requirements.

The Administrator of the AMS has determined that this action would not have a significant economic impact on a substantial number of small entities. Written comments, timely received, in response to this action will be considered before finalization of this proposed rule.

List of Subjects in 7 CFR Part 958

Marketing agreements, Onions, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, it is proposed that 7 CFR part 958 be amended as follows:

PART 958—ONIONS GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

1. The authority citation for 7 CFR part 958 continues to read as follows:

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

2. Section 958.328 is proposed to be amended by revising paragraph (e), the introductory sentence of paragraph (f), and paragraph (f)(2), adding a new paragraph (f)(5), revising paragraph (h), and removing paragraph (i) to read as follows:

§ 958.328 Handling regulation.

* * * * *

(e) *Special purpose shipments.* The minimum grade, size, maturity, assessment, and inspection requirements of this section shall not be

applicable to shipments of pickler onions or onions for any of the following purposes: (1) Planting, (2) livestock feed, (3) charity, (4) dehydration, (5) canning, (6) freezing (7) extraction, and (8) pickling.

(f) *Safeguards.* Each handler making shipments of pickler onions or onions for dehydration, planting, canning, freezing, extraction or pickling pursuant to paragraph (e) of this section shall:

(1) * * *

(2) Prepare, on forms furnished by the committee, a report in quadruplicate on each individual shipment to such outlets authorized in paragraph (c) of this section.

* * * * *

(5) Shipments of pickler onions shall be reported to the committee on forms and at time intervals as prescribed by the committee.

* * * * *

(h) *Definitions.* The terms "U.S. No. 1," "U.S. Commercial," and "U.S. No. 2" have the same meaning as defined in the United States Standards for Grades of Onions (Other than Bermuda-Granex-Grano and Creole Types), as amended (7 CFR 51.2830–2854), or the United States Standards for Grades of Bermuda-Granex-Grano Type Onions (7 CFR 51.3195–3209) as amended, whichever is applicable to the particular variety, or variations thereof specified in this section. The term "braided red onions" means onions of red varieties with tops braided (interlaced). "Pickler onions" means onions which are produced using specific cultural practices that limit growth and which are 1 inch in diameter or less. The term "moderately cured" means the onions are mature and are more nearly well cured than fairly well cured. Other terms used in this section have the same meaning as when used in Marketing Agreement No. 130 and this part.

* * * * *

Dated: October 1, 1992.

William D. Paterson,

Acting, Deputy Director, Fruit and Vegetable Division.

[FR Doc. 92–24230 Filed 10–5–92; 8:45 am]

BILLING CODE 3410–02–M

---

7 CFR Part 1030

[DA–92–30]

Milk in the Chicago Regional Marketing Area; Proposed Suspension of Certain Provisions of the Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed suspension of rule.

SUMMARY: This action invites written comments on a proposal to suspend certain provisions of the Chicago Regional Federal milk marketing order for the months of October 1992 through January 1993. The proposal would suspend the shipping standard that applies to each plant in a unit of pool supply plants. Currently, each plant in a unit of supply plants must ship at least three percent of its receipts of milk or 47,000 pounds, whichever is less, to plants that distribute fluid milk products. The suspension was requested by Central Milk Producers Cooperative, (CMPC), a federation of cooperatives that represents producers who supply milk for the market. CMPC contends that the action is necessary to prevent uneconomical and inefficient movements of milk.

DATES: Comments are due no later than October 13, 1992.

ADDRESSES: Comments (two copies) should be sent to USDA/AMS/Dairy Division, Order Formulation Branch, Room 2968, South Building, P.O. Box 6456, Washington, DC 20090–6456.

FOR FURTHER INFORMATION CONTACT: John F. Borovies, Marketing Specialist, USDA/AMS/Dairy Division, Order Formulation Branch, Room 2968, South Building, P.O. Box 96456, Washington, DC 20090–6456, (202) 690–1366.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act (5 U.S.C. 601–612) requires the Agency to examine the impact of a proposed rule on small entities. Pursuant to 5 U.S.C. 605(b), the Administrator of the Agricultural Marketing Service has certified that this action would not have a significant economic impact on a substantial number of small entities. Such action would lessen the regulatory impact of the order on certain milk handlers and would tend to ensure that dairy farmers would continue to have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

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

This proposed action has been reviewed under Executive Order 12778, Civil Justice Reform. This action is not intended to have a retroactive effect. If adopted, this proposed action will not preempt any state or local laws, regulations, or policies, unless they present an irreconcilable conflict with the rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provisions of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of an order or to be exempted from the order. A handler is afforded the opportunity for a hearing on the petition. After a hearing the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has its principal place of business, has jurisdiction in equity to review the Secretary's ruling on the petition, provided a bill in equity is filed not later than 20 days after the date of the entry of the ruling.

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), the suspension of the following provisions of the order regulating the handling of milk in the Chicago Regional marketing area is being considered for the months of October 1992 through January 1993:

In § 1030.7, paragraph (b)(6)(v).

All persons who want to submit written data, views or arguments about the proposed suspension should send two copies of their views to USDA/AMS/Dairy Division, Order Formulation Branch, room 2968, South Building, P.O. Box 96456, Washington, DC 20090–6456 by the 7th day after publication of this notice in the **Federal Register.** The period for filing comments is limited to seven days because a longer period would not provide the time needed to complete the required procedures for October 1992.

All written submissions made pursuant to this notice will be made available for public inspection in the Dairy Division during regular business hours (7 CFR 1.27(b)).

Statement of Consideration

The proposed action would suspend certain provisions of the order during the months of October 1992 through January 1993. The suspension would eliminate the shipping standard that applies to each plant in a unit of pool supply plants during each of these months.

The order defines a unit of supply plants as two or more plants, which are located in the marketing area, from which Grade A milk is shipped to a qualified plant. The order provides that for pooling purposes a unit of supply plants must ship a specified percentage of total receipts to other plants and that each plant within a unit must ship at

least three percent of the plant's receipts of milk or 47,000 pounds, whichever is less, to plants that distribute fluid milk products during each of the months of August through January. The proposed suspension would suspend this shipping standard for individual plants during the months of October 1992 through January 1993.

The action was requested by Central Milk Producers Cooperative (CMPC), a federation of cooperative associations that represent a substantial number of producers who supply the market. CMPC contends that the most recent supply and demand estimates, and their commitments to the market, substantiate that there are more than sufficient fluid milk supplies from close-in sources available for the fluid market and it appears that this supply will continue. Based on these projections, CMPC asserts that it is impractical and unnecessary to require qualifying shipments from distant unit plants, while forcing the milk from nearby unit plants to be hauled out for manufacturing, merely for pooling purposes. CMPC states that this double hauling of milk is putting a financial burden on handlers who operate pool units. Thus, CMPC contends that the proposed action is necessary to prevent uneconomical and inefficient movements of milk.

Thus it may be appropriate to suspend the shipping standard for individual plants in a supply plant unit.

List of Subjects in 7 CFR Part 1030

Milk marketing orders.

PART 1030—[AMENDED]

The authority citation for 7 CFR part 1030 continues to read as follows:

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

Dated: October 1, 1992.

Daniel Haley,

Administrator.

[FR Doc. 92–24228 Filed 10–5–92; 8:45 am]

BILLING CODE 3410–02–M

---

7 CFR Part 1098

[DA–92–31]

Milk in the Nashville, Tennessee Marketing Area; Proposed Suspension of Certain Provisions of the Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed suspension of rule.

SUMMARY: This docket invites written comments on a proposal to suspend a portion of the pool plant definition of the Nashville, Tennessee milk order. The proposed action would suspend the 15 percent in-area route disposition requirement for pool plant status. The proposed suspension was requested by Malone and Hyde, Inc. (Malone), a proprietary handler that desires that its distributing plant located in Nashville, Tennessee remain regulated under that milk order.

DATES: Comments are due no later than October 13, 1992.

ADDRESSES: Comments (two copies) should be filed with the USDA/AMS/Dairy Division, Order Formulation Branch, room 2968, South Building, P.O. Box 96456, Washington, DC 20090–6456.

FOR FURTHER INFORMATION CONTACT: Clayton H. Plumb, Chief, Order Formulation Branch, USDA/AMS/Dairy Division, room 2968, South Building, P.O. Box 96456, Washington, DC 20090–6456, (202) 720–6274.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act (5 U.S.C. 601–612) requires the Agency to examine the impact of a proposed rule on small entities. Pursuant to 5 U.S.C. 605(b), the Administrator of the Agricultural Marketing Service has certified that this proposed action would not have a significant economic impact on a substantial number of small entities. Such action would lessen the regulatory impact of the order on certain milk handlers and would tend to ensure that dairy farmers would continue to have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

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

This proposed suspension has been reviewed under Executive Order 12778, Civil Justice Reform. This action is not intended to have a retroactive effect. If adopted, this proposed action will not preempt any state or local laws, regulations, or policies, unless they present an irreconcilable conflict with the rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provisions of the order, or any obligation imposed in connection with the order is not in accordance with law and requesting a modification of an order or to be exempted from the order. A handler is afforded the opportunity for a hearing on the petition. After a hearing the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has its principal place of business, has jurisdiction in equity to review the Secretary's ruling on the petition, provided a bill in equity is filed not later than 20 days after the date of the entry of the ruling.

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), the suspension of the following provisions of the order regulating the handling of milk in the Nashville, Tennessee marketing area is being considered beginning October 1992:

In § 1098.7(a), the words "and that has route disposition, except filled milk, in the marketing area during the month of not less than 15 percent of its total disposition of fluid milk products, except filled milk products, during the month".

All persons who want to send written data, views or arguments about the proposed suspension should send two copies of them to the USDA/AMS/Dairy Division, Order Formulation Branch, room 2968, South Building, P.O. Box 96456, Washington, DC 20090–6456, by the 7th day after publication of this notice in the **Federal Register**. This period for filing comments is limited to 7 days because a longer period would not provide the time needed to complete the required procedures and include October 1992 in the suspension period.

The comments that are sent will be made available for public inspection in the Dairy Division during normal business hours (7 CFR 1.27(b)).

Statement of Consideration

The proposed suspension would suspend portions of the pool plant definition of the Nashville, Tennessee milk order. The proposal would suspend the 15 percent in-area route disposition requirement for pool plant status.

The suspension was requested by Malone and Hyde, Inc. (Malone), a proprietary handler operating a distributing plant that is regulated under the Nashville order. Under the provisions of that order, a distributing plant's total Class I disposition must not be less than 50 percent of certain specified milk receipts and the plant must have not less than 15 percent of its route disposition in the Nashville, Tennessee marketing area.

Malone contends that its distribution to grocery warehouses in corrugated boxes rather than plastic crates enables Malone to distribute over a much larger geographic market. The handler

contends that the Nashville market for milk in corrugated boxes is saturated at this time and that the 15 percent route disposition requirement restricts its ability to expand in other Federal order marketing areas without the loss of pool plant status or having to engage in uneconomic handling practices to meet the 15 percent standard. Malone contends that a suspension would not adversely affect the regulatory status of any other plant.

Accordingly, it may be appropriate to suspend the aforesaid provisions.

List of Subjects in 7 CFR Part 1098

Milk marketing orders.

The authority citation for 7 CFR part 1098 continues to read as follows:

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

Dated: October 1, 1992.

Daniel Haley,

Administrator.

[FR Doc. 92–24229 Filed 10–5–92; 8:45 am]

BILLING CODE 3410–02–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 92–ASO–7]

Proposed Alteration to VOR Federal Airways; TN

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to reflect the change of the name of the Chattanooga, TN, VHF Omnidirectional Range (VOR) within the legal descriptions of airways, jet routes, and domestic low altitude reporting points located in the State of Tennessee. The Chattanooga VOR is not located on the Chattanooga Airport and the FAA has determined that the current name could confuse pilots as to their desired destination. The Chattanooga VOR is located approximately 8 miles southeast of the airport. This action proposes, where necessary, to reflect the name change of the Chattanooga VOR to "Choo Choo."

DATES: Comments must be received on or before November 23, 1992.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Air Traffic Division, ASO–500, Docket No. 92–ASO–7, Federal Aviation Administration, P.O. Box 20636, Atlanta, GA 30320.

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–ASO–7." 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 reflect the change of the name of the Chattanooga, TN, VOR to the Choo Choo, TN, VOR within the legal descriptions of airways, jet routes, and domestic low altitude reporting points located in the State of Tennessee. The Chattanooga, TN, VOR is not located on the Chattanooga Airport and the FAA has determined that the current name could confuse pilots as to their desired destination. The Chattanooga VOR is located approximately 8 miles southeast of the airport. This action proposes to reflect, where necessary, the name change of Chattanooga, TN, VOR to "Choo Choo." This action would aid pilots in flight planning. VOR Federal airways, Domestic low altitude reporting points, and Jet routes are published in §§ 71.123, 71.203, and 75.100, respectively, of Handbook 7400.7 effective November 1, 1991, which is incorporated by reference in 14 CFR 71.1. The VOR Federal airways, domestic low altitude reporting points, and jet routes listed in this document would be published subsequently in the Handbook.

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, Domestic low altitude reporting points, Domestic VOR Federal airways, Incorporation by reference, Jet routes.

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 71.123 Domestic VOR Federal Airways

* * * * *

V–5 [Revised]

From Pecan, GA, via Vienna, GA; Dublin, GA; Athens, GA; INT Athens 340° and Electric City, SC, 274° radials; INT Electric City 274° and Choo Choo, TN, 127° radials; Choo Choo; Nashville, TN; Bowling Green, KY; New Hope, KY; Louisville, KY; Cincinnati, OH; Appleton, OH; Mansfield, OH; DRYER, OH; London, ON, Canada. The airspace within Canada is excluded.

* * * * *

V–54 [Revised]

From Waco, TX; Scurry, TX; Quitman, TX; Texarkana, AR; INT Texarkana 052° and Little Rock, AR, 235° radials; Little Rock; Holly Springs, MS; Muscle Shoals, AL; Rocket, AL; Choo Choo TN; Harris, GA; Spartanburg, SC; Charlotte, NC; Sandhills, NC; INT Sandhills 146° and Fayetteville, NC, 267° radials; Fayetteville; to Kinston, NC.

* * * * *

V–67 [Revised]

From Choo Choo, TN; Shelbyville, TN; Graham, TN; Cunningham, KY; Marion, IL; Centralia, IL; INT Centralia 010° and Vandalia, IL, 162° radials; Vandalia; Capital, IL; Burlington, IA; Iowa City, IA; Cedar Rapids, IA; Waterloo, IA; Rochester, MN.

* * * * *

V–115 [Revised]

From Crestview, FL; INT Crestview 001° and Montgomery, AL, 204° radials; Montgomery; INT Montgomery 323° and Vulcan, AL, 177° radials; Vulcan; Choo Choo, TN; Knoxville, TN; Hazard, KY; Charleston, WV; Parkersburg, WV; Newcomerstown, OH; INT Newcomerstown 038° and Franklin, PA, 239° radials; Franklin; Tidioute, PA; Jamestown, NY; Buffalo, NY.

* * * * *

V–209 [Revised]

From Semmes, AL, via INT Semmes 356° and Eaton, MS, 080° radials; Kewanee, MS; Brookwood, AL; Vulcan, AL; INT Vulcan 097° and Gadsden, AL, 233° radials; Gadsden; and INT Gadsden 042° and Choo Choo, TN, 214° radials; Choo Choo.

* * * * *

V–243 [Revised]

From Craig, FL, via Waycross, GA; Vienna, GA; LaGrange, GA; INT LaGrange 342° and Choo Choo, TN, 189° radials; Choo Choo; Bowling Green, KY; Huntingburg, IN; to Terre Haute, IN.

* * * * *

V–333 [Revised]

From INT Rome, GA, 133° and Gadsden, AL, 091° radials via Rome; Choo Choo, TN; Hinch Mountain, TN; Lexington, KY.

* * * * *

V–362 [Revised]

From Brunswick, GA, via Alma, GA; Vienna, GA; Macon, GA. From Choo Choo, TN, via Shelbyville, TN; Nashville, TN; INT Nashville 355° and Bowling Green, KY, 219° radials; to Bowling Green.

* * * * *

V–415 [Revised]

From From Montgomery, AL, via INT Montgomery 029° and Choo Choo, TN, 189° radials; INT Choo Choo 189° and Rome, GA, 252° radials; Rome; INT Rome 060° and Foothills, SC, 258° radials; Foothills; Spartanburg, SC; to INT Spartanburg 101° and Charlotte, NC, 229° radials.

* * * * *

V–515 [Revised]

From Choo Choo, TN, INT Choo Choo 332° and Nashville, TN, 116° radials; Nashville; INT Nashville 034° and New Hope, KY, 202° radials; New Hope; to Louisville, KY.

* * * * *

Section 71.203 Domestic Low Altitude Reporting Points

* * * * *

Chattanooga, TN [Remove]

Choo Choo, TN [New]

* * * * *

Section 71.607 Jet Routes.

* * * * *

J–118 [Revised]

From Memphis, TN, via Choo Choo, TN; to Spartanburg, SC.

* * * * *

Issued in Washington, DC, on September 29, 1992.

Harold W. Becker,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 92–24195 Filed 10–5–92; 8:45 am]

BILLING CODE 4910–13–M

* * * * *

FEDERAL TRADE COMMISSION

16 CFR Part 435

Mail Order Merchandise Trade Regulation Rule; Oral Presentations and Availability of Staff Documents

AGENCY: Federal Trade Commission.

ACTION: Notice of date for oral presentations before the Commission; placement of documents on the rulemaking record.

SUMMARY: The Federal Trade Commission has decided to grant the requests of the two interested parties who sought an opportunity to make oral presentations before the Commission, pursuant to the Commission Rules of Practice § 1.13(i), in the rulemaking to amend the Mail Order Merchandise Trade Regulation Rule. The Federal Trade Commission also has placed on the rulemaking record for the proposed Mail Order Merchandise Trade Regulation Rule the final recommendations of the rulemaking staff, the Deputy Director of the Bureau of Consumer Protection and the Assistant Director of the Bureau of Economics. A staff summary of the comments filed by the public on the reports of the staff and the Presiding Officer is also on the rulemaking record.

DATES: Oral presentations before the Commission will be heard at the Commission's open meeting on November 3, 1992, at 10 a.m.

ADDRESSES: The meeting will be held in room 532, Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW., Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: Joel N. Brewer, Federal Trade Commission, Washington, DC 20580, at (202) 326–2967.

SUPPLEMENTARY INFORMATION: Pursuant to § 1.13(h) of the Commission's Rules of Practice, comments were invited from the public on the reports of the staff and the Presiding Officer in the rulemaking to amend the Mail Order Merchandise Trade Regulation Rule, and interested parties who had previously participated in the proceeding were invited to submit requests to participate in oral presentations, pursuant to § 1.13(i) of the

Commission's Rules of Practice. The comment period closed on October 25, 1991 (56 FR 46133).

Five comments received were placed on the rulemaking record and the rulemaking staff prepared a summary of these comments. That summary is available for public inspection on the rulemaking record in this proceeding. Two other comments were not placed on the rulemaking record because, in one case, the comment attempted to place additional evidence in the rulemaking record and, in the second case, the comment was not timely submitted. These two comments were placed on the non-rulemaking public record.

The Federal Trade Commission has directed that the final recommendations of the rulemaking staff and the Deputy Director of the Bureau of Consumer Protection and the Assistant Director of the Bureau of Economics, submitted to the Commission after the conclusion of the post-record comment period specified in § 1.13(h) of the Commission's Rules of Practice, be placed on the rulemaking record in this proceeding for public inspection.

The Federal Trade Commission has offered the two interested parties who requested it the opportunity to make oral presentations. The prior participants in the proceeding who have been invited to appear include: The Direct Marketing Association and the Mail Order Association of America.

Each participant will be permitted thirty minutes to address comments to the Commission. No additional written comments may be submitted to the Commission. Oral presentations at the meeting must be restricted to the evidence already in the rulemaking record in this proceeding.

List of Subjects in 16 CFR Part 435

Mail Order merchandise, Telephone order merchandise, Trade practices.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 92-24188 Filed 10-5-92; 8:45 am]

BILLING CODE 6750-01-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 1

Financial Reporting by Introducing Brokers; Valuation of Investments of Customer Funds by Futures Commission Merchants

AGENCY: Commodity Futures Trading Commission.

ACTION: Proposed rule.

SUMMARY: The Commodity Futures Trading Commission (Commission) is proposing to reduce certain financial reporting requirements for independent introducing brokers (IBIs). These proposed rule amendments would: (1) Assure that IBIs are not required to file two certified financial statements within a six-month period; (2) require semiannual, rather than quarterly, financial reports; and (3) require that an IBI file notices of financial difficulties only with the National Futures Association (NFA) and futures commission merchants (FCMs) carrying or intending to carry accounts of the IBI's customers, and not also with the Commission. In light of the fact that an IBI's minimum financial requirement is lower than that of an FCM and that an IBI does not handle customer funds, the Commission believes it would be appropriate to reduce some of the related reporting requirements currently applicable to IBIs. The Commission is also proposing to amend its rule governing valuation of investments of customer funds by FCMs to conform the rule to modern financial practice.

DATES: Comments must be received by December 7, 1992.

ADDRESSES: Comments should be sent to the Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street NW., Washington, DC 20581. Reference should be made to "IBI Finanical Reporting Requirements."

FOR FURTHER INFORMATION CONTACT: Lawrence B. Patent, Associate Chief Counsel, Division of Trading and Markets, at the above address. Telephone (202) 254-8955.

SUPPLEMENTARY INFORMATION:

I. Financial Reporting Requirements

A. Certified Financial Reports of IBIs

The Commission has historically considered the requirement for certified financial statements to be an integral part of its minimum financial and related reporting requirements and the financial surveillance program. The requirement provides a third-party certification as to a firm's financial condition and its records. Thus, when the Commission adopted rules to govern IBs,[1] it required an applicant for registration that intends to operate as an IBI to file financial statements certified by an independent public accountant demonstrating compliance with the minimum financial requirement of $20,000 of adjusted net capital. As is the case with an applicant for registration as an FCM, this requirement can be met by an IBI applicant in one of two ways: (1) By filing a Form 1-FR-IB, certified by an independent public accountant in accordance with Commission Rule 1.16, as of a date not more than 45 days prior to the date on which such report is filed; or, (2) by filing an uncertified Form 1-FR-IB as of a date not more than 45 days prior to the date on which such report is filed and a Form 1-FR-IB certified by an independent public accountant in accordance with Commission Rule 1.16 as of a date not more than one year prior to the date on which such report is filed.[2] Once an IBI is granted registration, it must file certified financial statements as of the close of its fiscal year. Interim unaudited reports must be filed quarterly. Commission Rule 1.10(b)(1) and (2).

An applicant for registration as an IB can avoid the need to file certified financial statements if it enters into a guarantee agreement with an FCM and files such agreement along with its application for registration. As long as the guarantee agreement remains in effect, the guaranteed introducing broker (IBG) need not raise its own capital or file financial reports. The Commission is aware, however, that some applicants for IB registration submit a guarantee agreement and a certified Form 1-FR-IB. The purpose is to begin operations immediately under a temporary license available to an IMB.[3] While NFA reviews the firm's certified financial statements. The IB and FCM enter into the agreement with the understanding that the agreement will terminate after NFA is satisfied that the IB meets the minimum financial requirements and grants the IB full registration. After that point, the firm will operate as an IBI.

Commission Rule 1.10(j)(8) requires, however, that if an IB is party to a guarantee agreement which terminates and the IB then seeks to operate as an IBI, it must file a certified Form 1-FR-IB as of the day following the date of termination of the guarantee agreement. The type of firm referred to in the preceding paragraph may have a rather simple financial structure and NFA's review of its Form 1-FR-IB may be completed quickly. In such circumstances, a second certified Form 1-FR-IB would be required in a

[1] 48 FR 35248 (August 3, 1983).

[2] Commission Rule 1.10(a)(2)(ii) (A) and (B). See also Commission Rule 1.10(a)(1). Commission rules referred to herein can be found in 17 CFR Ch. I (1992), unless otherwise noted.

[3] See Commission Rules 3.44-3.47. Rule 3.44 has been amended recently. 57 FR 23136, 23151 (June 2, 1992).

relatively brief period. For instance, if an IB applied for registration on July 1, submitting both a certified Form 1–FR–IB as of May 29 and a guarantee agreement, it could operate immediately as an IBG. If the NFA reviewed the financial statements by July 30 and granted full registration, the guarantee agreement would terminate, and the IB would have to file another certified Form 1–FR–IB as of July 31.

The Commission has reviewed the IB financial filing requirements. Although the Commission continues to believe that it is important to have a reasonably current certified financial statement from an IBI when it begins operations, the Commission is aware that it can cost even the smallest IBI several thousand dollars to have its financial statements certified by an independent public accountant. This can be a substantial expense for an IBI, particularly when it is in the early stages of its operations and may not yet have generated much income. The Commission believes that it could be unduly burdensome to require two certified financial statements from an IBI within a six-month period, especially in light of the fact that an IBI does not hold customer funds. The Commission also believes that a change in the rules to provide that an IBI would not be required to file certified statements twice within six months is not inconsistent with the overall financial surveillance system since, as noted above, an applicant for registration as an IB can submit a certified financial report that is up to one year old.

Accordingly, the Commission is proposing to amend Rule 1.10(j)(8)(i) so that, if an IB is changing from guaranteed to independent status, it need not file a new certified financial report if it has filed one with an "as of" date not more than 185 days prior to the date of termination or expiration of the guarantee agreement.[4] This rule change should accommodate those firms referred to above that file a guarantee agreement in order to commence operations immediately and briefly as an IBG, with the understanding that they will operate as an IBI as soon as NFA is satisfied that the IB meets the minimum financial requirements and grants the IB full registration.

The Commission also recognizes that there will be other IBGs whose guarantee agreements are terminated or expire that had not originally applied for registration as IBGs with the understanding that they would soon assume independent status. The Commission is proposing certain rule amendments that should ease the financial reporting burden on these firms as well if they wish to remain in business as IBIs rather than enter into a new guarantee agreement. As noted above, current Rule 1.10(j)(8)(i) requires such firms to file a certified Form 1–FR–IB as of the day following the date of termination of the guarantee agreement. Since not all guarantee agreements terminate or expire near the end of a month, this could require certified financial statements as of a date other than a month-end. Such statements could be more difficult and costly to prepare for the IB and the independent public accountant, so the commission is proposing to allow the "as of" date of this first certified financial report to be no later than the end of the month of termination or expiration of the guarantee agreement. A similar change is proposed in Rule 1.10(j)(8)(ii) and in Rule 1.10(a)(3)(ii)(B) (which apply when a person that is not registered as an IB or as a securities broker or dealer succeeds to the business of an IBG).

The Commission is also proposing to amend Rule 1.10(b)(2) to further assure that an IBI will not need to file two certified financial reports within six months. If the IBI's first fiscal year-end following the "as of" date of its initial certified Form 1–FR–IB occurs within 185 days of such "as of" date, the IBI's Form 1–FR–IB as of the fiscal year-end would not need to be certified. (An uncertified Form 1–FR–IB would be required to be filed as of the fiscal year-end, however.) The firm's second certified Form 1–FR–IB would not need to be filed in such circumstances until the second fiscal year-end following the "as of" date of the initial certified Form 1–FR–IB. The second certified Form 1–FR–IB would need to cover the period from the day following the date of the initial certified Form 1–FR–IB through the second fiscal year-end following the initial "as of" date, which would be a period of up to eighteen months. Although IBIs may be able to avoid the need to utilize this provision by carefully designating their fiscal year when applying for registration or when first beginning to operate as an IBI, it may be more difficult for an IBI that had been operating as an IBG to accomplish this.

B. Unaudited Financial Reports by IBIs

The Commission has also reviewed the requirements for filing interim unaudited financial reports by IBIs. As noted above, Rule 1.10(b)(1) generally requires IBIs to file financial reports on a quarterly basis. However, Rules 1.10(b)(3) and 1.52 permit an IBI or an FCM to file financial reports on a semiannual basis if the rules of the firm's designated self-regulatory organization so provide. The only self-regulatory organization with an IB membership category is NFA, and all IBIs that handle customer business are members of NFA. NFA requires its member IBIs to file quarterly financial reports.[5] The Commission notes that certain contract markets only require their member FCMs to file financial reports on a semiannual basis.[6] In light of the fact that FCMs may hold customer funds and IBIs do not, it is somewhat anomalous for the latter to file financial reports more frequently than the former. Accordingly, the Commission is proposing to amend Rule 1.10(b)(1)(ii) to require that IBIs file Form 1–FR–IB semiannually rather quarterly. Commission staff have been in contact with NFA staff and the Commission would anticipate NFA will adopt a conforming change to its rules if the amendment to Rule 1.10(b)(1)(ii) is adopted.

To recapitulate the effect of the proposed amendments discussed above, assume that an IB files its initial certified financial report in 1992 with an as of date between June 30 and September 29 and is using the calendar year as its fiscal year. The next financial report filed by the IB would be an unaudited report as of December 31, 1992. In 1993, it would file an unaudited report as of June 30, 1993 and a certified report as of December 31, 1993. Thus, the firm would file two certified and two unaudited financial reports during this time period under the proposed rule amendments, while the current rules require three certified and four unaudited reports during the same time period.

C. Maintenance of Minimum Financial Requirements by IBIs

IBIs are not subject to a financial "early warning" notice requirement as are FCMs (*i.e.*, a requirement to give notice when adjusted net capital is less than 150 percent of the minimum amount required). However, IBIs, as well as applicants for registration as an IBI, are required to file notice and provide certain written reports when their adjusted net capital falls below the minimum amount required, they fail to make or keep current required books and records, or they discover or are

[4] The Commission is proposing 185 days as the time period because certain six-month periods include 184 days, *e.g.*, July–December.

[5] NFA Financial Requirements Section 9, NFA Manual (P–H) ¶ 7049.

[6] *See e.g.*, Commodity Exchange, Inc. Rule 7.05(a)(2).

notified by an independent public accountant of a material inadequacy in their accounting system or internal accounting controls.[7] Currently, IBIs and IBI applicants must file such notices and written reports with the Commission, NFA (the designated self-regulatory organization for IBIs) and with every FCM carrying or intending to carry customer accounts for the IBI or applicant for registration as an IBI.[8] Because IBIs are not subject to an early warning requirement, they are already relieved of a significant burden applicable to FCMs. However, in the other areas referred to above, where IBIs and applicants for registration as IBIs must give notice and file certain reports under Commission Rule 1.12, the reporting burden on IBIs is essentially the same as it is for FCMs.[9]

The Commission has reviewed this matter and believes that it can reduce the burden of Rule 1.12 notices and reports for IBIs and applicants for registration as IBIs by requiring that such notices and reports be filed only with NFA and any FCMs carrying or intending to carry such firms' customer accounts. The Commission is proposing to amend Rule 1.12(g) to so provide. Such reports and notices will continue to be required by Commission regulations and, in this context, NFA would receive them on behalf of the Commission. Any notice or report filed by an IBI or applicant for registration as an IBI with NFA pursuant to the proposed amendment to Rule 1.12(g) would be required to be maintained by NFA on behalf of the Commission and would be deemed for all purposes to have been filed with, and to be the official record of, the Commission. In particular, the willful making of a false or misleading statement of a material fact in a notice or report filed with NFA under the proposed amendment to Rule 1.12(g) will continue to be actionable under section 6(b) of the Commodity Exchange Act, 7 U.S.C. 9 (1982).

The Commission believes that this is consistent with the proposals discussed above regarding financial reports for IBIs. It is also consistent with the concept that, since IBIs do not carry customer funds and FCMs do, financial reporting burdens on the former can be somewhat lighter than on the latter.

D. Request for Comment

When the Commission adopted rules to govern IBs, it included, in response to a comment received on the proposed rules, a provision in Rule 1.10(i) that permits an applicant for registration as an IBI which is also a country elevator to file, in lieu of Form 1–FR–IB, a copy of a financial report that the country elevator would submit to the U.S. Department of Agriculture for other purposes.[10] The Commission hereby requests comment as to any other alternative financial reporting system that may exist which could be used to demonstrate effectively compliance by an IBI or applicant therefore with the minimum adjusted net capital requirement.

II. Valuation of Investments of Customer Funds

Commission Rule 1.28 requires FCMs who invest customer funds in permissible investments under Section 4d(2) of the Commodity Exchange Act, 7 U.S.C. 6d(2) (1988), and Commission Rule 1.25 to include such investments in segregated accounts at values no greater than the market value, determined as of the close of the market on the last preceding market day. When this rule was promulgated, an FCM was unable to obtain the bid price on permitted investments of customer funds prior to the preparation of the daily segregation record. Therefore, the rule allows the FCM to value permitted investments of customer funds as of the close of the market on the last preceding market day.

Since the market prices for permitted investments of customer funds are now readily and immediately available to an FCM because of sophisticated electronic communication facilities, there is no longer any purpose or need for using prices as of the close of the preceding trading day when preparing the daily segregation record. The Commission is, therefore, proposing to amend Rule 1.28 to recognize the ready availability of market prices for government securities.

Commission Rule 1.32 requires the daily segregation record to be completed prior to noon on the next business day. For example, Tuesday's segregation record must be completed by noon Wednesday. Under Rule 1.28 as currently in effect, such a record could use prices as of the close of business Monday to value investments of customer funds. The proposed amendment to Rule 1.28 would require an FCM, completing Tuesday's segregation record on Wednesday morning, to use prices as of the close of business on Tuesday.

The Commission understands that FCMs generally invest customer funds in short-term government securities whose historical cost generally does not exceed current prices under normal market conditions. Therefore, revaluation on a daily basis is usually unnecessary and this proposed rule amended should cause no change in current operations. The Commission specifically requests comment, however, from any FCM that believes this proposed rule amendment will present an undue burden.

III. Related Matters

A. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA), 5 U.S.C. *et seq.* (1988), requires that agencies, in proposing rules, consider the impact of those rules on small businesses. The rule amendments proposed herein will affect IBIs, with the exception of proposed amendment to Rule 1.28 which will affect FCMs. The Commission has previously established certain definitions of "small entities" to be used by the Commission in evaluating the impact of its rules on such entities in accordance with the RFA.[11] The Commission has previously determined that registered FCMs are not small entities for the purpose of the RFA.[12] Therefore, the proposed amendment to Rule 1.28 would not have a significant economic impact on small entities.

With respect to IBS, the Commission has stated that it would evaluate within the context of a particular rule proposal whether all or some affected IBS should be considered to be small entities and, if so, the economic impact on them of any rule.[13] The amendments to Rules 1.10 and 1.12 proposed herein would amend the Commission's rules currently applicable to IBIs so as to reduce rather than increase the financial reporting requirements of those rules. The general financial reporting requirements would be cut in half from quarterly to semiannually, the requirements for certified financial statements in the early stages of operations would be reduced, and the need to file Rule 1.12 notices with the Commission would be eliminated. The Commission believes that these proposed rule amendments will not have a significant economic impact on small entities.

Therefore, the Chairman, on behalf of the Commission, hereby certifies, pursuant to 5 U.S.C. 605(b), that these

[7] Commission Rule 1.12(a)–(d).

[8] IBIs filed approximately 60 notices under Rule 1.12 for the first ten months of fiscal year 1992 (*i.e.*, October 1991 through July 1992).

[9] Commission Rule 1.12(g).

[10] See 48 FR 35248, 35262 (August 3, 1983). Since this rule was adopted almost ten years ago, the filing alternative has never been utilized and Commission staff have received no inquires on this issue.

[11] 47 FR 18618–18621 (April 30, 1992).

[12] 47 FR 18619.

proposed rule amendments will not have a significant economic impact on a substantial number of small entities.

B. Paperwork Reduction Act

The Paperwork Reduction Act of 1980 (PRA), 44 U.S.C. 3501 *et seq.*, imposes certain requirements on federal agencies (including the Commission) in connection with their conducting or sponsoring any collection of information as defined by the PRA. In compliance with the PRA the Commission has submitted these proposed rule amendments and their associated information collection requirements to the Office of Management and Budget. The burden associated with this entire collection, including these proposed rule amendments, is as follows:

Average Burden Hours per Response—15.25
Number of Respondents—1,350
Frequency of Response—On Occasion

The burden associated with these specific rules, as proposed to be amended, is as follows:

Average Burden Hours per Response—1.75
Number of Respondents—240
Frequency of Response—On Occasion

Persons wishing to comment on the information which would be required by these rules as amended should contact Gary Waxman, Office of Management and Budget, room 3220, NEOB, Washington, DC 20503, (202) 395–7340. Copies of the information collection submission to OMB are available from Joe F. Mink, CFTC Clearance Officer, 2033 K Street NW., Washington, DC 20581, (202) 254–9735.

List of Subject in 17 CFR Part 1

Futures commission merchants, introducing brokers, reporting and recordkeeping requirements.

In consideration of the foregoing, and pursuant to the authority contained in the Commodity Exchange Act, and in particular, sections 2(a)(1), 4b, 4c, 4d, 4f, 8a and 19, 7 U.S.C. 2, 6b, 6c, 6d, 6f, 12a and 23, the Commission hereby proposes to amend Part 1 of Chapter 1 of Title 17 of the Code of Federal Regulations as follows:

PART 1—GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT

1. The authority citation for Part 1 is proposed to continue to read as follows:

Authority: 7 U.S.C. 2, 2a, 4, 4a, 6, 6a, 6b, 6c, 6d, 6e, 6f, 6g, 6h, 6i, 6j, 6k, 6l, 6m, 6n, 6o, 7, 7a, 7b, 8, 9, 12, 12a, 12c, 13a–1, 16, 16a, 19, 21, 23 and 24, unless otherwise stated.

2. Section 1.10 is proposed to be amended by revising paragraphs (a)(2)(ii) introductory text, (a)(3)(ii)(B), (b)(1), (b)(2), and (j)(8) to read as follows:

§ 1.10 Financial reports of futures commission merchants and introducing brokers.

(a) * * *

(2) * * *

(ii) Except as provided in paragraphs (a)(3) and (h) of this section, each person who files an application for registration as an introducing broker and who is not so registered at the time of such filing, must, concurrently with the filing of such application file either:

* * * * *

(3) * * *

(ii) * * *

(B) Each such person who succeeds to and continues the business of an introducing broker which was operating pursuant to a guarantee agreement and which was not also a securities broker or dealer at the time of succession, who files an application for registration as an introducing broker, and who is not so registered in that capacity at the time of such filing, must file with the National Futures Association either a guarantee agreement or a Form 1–FR–IB with his application for registration. If such person files a Form 1–FR–IB with his application for registration, such person must also file a Form 1–FR–IB, certified by an independent public accountant, as of a date no later than the end of the month registration is granted. The Form 1–FR–IB certified by an independent public accountant must be filed with the National Futures Association not more than 45 days after the date for which the report is made.

(b) *Filing of financial reports.* (1)(i) Except as provided in paragraphs (b)(3) and (h) of this section, each person registered as a futures commission merchant must file a Form 1–FR–FCM for each fiscal quarter of each fiscal year unless the futures commission merchant elects, pursuant to paragraph (e)(2) of this section, to file a Form 1–FR–FCM for each calendar quarter of each calendar year. Each Form 1–FR–FCM must be filed no later than 45 days after the date for which the report is made: *Provided, however,* That any Form 1–FR–FCM which must be certified by an independent public accountant pursuant to paragraph (b)(2) of this section must be filed no later than 90 days after the close of each futures commission merchant's fiscal year.

(ii) Except as provided in paragraphs (b)(3) and (h) of this section, and except for an introducing broker operating pursuant to a guarantee agreement which is not also a securities broker or dealer, each person registered as an introducing broker must file a Form 1–FR–IB semiannually as of the middle and the close of each fiscal year unless the introducing broker elects pursuant to paragraph (e)(2) of this section to file a Form 1–FR–IB semiannually as of the middle and the close of each calendar year. Each Form 1–FR–IB must be filed no later than 45 days after the date for which the report is made: *Provided, however,* That any Form 1–FR–IB which must be certified by an independent public accountant pursuant to paragraph (b)(2) of this section must be filed no later than 90 days after the close of each introducing broker's fiscal year.–FR–IB f/

(2)(i) The Form 1–FR–FCM filed pursuant to paragraph (b)(1)(i) of this section, as of the close of the futures commission merchant's fiscal year, must be certified by an independent public accountant in accordance with § 1.16 of this part. A futures commission merchant who has elected to file its Forms 1–FR–FCM for each calendar quarter of each calendar year pursuant to paragraph (e)(2) of this section must nonetheless file a Form 1–FR–FCM so certified as of the close of such futures commission merchant's fiscal year.

(ii)(A) The Form 1–FR–IB filed pursuant to paragraph (b)(1)(ii) of this section as of the close of the introducing broker's fiscal year must be certified by an independent public accountant in accordance with § 1.16 of this part, except as provided in paragraph (b)(2)(ii)(B) of this section. An introducing broker who has elected to file its Forms 1–FR–IB semiannually on a calendar basis pursuant to paragraph (e)(2) of this section must nonetheless file a Form 1–FR–IB so certified as of the close of such introducing broker's fiscal year, except as provided in paragraph (b)(2)(ii)(B) of this section.

(B) If an introducing broker has filed previously a Form 1–FR–IB, certified by an independent public accountant in accordance with the provisions of paragraphs (a)(2)(ii) or (j)(8) of this section and § 1.16 of this part, as of a date not more than 185 days prior to the close of such introducing broker's fiscal year, it need not have certified by an independent public accountant the Form 1–FR–IB filed as of the introducing broker's first fiscal year-end following the as of date of its initial certified Form 1–FR–1B. In such a case, the introducing broker's Form 1–FR–IB filed as of the close of the second fiscal year-end following the as of date of its initial certified Form 1–FR–IB must cover the period of time between those two dates and must be certified by an independent

public accountant in accordance with § 1.16 of this part.

* * * * *

(j) * * *

(8)(i) An introducing broker which is a party to a guarantee agreement which has been terminated in accordance with the provisions of paragraph (j)(5) of this section, or which is due to expire in accordance with the provisions of paragraph (j)(4)(ii) of this section, must cease doing business as an introducing broker on or before the effective date of such termination or expiration unless, on or before 10 days prior to the effective date of such termination or expiration or such other period of time as the Commission or the designated self-regulatory organization may allow for good cause shown, the introducing broker files with its designated self-regulatory organization either a new guarantee agreement effective as of the day following the date of termination of the existing agreement, or, in the case of a guarantee agreement which is due to expire in accordance with the provisions of paragraph (j)(4)(ii) of this section, a new guarantee agreement effective on or before such expiration, or a Form 1–FR–IB. If the introducing broker files such Form 1–FR-IB, the introducing broker must also file a Form 1–FR–IB, certified by an independent public accountant, as of the date no later than the end of the month of termination or expiration of the guarantee agreement, unless the introducing broker has filed previously a Form 1–FR–IB, certified by an independent public accountant in accordance with the provisions of paragraph (a)(2)(ii) of this section and § 1.16 of this part, as of a date not more than 185 days prior to the date of termination or expiration of the guarantee agreement. The Form 1–FR–IB certified by an independent public accountant must be filed with the designated self-regulatory organization not more than 45 days after the date for which the report is made.

(ii) Notwithstanding the provisions of paragraph (j)(8)(i) of this section or of § 1.17(a) of this part, an introducing broker which is a party to a guarantee agreement which has been terminated in accordance with the provisions of paragraph (j)(5)(ii) of this section shall not be deemed to be in violation of the minimum adjusted net capital requirement of § 1.17(a)(1)(ii) or (2) of this part, for 30 days following such termination. Such an introducing broker must cease doing business as an introducing broker on or after the effective date of such termination, and may not resume doing business as an introducing broker unless and until it files a new guarantee agreement or a Form 1–FR–IB. If the introducing broker files a Form 1–FR–IB, the introducing broker must also file a second Form 1–FR–IB, certified by an independent public accountant, as of the date no later than the end of the month in which the first Form 1–FR–IB is filed. The Form 1–FR–IB certified by an independent public accountant must be filed with the designated self-regulatory organization not more than 45 days after the date for which the report is made.

* * * * *

3. Section 1.12 is proposed to be amended by revising paragraph (g) to read as follows:

§ 1.12 Maintenance of minimum financial requirements by futures commission merchants and introducing brokers.

* * * * *

(g)(1) Every notice and written report required to be given or filed by this section (except for notices required by paragraph (f) of this section) by a futures commission merchant, an applicant for registration as a futures commission merchant or a self-regulatory organization must be filed with the regional office of the Commission nearest the principal place of business of the applicant or registrant (except that an applicant, registrant or self-regulatory organization under the jurisdiction of the Commission's Western Regional Office must file such notices and reports with the Southwestern Regional Office), with the designated self-regulatory organization, if any, with the Securities and Exchange Commission, if such applicant or registrant is a securities broker or dealer, and with the National Futures Association, if the firm is an applicant. In addition, every notice required to be given by this section must also be filed with the principal office of the Commission in Washington, DC. Each statement of financial condition, each statement of the computation of the minimum capital requirements pursuant of § 1.17 of this part, and each schedule of segregation requirements and funds on deposit in segregation required by this section must be filed in accordance with the provisions of § 1.10(d) of this part unless otherwise indicated.

(2) Every notice and written report which an introducing broker or applicant for registration as an introducing broker is required to give or file by paragraphs (a), (c) and (d) of this section must be filed with the National Futures Association (on behalf of the Commission), with the designated self-regulatory organization, if any, and with every futures commission merchant carrying or intending to carry customer accounts for the introducing broker or applicant for registration as an introducing broker.

* * * * *

4. Section 1.28 is proposed to be revised to read as follows:

§ 1.28 Appraisal of obligations purchased with customer funds.

Futures commission merchants who invest customer funds in obligations described in § 1.25 of this part shall include such obligations in segregated account records and reports at values which at no time exceed current market value, determined as of the close of the market on the date for which such computation is made.

Issued in Washington, DC, on September 30, 1992, by the Commission.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 92-24154 Filed 10-5-92; 8:45 am]

BILLING CODE 6351-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 58

[AD-FRL-3971-2]

Ambient Air Quality Surveillance Regulations

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed rulemaking.

SUMMARY: EPA proposes to amend provisions of part 58 of chapter 1 of title 40 of the Code of Federal Regulations to take into account recent changes and developments in the overall management of ambient air quality data, and to reflect current operating practices of State and local agencies. The proposed revisions to the Ambient Air Quality Surveillance Regulations would change the data reporting requirements for State and Local Air Monitoring Stations (SLAMS) and National Air Monitoring Stations (NAMS). The changes would affect the number of monitoring sites required to submit air quality data to the Aerometric Information Retrieval System (AIRS) and the timing for such data submittals. The data from both the current SLAMS and NAMS monitors would be submitted on a quarterly basis within either 60 or 90 days after the end of the calendar quarter. The proposed revisions would also replace most of the technical references to the former Storage and Retrieval of Aerometric Data (SAROAD) data base with references to the AIRS. Additional

technical revisions are also proposed to update the regulations to reflect organizational changes. The intent of the revisions is to update existing regulations to reflect current practices of many State and local agencies and to expedite data access with the AIRS data base for air quality planning and decision making.

A public hearing will be held, if requested, to provide interested parties an opportunity for oral presentation of data, views, or arguments concerning the proposed revisions.

DATES: Comments must be received on or before November 5, 1992. If a hearing is held, comments must be received on or before 30 days from the conclusion of the hearing.

ADDRESSES: Comments should be submitted (in duplicate, if possible) to: Air Docket (LE–131), Attention: Docket Number A–92–04, U.S. Environmental Protection Agency, room M–1500, 401 M Street, SW., Washington, DC 20460.

PUBLIC HEARING: If anyone contacts EPA requesting a public hearing, it will be held at the EPA's Environmental Research Center, Research Triangle Park, North Carolina. Persons interested in attending the hearing or wishing to present oral testimony should notify Mr. David Lutz, Monitoring and Reports Branch (MD–14), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919) 541–5476.

DOCKET: Docket Number A–92–04, containing supporting information used in developing these revised regulations, is available for public inspection and copying between 8:30 a.m. and 12 noon, and between 1:30 p.m. and 3:30 p.m., Monday through Friday, at EPA's Air Docket Section at the address noted above. As provided in 40 CFR part 2, a reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Mr. David Lutz at telephone (919) 541–5476 concerning this action. The address is Monitoring and Reports Branch (MD–14), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711.

SUPPLEMENTARY INFORMATION:

Background

The Clean Air Act, as amended in 1990, requires in sections 181(b)(2), 185A, and 186(b)(2)(A), ambient air quality monitoring for purposes of defining areas of "non-attainment" with the National Ambient Air Quality Standards (NAAQS), evaluating progress towards achievement of the NAAQS pursuant to State Implementation Plans, and reporting air quality data to EPA to document the status and trends of the Nation's air quality. In the discharge of these responsibilities, it is necessary for EPA to have timely access to valid and complete ambient air quality data as obtained by State and local air pollution control agencies. Current regulations require that State and local agencies submit air quality data only from certain designated sites (NAMS) to EPA within 120 days after the end of each calendar quarter. The data from other SLAMS (about 70 percent of the sites are SLAMS) are exempted from the quarterly reporting requirement and are required to be submitted in an annual report to the Administrator through the appropriate EPA Regional Office. Therefore, Part 58 currently includes two separate data processing and reporting requirements, a situation which States have found to be both inefficient and undesirable from a quality assurance standpoint. Consequently, most States have developed operational practices to process and report all ambient air quality data to EPA using one system. In practice all States except one are currently submitting all SLAMS data along with the NAMS data at least on a quarterly frequency basis. EPA's proposed revisions to part 58 are consistent with this current practice.

The EPA has now completed the development of a new comprehensive air quality data system. The Air Quality Subsystem (AQS) of the AIRS has replaced the former SAROAD data bank. The AIRS is a significant enhancement to the National monitoring program and results in improved efficiency at the State and local levels by allowing those agencies to directly input air quality data to AQS, thereby eliminating the need for additional data processing by the EPA Regional Offices. Most State and local personnel have already been trained in the use of the AIRS system and can now directly input their air quality data. This major enhancement, along with the development of electronic transfer and processing of air quality data, reduces the amount of time needed by State and local agencies to submit air quality data to the AIRS. Consequently, these revisions to Part 58 propose to change the data reporting requirements for two reasons: (1) To provide uniform quarterly reporting requirements for both NAMS and SLAMS, and (2) to shorten the data reporting time requirements from 120 days after the end of the calendar quarter to 60 days after the end of the calendar quarter for gaseous pollutant data and 90 days for particulate matter and lead data.

EPA is proposing a different reporting time between gaseous pollutant data and particulate pollutant data, since the filters for particulate sampling must be removed and weighed in a laboratory setting after the collection period. The gaseous pollutants can be measured and the data stored immediately after the measurement period.

The regulations in this notice deal with changes to the ambient air quality monitoring, data reporting, and surveillance requirements of 40 CFR part 58. These changes are needed based on the developments outlined above, and are required to reflect the implementation of the new AIRS data system. This will assure that high quality ambient air data are available to EPA on a more timely basis. EPA's need for timely air data is due to various requirements of the Clean Air Act, such as timely designations of attainment status and timely preparation and publication of annual reports, along with EPA's general need for consistent and timely access to ambient air quality data in AIRS, within a reasonable time frame after its collection. For example, under existing regulations, EPA may not receive NAMS air quality data collected on October 1 of a given year until May 1 of the following year. Clearly the need exists to shorten this timeframe.

Shorter reporting times are now feasible using readily available data processing equipment and standard operating procedures for data processing. Several State agencies already meet the 60/90 day data reporting timeframe proposed in these revisions. Earlier access to air quality data will allow EPA to be more responsive to the new requirements of the amended Clean Air Act and to the Nation's overall air quality program.

In an effort to evaluate the feasibility of the proposed regulatory change, a private contractor was retained by EPA to survey nine State and local agencies. The results of this effort have been fully documented and are available through the regulatory docket for this proposed action or through Mr. David Lutz in the Technical Support Division of Office of Air Quality Planning and Standards (OAQPS). The survey found that four out of the nine agencies surveyed were already meeting the 60/90-day data reporting requirement. The remaining agencies would have no difficulty in meeting part of the new requirement and some difficulty in meeting all requirements as of February 1991. The results of the study positively reinforced the proposed action by revealing that those States expecting difficulty in meeting the new requirements are those

States, in most cases, using antiquated data management equipment and procedures. The proposed revision will compel any agencies unable to meet this schedule to update their practices to reflect readily available and relatively inexpensive equipment and procedures. The efficiency and accuracy of these enhanced procedures will yield significant benefits in the utilization of resources and improvement of quality assurance and control programs. Also, the EPA estimates the additional burden associated with this rule in reporting the data on a quarterly basis versus summary statistics on a yearly basis is 11,000 hours. This represents an average of 50 hours per respondent (55 States and/or Territories) per quarter. Further discussion of the estimate of this burden is included in a following section on the Paperwork Reduction Act.

The proposed revisions also include several minor technical modifications to reflect changes in organizations, contacts, and references that have occurred since the last revisions to part 58 in 1986.

EPA solicits comments for all aspects of the proposal, specifically (a) the need and use of more frequent data, (b) the need to require the States to submit data more frequently versus voluntary submission, and (c) the EPA's estimate of the burden of this proposal.

Proposed Revisions to Part 58—Ambient Air Quality Surveillance

1. Section 58.1 Definitions

The revisions proposed today would amend the definitions section by adding a definition for the new AIRS. The Agency has completed major enhancements to the new AIRS data base, which replaces the former SAROAD data base for ambient air quality data. The proposed revisions will reflect this important program change by defining AIRS and replacing most references to SAROAD with references to AIRS. The definition of the SAROAD system would be maintained within this section because several organizations would continue to use certain parts of the SAROAD system as an interim interface with the new AIRS data base.

2. Section 58.26 Annual SLAMS Summary Report

No regulatory changes are proposed for this existing requirement. However, since the revisions proposed today would change the data reporting requirements for SLAMS data, the requirement of the annual SLAMS report has been questioned. Comments and suggestions are invited on whether this annual report is still necessary or whether any changes may be needed to this section to eliminate any redundancy in reporting requirements, while maintaining the necessary parts of this requirement.

3. Section 58.28 SLAMS Data Submittal

The revisions propose to require that all data from the SLAMS be submitted to AIRS under the same data reporting requirements as those for the NAMS. These regulatory changes reflect the actual operational practices of the majority of State and local agencies. For data processing purposes, EPA believes it is both inefficient and technically undesirable to maintain different reporting requirements for NAMS and SLAMS monitoring data.

The EPA solicits comments on the need to require submission of raw data on a quarterly basis and the estimated burden of this requirement.

Section 58.35 NAMS Data Submittal

The current monitoring regulations specify that all NAMS data be submitted in quarterly reports to the EPA Administrator (through the appropriate Regional Office) within 120 days of the end of each reporting period. This proposed requirement modifies the existing data reporting requirements for sites designated as NAMS, and now also includes the SLAMS as discussed above. The proposed requirement would change the existing data submittal for NAMS from 120 days after the end of the calendar quarter, to data submittals for both NAMS and SLAMS to 60 days for gaseous pollutants after the end of the calendar quarter and 90 days for particular and lead (Pb) data.

The EPA solicits comments on the need to require submission of raw data on a quarterly basis and the estimated burden of this requirement.

Part 58, Appendix A "Quality Assurance Requirements for State and Local Air Monitoring Stations (SLAMS)"

The revisions propose to change § 4.1 of appendix A to require that precision and accuracy data be submitted to AIRS under the same data reporting requirements as proposed for NAMS in § 58.35. The precision and accuracy data reporting requirement would be changed from 120 to 60 days after the end of the calendar quarter for the gaseous pollutants, and from 120 to 90 days for particulate matter and lead data.

Proposed revisions also would delete the forms for reporting precision and accuracy data in SAROAD format, along with the coding instructions for these forms. By mid-1991, procedures will have been developed to input these data directly into AIRS along with the air quality data, and these forms will no longer be used.

Impact on Small Entities

The Regulatory Flexibility Act requires that all Federal Agencies consider the impacts of final regulations on small entities, which are defined to be small businesses, small organizations, and small government jurisdictions (5 U.S.C. 601 et seq.). EPA's consideration pursuant to their Act indicates that no small entity group would be significantly affected in an adverse way by the proposal. Therefore, pursuant to 5 U.S.C. 605(b), the Administrator certifies that these proposed amendments would not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

The information collection requirements in this proposed rule, which will amend the Information Collection Request (ICR) for Ambient Air Quality Networks, have been submitted for approval to OMB under the Paperwork Reduction Act, 44 U.S.C. 3501 et seq.

The EPA has estimated the additional burden associated with this rule in reporting the data on a quarterly basis versus summary statistics on a yearly basis to be 11,000 hours. This includes an average of 50 hours per respondent (55 States and/or Territories) per quarter. This burden includes the editing, resolution of anomalies, and the updating of information on site location and environment. This estimate does not include the burden for reading the instructions, planning for report preparation, creating the information, or making electronic transmittal of data because these items were included in the previous labor estimate for the NAMS. It is also assumed that the State agencies are either AIRS users or operate storage and retrieval systems which allow automated submissions of data on a quarterly basis. The burdens for editing and anomaly resolution and for maintaining site information are assumed to be proportional to comparable functions for AIRS.

The EPA would like to solicit comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden. Send any comments to Chief, Information Policy Branch (PM–223Y); U.S. Environmental Protection agency; 401 M Street, SW., Washington, DC 20460; and to the Office of Information and Regulatory Affairs,

Office of Management and Budget, Washington, DC 20503, marked "Attention: Desk Officer for EPA." The final rule will respond to any OMB or public comments on the information collection requirements contained in this proposal.

Other Reviews

Under Executive Order 12291, EPA must judge whether a regulation is "major' and therefore subject to the requirement that a Regulatory Impact Analysis be prepared. Major regulations have an annual effect on the economy in excess of $100 million, have a significant adverse impact on competition, investment, employment or innovation, or result in a major price increase. The revisions proposed in this rulemaking do not constitute major rules according to the established criteria. Most of the revisions update the regulations to reflect current practice by the States and the current air information data base employed by EPA. The shortened time periods for submitting required information after the end of a quarter are not expected to cause the effects noted in the above criteria. Therefore, I have determined that this proposal does not constitute a "major" regulation and no Regulatory Impact Analysis has been prepared.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291. Any written comments from OMB and any EPA response to those comments will be placed in the public docket for this rulemaking.

List of Subjects in 40 CFR Part 58

Air pollution control, Intergovernmental relations, Reporting and recordkeeping requirements, Quality assurance requirements, Ambient air quality monitoring network.

Statutory Authority

The statutory authorities for today's proposal are Secs. 110, 301(a), and 319, Clean Air Act as amended, 42 U.S.C. 7410, 7101(a), and 7619.

Dated: September 29, 1992.

William K. Reilly,

Administrator.

For the reasons set forth in the preamble, part 58 of chapter I of title 40 of the Code of Federal Regulations is proposed to be amended as follows:

PART 58—AMBIENT AIR QUALITY SURVEILLANCE

1. Authority citation for part 58 is revised to read as follows:

Authority: Sections 110, 301(a), and 319 of the Clean Air Act as amended (42 USC 7410, 7601(a), and 7619.

2. Section 58.1 is amended by redesignating paragraphs (p) through (v) as (q) through (w), and by adding a new paragraph (p) and revising the newly designated paragraph (q) to read as follows:

§ 58.1 Definitions.

* * * * *

(p) *Aerometic Information Retrieval System (AIRS)-Air Quality Subsystem (AQS)* is the new EPA computerized system for storing and reporting of information relating to ambient air quality data.

(q) *Storage and Retrieval of Aerometric (SAROAD) system* is a computerized system which stores and reports information relating to ambient air quality. The SAROAD system has been replaced with the AIRS–AQS system; however, the SAROAD data reporting format continues to be used by some States and local air pollution agencies as an interface to AIRS on an interim basis.

* * * * *

3. Section 58.28 is revised to read as follows:

§ 58.28 SLAMS data submittal.

The State shall submit all of the SLAMS data according to the same data submittal requirements as defined for NAMS in § 58.35. The State shall also submit any portion or all of the SLAMS data to the appropriate Regional Administrator upon request.

4. Section 58.35 is revised to read as follows:

§ 58.35 NAMS data submittal.

(a) The requirements of this section apply to those stations designated as both SLAMS and NAMS by the network description required by § 58.20 and 58.30.

(b) The State shall report to the Administrator all ambient air quality data and information specified by the AIRS Users Guide (Volume II, Air Quality Data Coding, and Volume III, Air Quality Data Storage) to be coded into the AIRS–AQS format. Such air quality data and information must be submitted directly to the AIRS–AQS via either electronic transmission or magnetic tape, in the format of the AIRS–AQS, and in accordance with the quarterly schedule described in paragraph (c) of this section.

(c) The specific quarterly reporting periods are January 1–March 31, April 1–June 30, July 1–September 30, and October 1–December 31. The data and information reported for each reporting period must:

(1) Contain all data and information gathered during the reporting period. For example, the CO, SO_2, NO_2, and O_3 data for the reporting period October 1–December 31, 1991 are due on or before March 1, 1992, and the PM_{10} and Pb data for this reporting period are due on or before April 1, 1992.

(2) Be received in the AIRS–AQS within 60 days after the end of the quarterly reporting period for data pertaining to SO_2, NO_2, CO, and O_3, and within 90 days after the end of the quarterly reporting period for data pertaining to PM_{10} and Pb.

(d) Air quality data submitted for each reporting period must be edited, validated, and entered into the AIRS–AQS for updating (within the time limits specified in paragraph (c) of this section) pursuant to appropriate AIRS–AQS procedures. The procedures for editing and validating data are described in the AIRS Users Guide, Volume II Air Quality Data Coding.

(e) This section does not permit a State to exempt those SLAMS which are also designated as NAMS from all or any of the reporting requirements applicable to SLAMS in Section 58.26.

§§ 58.20, 58.23, 58.31, 58.34 [Amended]

Appendices A and D [Amended]

5. Sections 58.20, 58.23, 58.31, 58.34, and appendices A and D are amended by revising the acronym, "SAROAD" to read, "AIRS" in the following places:

a. Section 58.20(e)(1), and (6)(i);

b. Section 58.23(a);

c. Section 58.31(a) and 58.31(g)(1);

d. Section 58.34(a);

e. Appendix A, Section 4; and

f. Appendix D, Section 2.5, last paragraph.

6. In Appendix A, section 4.1 is revised to read as follows;

Appendix A—Quality Assurance Requirements for State and Local Air Monitoring Stations (SLAMS)

* * * * *

4.1 Quarterly Reports. For each quarter, each reporting organization shall report to AIRS–AQS either directly (or via the appropriate EPA Regional Office for organizations not direct users of AIRS) the results of all valid precision and accuracy tests it has carried out during the quarter. The quarterly reports of precision and accuracy data must be submitted consistent with the data reporting requirements specified for air quality data as set forth in § 58.35(c). Each organization shall report all collocated measurements including

those falling below the levels specified in section 5.3.1. Do not report results from invalid tests, from tests carried out during a time period for which ambient data immediately prior or subsequent to the tests were invalidated for appropriate reasons, or from tests of methods or analyzers not approved for use in SLAMS monitoring networks under Appendix C of this part.

* * * * *

7. Appendix A is amended by removing Figure A–1 (for reporting accuracy data), and Figure A–2 (for reporting precision data) from section 4.3, the table labeled "Information to be Contained on the Back of the Data Reporting Forms", and the coding instructions for these forms.

Appendices A, B, and C [Amended]

8. Appendices A, B, and C are amended by removing the words "Environmental Monitoring Systems Laboratory" and inserting, in their place, the words "Atmospheric Research and Exposure Assessment Laboratory" in the following places:

a. Appendix A, Sections 2.3.1 and 2.4;
b. Appendix A, Section 4;
c. Appendix A, References 2 and 3;
d. Appendix B, Section 2.3.1;
e. Appendix B, Referenes 2, 3, 6, and 7; and
f. Appendix C, Section 2.7.1.

9. Appendices A and B are amended by revising the acronym "EMSL" to read "AREAL" in the following places:

a. Appendix A, Section 4;
b. Appendix A, Section 4.1;
c. Appendix B, Section 2.4.

Appendix D [Amended]

10. Appendix D, section 3.2 is amended by revising the acronym "OANR" to read "Office of Air and Radiation (OAR)".

Appendix F [Amended]

11. Appendix F is amended by revising the acronym, "SAROAD" to read; "AIRS–AQS" in the following places:

a. 2.1.1 (two places);
b. 2.2.1;
c. 2.3.1 (two places);
d. 2.4.1 (two places);
e. 2.5.1 (two places);
f. 2.6.1 (two places); and
g. 2.7.1.

Appendices A and B [Amended]

12. Section 58.1, Appendix A, and Appendix B are amended by revising the words "National Bureau of Standards" to read, "National Institute of Standards and Technology" in the following places:

a. Section 58.1(s) (revised);
b. Appendix A, Section 2.3.1; and
c. Appendix B, Section 2.3.1.

13. Section 58.1, Appendix A, and Appendix B are amended by revising the acronym, "NBS" to read "NIST" in the following places:

a. Section 58.1(s) (revised, 2 places);
b. Appendix A, Section 2.3.1. (3 places);
c. Appendix A, Section 3.2;
d. Appendix B, Section 2.3. (3 places); and
e. Appendix B, Section 3.2.

[FR Doc. 92–24233 Filed 10–5–92; 8:45 am]
BILLING CODE 6560–50–M

---

48 CFR Parts 1512, 1516, and 1552

[FRL–4519–3]

Acquisition Regulation

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; withdrawal.

SUMMARY: In the **Federal Register** of March 11, 1992 (57 FR 8612), the Environmental Protection Agency proposed to amend the Environmental Protection Agency Acquisition Regulation to require contractors to certify that work ordered by the Agency does not duplicate or is not similar to work previously performed or currently being performed for the Agency. Since public comments indicated that any potential benefits to the Agency would be outweighed by the burden on Agency contractors, EPA is now withdrawing the rule.

FOR FURTHER INFORMATION CONTACT: Environmental Protection Agency, Procurement and Contracts Management Division (PM–214F), 401 M Street SW., Washington, DC 20460, ATTN: Edward N. Chambers (202) 260–6028.

Dated: September 28, 1992.

John C. Chamberlin,

Director, Office of Administration.

[FR Doc. 92–24086 Filed 10–5–92; 8:45 am]
BILLING CODE 6560–50–M

DEPARTMENT OF INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Publication of 90–Day Findings for Two Petitions to List the North American Lynx in the North Cascades of Washington and Three Oaks From California as Endangered

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of petition findings.

SUMMARY: The U.S. Fish and Wildlife Service (Service) publishes 90–day findings that were made on petitions to add four species to the Lists of Endangered and Threatened Wildlife and Plants. Petitions to list the North American lynx in the North Cascades of Washington State and three species of oak from California have not presented substantial information indicating that the requested actions may be warranted.

DATES: The findings announced in this notice were made on February 4, 1992 (lynx) and September 23, 1992 (oaks).

ADDRESSES: The petitions, findings, supporting data, and comments are available for public inspection, by appointment, during normal business hours at the office of the Field Supervisor, U.S. Fish and Wildlife Service, Olympia Field Office, 3704 Griffin Lane S.E., Suite 102, Olympia, Washington 98502 (lynx) or the Field Supervisor, U.S. Fish and Wildlife Service, Sacramento Field Office, 2800 Cottage Way, rooms E-1803 and E-1823, Sacramento, California 95825 (oaks).

FOR FURTHER INFORMATION CONTACT: David Frederick, Field Supervisor, Olympia Field Office (206/753–9440) (lynx), or Wayne White, Field Supervisor, Sacramento Field Office (916/978–4866) (oaks) (see **ADDRESSES** section).

SUPPLEMENTARY INFORMATION:

Background

Section 4(b)(3)(A) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) (Act), requires that the Service make a finding on whether a petition to list, delist, or reclassify a species presents substantial scientific or commercial information indicting that the petitioned action may be warranted. To the maximum extent practicable, this finding is to be made within 90 days of the receipt of the petition, and the finding is to be published promptly in the **Federal Register**. If the Service finds that a petition presents substantial information indicating that a requested action may be warranted, then the Service initiates a status review on that species.

The Service has determined that the following petitions do not present substantial information that the requested actions may be warranted.

On August 22, 1991, the Service received a petition from the National Audubon Society, The Humane Society of the United States, Defenders of Wildlife, Greater Ecosystem Alliance, Friends of the Loomis Forest, Methow

Valley Forest Watch, Save Chelan Alliance, Lower Columbia Basin Audubon Society, Tonasket Forest Watch, Pilchuck Audubon Society, North Cascades Audubon Society and Sierra Club Cascade Chapter (collectively "petitioners") to list the North American lynx (*Felis lynx canadensis*) of the North Cascades ecosystem of Washington as an endangered species and designate critical habitat for the lynx. The petition, dated August 16, 1991, clearly identified itself as a petition and contained the names, addresses, and telephone numbers of the petitioners. The petition was signed by the attorney (Mark Tipperman) for the petitioners. The petition stated that the lynx is in imminent danger of extinction because of an extremely small population, an isolated habitat jeopardized by an ongoing practice of fire suppression, and encroachment by logging, roads, trappers and hunters, a very small prey base to feed on, and limited or no protection by the Washington State Department of Natural Resources and the U.S. Forest Service

The petition was reviewed by staff of the Service's Olympia, Washington, Fish and Wildlife Enhancement Field Office and its Portland, Oregon, Regional Office. The finding is based on numerous documents, including published and unpublished studies, responses to information requests, agency documents, literature syntheses, and field sighting records. Interviews were conducted with researchers, wildlife managers, personnel from Service field offices in Regions 6 and 7, British Columbia Ministry of Environment biologists, and others familiar with lynx. All documents and telephone conservation records on which this finding is based are on file in the Olympia field Office.

Lynx are found over most of Alaska and Canada, and their presence in Washington, Idaho, Montana, Utah, Colorado, and Wyoming marks the southern limits of their range in western North America (McCord and Cordoza 1982). Snowshoe hares (*Lepus americanus*) are the primary prey of lynx in north central Washington, as well as throughout the lynx's range (Saunders 1963, Van Zyll De Jong 1966, Nellis and Keith 1968, Nellis *et al.* 1972, Brand *et al.* 1976, More 1976). Lynx habitat coincides with habitat occupied by the snowshoe hare, its dominant prey (Koehler 1991).

The study by Koehler (Koehler 1988), conducted from 1981–87, indicated north central Washington supported a relatively stable, low density, low productivity lynx population presumably because of the scarcity of prey and poor habitat conditions for snowshoe hares. The information also indicated that the demography of lynx in Okanogan County, Washington, may be characteristic of lynx at the southern periphery of their range where habitat conditions are marginal for lynx and snowshoe hares.

The immediate threats to the survival of lynx were described by the petitioners, and focused specifically on the lynx in central Washington. They did not provide information indicating a decline throughout the entire range of the lynx or anywhere outside of Washington. Pursuant to 50 CFR 424.02(e), any 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.

Although it may be assumed the same aforementioned threats (encroachment by logging, roads, trappers, hunters, etc.) exist throughout the southern periphery of the lynx's range (Washington, Idaho, Montana, Utah, Colorado, Wyoming), there is no indication the lynx is in danger of extinction throughout all or a significant portion of its range. The current range of the lynx in the North Cascades of Washington does not constitute a significant portion of its entire range (Figure 3.3. Brittell *et al.* 1989). British Columbia and Alaska constitute the majority of the lynx's range.

The Service's Olympia staff contacted biologists in British Columbia and Alaska concerning the status of lynx. Information received from these contacts indicates a decline in the 1980's that has caused some management concern in British Columbia. It was noted that additional information on population dynamics is needed. The most pressing information needs in British Columbia are for a better understanding of snowshoe hare distribution, biology, and cyclic patterns in the diverse ecological zones of the province, and of habitat requirements and relationships for both hares and lynx in those areas (Hatler 1988). The information did not indicate that the lynx throughout British Columbia and Alaska is significantly declining or in danger of extinction.

Another question which must be addressed is whether or not the lynx in the North Cascades ecosystem of Washington is a distinct population. The term "species" is defined in 50 CFR 424.02(k) as "any species or subspecies * * * and any distinct population segment of any vertebrate species that interbreeds when mature". *See also*, 16 U.S.C. 1532(16).

The 1989 study "Native Cats of Washington," by Brittell *et al.*, documented radio-collared lynx emigrating out of Okanogan County of north central Washington into British Columbia. The December 1988 final report of the study "Demographic Characteristics and Habitat Requirements of Lynx in North Central Washington," by Gary M. Koehler stated that lynx are known to emigrate from the study area into British Columbia. From 1981–83, Brittell (unpubl. report) found 3 to 8 of 23 radio-collared lynx emigrating from the study area into British Columbia. Brittell also indicated that immigration into the study area (Okanogan County of north central Washington) may occur. Therefore, the lynx of the North Cascades ecosystem of Washington do not appear to be isolated from other parts of their range in British Columbia and do not represent a distinct population segment.

Regulations at 50 CFR 424.14 describe the information which the Service shall consider in making a determination as to whether the petition presents substantial information that would lead a reasonable person to believe that the petitioned action may be warranted. Information to be considered includes past and present numbers and distribution of the species, threats faced by the species, and status of the species over all or a significant portion of its range. Data presented by the petitioners and otherwise available to the Service indicate that numbers and productivity of lynx in the North Cascades ecosystem of Washington remain low, but are relatively stable. Low numbers and productivity are often characteristic of animal species at the edge of their range due to marginal habitat conditions.

The petitioners did not present information on the status of the lynx in other parts of its range. The North American lynx throughout its entire range (Alaska, Colorado, Idaho, Maine, Michigan, Minnesota, Montana, North Dakota, New Hampshire, Nevada, New York, Oregon, Utah, Vermont, Washington, Wisconsin, Wyoming, and Canada) is currently a category 2 candidate for listing. A category 2 candidate is one 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. Information available to the Service on the status of

the lynx in British Columbia indicates that numbers had declined during the 1980's causing some management concern. However, the available information on the status throughout Alaska and British Columbia did not indicate a significant decline in numbers or a subspecies in danger of extinction.

On September 18, 1991, the Service received a petition to list three plants: blue oak (*Quercus douglasii* H. & A.), California black oak (*Quercus kelloggii* Newb.), and valley oak (*Quercus lobata* Nee.) as endangered species. Mr. Craig Dremann of Redwood City, California, submitted the petition dated September 17, 1991. The petition and other documentation have been reviewed to determine if substantial information has been presented to indicate the requested action may be warranted.

The petitioner stated that these three species "are endangered throughout their range by conversion of oak woodlands to agriculture or grasslands, firewood cutting, residential uses, livestock grazing, exotic annual grasses, climate changes, drought, lack of acorn production in some areas for the last decade, and other factors that have adversely impacted these species." The three species occur throughout California and, in the case of California black oak, into southern Oregon.

The changing status of oak woodlands in California has been a topic of great interest to botanists in recent years (Plumb 1980, Plumb and Pillsbury 1987, Standiford 1991). A recent statewide inventory of hardwoods in California (Bolsinger 1988) documents the extent of hardwood forest types, and estimates the occurrence of various species in woodland types dominated by other trees. The woodland types of the three oak species are listed below with the area occupied by each type (a plurality of a given species in the dominant crown classes) and the area of occurrence (includes areas where the species occurs as scattered trees or clumps and stringers in other types) according to Bolsinger (1988).

Woodland type	Area of woodland type (acres)	Total area of occurrence (acres)
Blue oak	2,911,000	3,398,000
California black oak	894,000	4,313,000
Valley oak	274,000	486,000

Blue oak is the most extensive hardwood type in California (Bolsinger 1988). Blue oak woodland forms a nearly continuous band around California's Central Valley, generally between 100 and 1,200 meters in elevation (300 to 3,600 feet) (Barbour 1987). This deciduous tree generally occurs on moderately rich, loamy, well-drained soils with neutral or slightly basic pH on gently rolling to steep topography (Barbour 1987). The type is generally considered to include two broad associations, stands dominated by blue oak, and stands in which blue oak is mixed with one or more other tree species.

California black oak is a deciduous tree that is most commonly an associate of mixed conifer stands. It is distributed from southern California to southern Oregon in the Coast Ranges, Sierra Nevada, and eastern slopes of the Cascades. According to Bolsinger (1988), California black oak grows best on conifer sites, and occurs in the absence of conifers most often on poor quality sites in relatively low density.

Valley oak is distributed throughout California's Central Valley, southward to the San Fernando Valley and Santa Monica Mountains (Griffin 1973). Although the range of this deciduous tree is relatively large (500 miles (804 kilometers) long and 100 miles (160 kilometers) wide according to Bolsinger (1988)), the acreage of the valley oak type is small. Valley oaks grow in a wide range of physiographic positions, usually some miles inland from the coast on relatively deep and fertile soils (Griffin 1973). In the Sacramento Valley, it shows a strong association with mesic riparian habitats (Knudsen 1987). Valley oak often occurs sparsely in grasslands, small groves and streamside stringers, and open savannas. It also is found in many parks, cities, and suburban residential developments.

The area occupied by oak woodlands has declined over the past 40 years or so. Oak woodlands have been cleared for rangeland, agricultural use, and residential development (including roads and reservoirs as well as homesites), at a rate of approximately 30,000 acres per year (for the years 1945 to 1985) (Bolsinger 1988). Most conversion to improve livestock pasturage occurs in blue oak woodlands. Valley oaks, on the other hand, are most seriously affected by residential construction and agricultural conversion (Bolsinger 1988). Typically, a fairly high percentage (Bolsinger (1988) says 80 percent) of mature trees remain on a site after residential conversion. This means that more oaks remain than would be estimated from habitat conversion figures, but the survival and reproduction of oaks under these conditions is not known. California black oak appears to be most adversely affected by reduced fire frequencies in its mixed-conifer habitat (Kauffman and Martin 1987), where the resulting heavier duff accumulation and higher-intensity fires tend to discourage establishment of young trees.

Barbour (1987) suggested that some hardwood communities have been so severely affected by human activity that they are in danger of becoming extinct; however, he did not specify which ones. Greg Greenwood (California Department of Forestry, pers. comm., December 13, 1991) concurred that certain habitat types, such as valley oak riparian and coast range forest types are endangered. Bolsinger (1987, 1988) addressed attrition of oak woodland from natural causes in lower foothills and valleys in a general manner. He concluded that either it is progressing too slowly to be detected over a 12-year period (the length of time between his observations) or that it is not as extensive as casual observation would indicate.

While the potential loss of certain hardwood communities represents a significant ecological concern, the protections of the Endangered Species Act can extend only indirectly to communities through one or more component species. In addition, none of the three oak species are restricted to specific habitat types, so continued loss of certain communities does not necessarily translate into a significant loss at the species level. The fact that tremendous public and professional attention is focused on the decline of certain hardwood communities suggests that there may yet be opportunity to halt or reverse this trend. Scientists continue to investigate both species and communities to identify possible management techniques that might help ensure perpetuation of these resources. Numerous local groups, primarily urban and suburban areas throughout California, are initiating actions to encourage management and enhancement of California's hardwood resources. Activities include such things as protective ordinances of various types, zoning, planting projects, heritage tree ordinances, registries, and conferences sponsored by community groups, municipal governments, landowners, and resource managers (Johnson 1987).

The petitioner cited woodcutting as a factor endangering blue oak, California black oak, and valley oak throughout their range. Oak woodland area has declined due to the cutting of firewood (Bolsinger 1988), largely for charcoal in the last century and early this century. In more recent times, Bolsinger (1988) reports that 14 percent of all woodlands sampled in his statewide inventory

showed evidence of cutting (5 percent cut within the last 5 years), but states that the volume cut is a minute fraction of the total wood volume on both woodland and timberland. According to Bolsinger (1988), fuelwood cutting does not appear to be a cause of woodland conversions at the present time. Wood cutting is often combined with clearing of oaks for rangeland or other uses. According to Bolsinger (1988), rangeland clearings in oak woodland between 1945 and 1975 amounted to about 32,000 acres per year, but since the 1970's have averaged less than 2,500 acres per year. He reports that oak stand thinning is now more prevalent than clearing.

Concerns over insufficient regeneration to perpetuate certain hardwood species have been expressed for over 75 years (Bartolome *et al.* 1987). According to Bartolome *et al.* (1987), "favorite culprits enjoy repeated mention in the literature", but there have been relatively few scientific investigations into these popularly cited causes, and results have sometimes been inconclusive or contradictory.

There have been at least two attempts to characterize the status of oak regeneration on a statewide basis (Bolsinger 1988, Muick and Bartolome 1987). Both studies tended to confirm that valley oak and blue oak are not regenerating well, but neither suggested that either species may be facing extinction from this cause. According to Bolsinger (1988), results from a one-time field survey cannot be conclusive about how hardwoods are regenerating. The mere presence of seedlings does not prove that tree replacement is occurring, nor does their absence necessarily indicate a problem. As an example, he cites that Douglas-fir seedlings are seldom found under a Douglas-fir overstory, yet seedling establishment by the species is common.

According to Bartolome *et al.* (1987), a major source of misinformation on hardwood regeneration has been overextension of stand size distribution data. Although correlation between size and age in oaks is statistically significant, this correlation is inadequate to determine most of the details of stand age necessary to assess regeneration. Because size-based studies cannot reveal past mortality or past stand structures, only part of the necessary information to determine regeneration status of present stands is known. Mortality rates for valley oak, California black oak, and blue oak have not been measured. In general, oaks are long-lived, with individuals surviving to several hundred years (Bartolome *et al.* 1987).

Current stand size structure of oak species is variable. Statewide, valley and blue oaks have apparently established infrequently during the last 50 years, but black oak shows signs of recent establishment based on presence of small trees, seedling, and saplings (Bartolome *et al.* 1987, Bolsinger 1988). Barbour (1987) cites several studies that concluded that establishment of blue oak appeared to be episodic, with the most recent flush occurring in the 1870's. The regeneration episode of the late nineteenth century may have created excessively stocked stands. In this case, lack of recent recruitment would be expected, and new individuals would be unnecessary for regeneration at the present time (Bartolome *et al.* 1987).

According to Bartolome *et al.* (1987), we do not know how much establishment is needed for regeneration of present stand structure, nor whether past patterns included periods without establishment prior to most recent establishment. They conclude that, in general, most investigations have lacked a proper temporal perspective on regeneration, particularly an understanding of how past stand structure affects the need for recruitment.

Regeneration varies with location as well as over time. Muick and Bartolome (1987) conducted a systematic investigation of the regeneration status of 8 major oak species in 25 California counties, and identified environmental or management characteristics associated with presence or absence of oak regeneration. They found regeneration of blue oak to be better in the Sierra Nevada than in the Coast Ranges. They concluded the blue oak regeneration is highly site specific, and found environmental factors such as slope as aspect to be significant factors in certain regions. The association of small-scale site variation with successful establishment was also noted by Griffin (1971), who found that seedling survival of blue and valley oak was higher in shade. Muick and Bartolome (1987) observed that valley and blue oak saplings were more common at canopy edges than either under the canopy or in open grassland. Other site characteristics have been investigated less thoroughly in relation to regeneration, such as interference with establishment by European annuals.

Bolsinger (1988) found that blue oak seedlings were scarce in the drier parts of the species' range, and suggested that blue oak woodlands might be retreating upslope to moister environments. Stand mapping and regeneration studies conducted by Rice and Greenwood support this observation (Rice, Assistant Professor, Dept. of Agronomy and Range Science, Univ. of California, Davis, pers. comm., November 12, 1991; Greenwood, pers. comm., December 13, 1991). Bolsinger (1988) found no valley oak seedlings on plots in the valley oak type, but documented them in conifer timber and interior live oak types, and noted that valley oak seedlings and saplings were sometimes observed outside plot boundaries. Bolsinger (1988) found valley oak saplings more often in types other than valley oak, such as California black oak, riparian cottonwood, and conifer timber types. Bolsinger (1988) also noted that his statewide sample does not represent nonforest areas such as widely scattered trees in grassland, small streamside stringers, and small groves less than an acre in size.

Bolsinger (1988) did not suggest that regeneration is a problem for California black oak based on his statewide sample, which found seedlings on 62 percent of the plots in type, and saplings on 44 percent. Muick and Bartolome (1987) found California black oak regeneration to be better in the Sierra Nevada than in either the north or south Coast Ranges. Kauffman and Martin (1987) cited declines in the abundance of California black oak in some areas within the mixed conifer zone. They attributed this to effects of fire suppression, which promotes buildup of downed woody materials that inhibit successful seedling establishment and which produce high heat loads when fires do occur, resulting in high mortality of California black oak in small size classes. They suggest that extremely hot fires were uncommon prior to the era of suppression, when frequent surface fires maintained much lower fuel accumulations than those of today.

Grazing is one of the "favorite culprits" mentioned by Bartolome *et al.* (1987), and has been thought to prevent regeneration of oaks. Bolsinger (1988) indicated that approximately 64 percent of blue oak woodland types, 28 percent of California black oak woodland types, and 73 percent of valley oak woodland types were grazed, but concluded that it is not clear that grazing always reduces oak regeneration and growth. Herbivory by deer and pocket gophers may inhibit regeneration on some sites (Griffin 1971, 1979), although Muick and Bartolome (1987) observed no significant pattern regarding presence of livestock grazing, gopher, or deer or blue oak regeneration, citing the almost universal presence of livestock grazing, gopher, and deer signs on plots with and without saplings. They also noted that they did not distinguish

season or intensity of livestock grazing, which would likely affect successful oak regeneration. Duncan *et al.* (1987) concluded that cattle grazing does not necessarily reduce regeneration of blue oak or valley oak in central California, based on observations of areas which had not been grazed for 40 or more years.

Griffin (1979) concluded that local damage by small mammals to valley oak seedlings in his study area in Monterey County, California, can prevent the development of valley oak saplings. He suggested that nutritious annual exotic species may have improved the habitat for many rodents to such a point that small mammal damage to seedlings may be higher than in the past, but that whether this source of seedling predation was a permanent threat to valley oaks was not clear, as the several-hundred year lifespan of these trees enables them to wait a long time for the proper combination of regeneration conditions.

Griffin (1971, 1979) measured acorn production of blue oak and valley oak in Monterey County, California, and concluded that acorn production was sufficient, even taking into account insect damage and predation by livestock and wildlife, to provide for more than the observed numbers of sapling-sized trees.

The petitioner cited exotic annual grasses as a factor endangering the three oak species. It has been suggested that the replacement of native perennial bunchgrasses with exotic annual grasses, which has occurred over the last century, has reduced oak regeneration (Danielson and Halvorson 1991, Gordon *et al.* 1989). Oak seedling growth is reduced for those seedlings grown with the exotic annuals (such as *Avena fatua* and *Bromus diandrus*) compared to those grown with the native perennial *Stipa pulchra*. This is true for both valley oak (Danielson and Halvorson 1991) and for blue oaks (Gordon *et al.* 1989). On the other hand, Bartolome *et al.* (1987) do not place much importance on exotic grass competition as a significant factor affecting oak regeneration.

Drought was another factor cited by the petitioner as endangering the three oak species. Rundel (1987) reviewed adaptations of California hardwoods to environmental stress such as drought and low nutrient availability. He concluded that California hardwoods, including blue oak, California black oak, and valley oak have evolved a broad range of adaptations to environmental conditions that occur within the state, and that drought represents a primary selective pressure. The adaptations vary with species, but include features such as wood anatomy, architecture and phenology of below-ground tissues, and physiological responses at both the whole plant and tissue levels. As a specific example, his measurements of relative water deficit of mature leaves at the point of zero turgor in blue oak and California black oak indicated high drought tolerance in these species. In other words, these trees have evolved with drought and have developed numerous physiological and morphological characteristics that allow them to persist through drought.

While drought has been identified as a major cause of deciduous oak seedling mortality (Barbour 1987, Danielson and Halvorson 1991, Gordon *et al.* 1991), and this undoubtedly affects successful recruitment in the short-term, these investigators have not suggested drought by itself or in combination with other factors as a threat to the long-term survival of any of these species in the wild.

In their summary of recommendations for future research into hardwood regeneration, Bartolome *et al.* (1987) state that factors most likely to reward investigation are those associated with grazing and how present canopy structure and local site potential affect understory environment for recruitment. They consider acorn production and predation, climatic change, and competition with herbaceous species as unlikely to be important.

An analysis of the existing data strongly suggests that the petitioner does not present substantial information indicating that listing blue oak, California black oak, and valley oak as endangered species may be warranted. Of the studies reviewed above, only a few consider the state-wide status of oaks; none specifically addresses the danger of extinction. Experts who were asked to address this concern agreed that none of the three oak species are currently in danger of extinction throughout all or a significant portion of their ranges, nor are they likely to become endangered within the forseeable future (Greenwood, pers. comm., December 13, 1991; Rice, pers. comm., November 12, 1991).

In spite of documented habitat conversion, blue oak and black oak still occur on approximately 3.4 and 4.3 million acres in California, respectively, while valley oak, never as widespread as the other two species, still occurs on nearly 500,000 acres. In regard to regeneration, existing data indicate that successful establishment of young trees, particularly valley oak, has not occurred at high rates over the past 40 years or so, but the significance of this is not clear. Researchers have predicted declines in extent of blue oak and valley oak woodlands, but also acknowledge that additional information must be obtained in order to place these observations in the proper ecological context and to assess their ecological significance.

In summary, the Service finds that the data contained in the above two petitions, referenced in the petitions, and otherwise available do no present substantial information that listing the North American lynx in the North Cascades of Washington or the three oak species from California may be warranted.

These finding were prepared by the staff of the Sacramento and Olympia Field Offices and reviewed by the Portland Regional Office. The findings are based on scientific and commercial information contained in the petitions, referenced in the petitions, and otherwise available to the Service at this time. All documents and telephone conversation records on which these findings are based are on file in the Sacramento and Olympia Field Offices.

References Cited

Barbour, M.G. 1987. Community ecology and distribution of California hardwood forests and woodlands. In: Proceedings of the symposium on multiple-use management of California's hardwood resources; November 12–14, 1986; San Luis Obispo, CA. Gen. Tech. Rep. PSW–100. Berkeley, CA: Pacific Southwest Forest and Range Experiment Station, Forest Service, U.S. Department of Agriculture; 462 pp.

Bartolome, J.W., P.C. Muick, and M.P. McClaran. 1987. Natural regeneration of Californian hardwoods. In: Proceedings of the symposium on multiple-use management of California's hardwood resources; November 12–14, 1986; San Luis Obispo, CA. Gen. Tech. Rep. PSW–100. Berkeley, CA: Pacific Southwest Forest and Range Experiment Station, Forest Service, U.S. Department of Agriculture; 462 pp.

Bolsinger, C.L. 1987. Major findings of a statewide resource assessment in California. In: Proceedings of the symposium on multiple-use management of California's hardwood resources; November 12–14, 1986; San Luis Obispo, CA. Gen. Tech. Rep. PSW–100. Berkeley, CA: Pacific Southwest Forest and Range Experiment Station, Forest Service, U.S. Department of Agriculture; 462 pp.

Bolsinger, C.L. 1988. The hardwood of California's timberlands, woodlands, and savannas. Resour. Bull. PNW—RB–148. Portland, OR: U.S. Department of Agriculture, Forest Service, Pacific Northwest Research Station; 148 pp.

Brand, C.J., L.B. Keith, and C.A. Fischer. 1976. Lynx responses to changing snowshoe hare densities in Central Alberta; J. Wildl. Manage. 40: 416–428.

Brittell, J.D., R.J. Poelker, S.J. Sweeney, and G.M. Koehler. 1989. Native cats of Washington. Washington State Dept. Wildl. Olympia, Washington. pg. 49.

Danielson, K.C. and W.L. Halvorson. 1991. Valley oak seedling growth associated with selected grass species. In: Standiford, R.B., tech. coord. Proceedings of the symposium on oak woodlands and hardwood rangeland management; October 31–November 2, 1990; Davis, CA. Gen. Tech. Rep. PSW–126. Berkeley, CA: Pacific Southwest Research Station, Forest Service, U.S. Department of Agriculture; 376 pp.

Duncan, D.A., N.K. McDougald, and S.E. Westfall. 1987. Long-term changes from different uses of foothill hardwood rangelands. In: Proceedings of the symposium on multiple-use management of California's hardwood resources; November 12–14, 1986; San Luis Obispo, CA. Gen. Tech. Rep. PSW–100. Berkeley, CA: Pacific Southwest Forest and Range Experiment Station, Forest Service, U.S. Department of Agriculture; 462 pp.

Gordon, D.R., J.M. Welker, and K.J. Rice. 1989. Competition for soil water between annual plants and blue oak (*Quercus douglassi*) seedlings. Oecologia 79:533–541.

Gordon, D.R., K.J. Rice, and J.M. Welker. 1991. Soil water effects on blue oak seedling establishment. In: Standiford, R.B., tech. coord. Proceedings of the symposium on oak woodlands and hardwood rangeland management; October 31–November 2, 1990; Davis, CA. Gen. Tech. Rep. PSW–126. Berkeley, CA: Pacific Southwest Research Station, Forest Service, U.S. Department of Agriculture; 376 pp.

Griffin, J.R. 1971. Oak regeneration in the upper Carmel Valley, California. Ecology 52–862–868.

Griffin, J.R. 1973. Xylem sap tension in three woodland oaks of central California. Ecology 54:152–159.

Griffin, J. R. 1979. Animal damage to valley oak acorns and seedlings, Carmel Valley, California. Presented at the Symposium on the Ecology, Management, and Utilization of California Oaks, Claremont, Calif., June 26–28, 1979.

Hatler, D. F. 1988. A Lynx management strategy for British Columbia. Wildlife Bulletin No. B–61, July 1988. (Prepared for B.C. Ministry of Environment).

Johnson, S. G. 1987. Hardwood resource management and enhancement: the local picture and future prospects. In: Proceedings of the symposium on multiple-use management of California's hardwood resources; November 12–14, 1986; San Luis Obispo, CA. Gen. Tech. Rep. PSW–100. Berkeley, CA: Pacific Southwest Forest and Range Experiment Station, Forest Service, U.S. Department of Agriculture; 462 pp.

Kauffman, J. B., and R. E. Martin. 1987. Effects of fire and fire suppression on mortality and mode of reproduction of California black oak (*Quercus kelloggii* Newb.). In: Proceedings of the symposium on multiple-use management of California's hardwood resources; November 12–14, 1986; San Luis Obispo, CA. Gen. Tech. Rep. PSW–100. Berkeley, CA: Pacific Southwest Forest and Range Experiment Station, Forest Service, U.S. Department of Agriculture; 462 pp.

Knudsen, M. D. 1987. Life history aspects of *Quercus lobata* in a riparian community, Sacramento Valley, California. In: Proceedings of the symposium on multiple-use management of California's hardwood resources; November 12–14, 1986; San Luis Obispo, CA. Gen. Tech. Rep. PSW–100. Berkeley, CA: Pacific Southwest Forest and Range Experiment Station, Forest Service, U.S. Department of Agriculture; 462 pp.

Koehler, G. M. 1988. Demographic characteristics and habitat requirements of lynx north central Washington, Final Report, Wildlife Research Institute, Moscow, Idaho, pp. 57–58.

Koehler, G. M. 1991. Letter dated 11 October 1991 in response to request for information from U.S. Fish and Wildlife Service.

McCord, C. M., and J. E. Cordoza. 1982. Bobcat and lynx. *In* Wild Mammals of North America. Edited by J.A. Chapman and G.A. Feldhamer, Johns Hopkins University Press, Baltimore, Maryland pp. 728–766.

More, G. 1976. Some winter food habits of lynx (*Felis lynx*) in the Southern Mackenzie District, Northwest Territories. Can. Field-Nat. 90: 499–500.

Muick, P. C., and J. W. Bartolome. 1987. Factors associated with oak regeneration in California. In: Proceedings of the symposium on multiple-use management of California's hardwood resources; November 12–14, 1986; San Luis Obispo, CA. Gen. Tech. Rep. PSW–100. Berkeley, CA: Pacific Southwest Forest and Range Experiment Station, Forest Service, U.S. Department of Agriculture; 462 pp.

Nellis, C. H., and L. B. Keith. 1968. Hunting activity and success of lynxes in Alberta. J. Wildl. Manage. 32: 718–722.

Nellis, C. H., S. P. Wetmore, and L. B. Keith. 1972. Lynx-prey interactions in Central Alberta. J. Wildl. Manage. 36: 320–329.

Plumb, T. R., tech. coord. 1980. Proceedings of the symposium on the ecology, management, and utilization of California oaks; June 26–28, 1979; Claremont, CA: Gen. Tech. Rep. PSW–44. Berkeley, CA: Pacific Southwest Forest and Range Experiment Station, Forest Service, U.S. Department of Agriculture; 368 pp.

Plumb, T. R., and N. H. Pillsbury, tech. coords. 1987. Proceedings of the symposium on multiple-use management of California's hardwood resources; November 12–14, 1986; San Luis Obispo, CA. Gen. Tech. Rep. PSW–100. Berkeley, CA: Pacific Southwest Forest and Range Experiment Station, Forest Service, U.S. Department of Agriculture; 462 pp.

Rundel, P. W. 1987. Origins and adaptations of California hardwoods. In: Proceedings of the symposium on multiple-use management of California's hardwood resources; November 12–14, 1986; San Luis Obispo, CA. Gen. Tech. Rep. PSW–100. Berkeley, CA: Pacific Southwest Forest and Range Experiment Station, Forest Service, U.S. Department of Agriculture; 462 pp.

Saunders, J. K. 1963. Food habits of the lynx in Newfoundland. J. Wildl. Manage. 27: 384–390.

Standiford, R. B., tech. coord. 1991. Proceedings of the symposium on oak woodlands and hardwood rangeland management; October 31–November 2, 1990; Davis, CA. Gen. Tech. Rep. PSW–126. Berkeley, CA: Pacific Southwest Research Station, Forest Service, U.S. Department of Agriculture; 376 pp.

Van Zyll De Jong, C. G. 1966. Food habits of the lynx in Alberta and the Mackenzie District, N.W.T., Canada. Can. Field-Nat. 80: 18–23.

Author

This notice was prepared by Jeffrey Haas (Olympia Field Office), Jan Knight (Sacramento Field Office) [see **ADDRESSES** section), and Allison Banks, Portland Regional Office, 911 NE 11th Avenue, Portland, Oregon 97232–4181.

List of Subjects in 50 CFR Part 17

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

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

Dated: September 23, 1992.

Richard N. Smith,

Acting Director, U.S. Fish and Wildlife Service.

[FR Doc. 92–24207 Filed 10–5–92; 8:45 am]

BILLING CODE 4310–55–M

Notices

Federal Register
Vol. 57, No. 194
Tuesday, October 6, 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

Rural Electrification Administration

Assistance 1703 B; Maximum Size of Application

AGENCY: Rural Electrification Administration, USDA.

ACTION: Notice.

SUMMARY: The Administrator of the Rural Electrification Administration is announcing the maximum size of an application for assistance under 7 CFR part 1703, subpart B.

EFFECTIVE DATE: October 26, 1992.

FOR FURTHER INFORMATION CONTACT: Blaine D. Stockton, Jr., Assistant Administrator, Economic Development and Technical Services, Rural Electrification Administration, telephone number (202) 720–9552.

SUPPLEMENTARY INFORMATION: The Administrator has determined the maximum size of an application for assistance under this subpart that will be considered for funding during fiscal year 1993 as $400,000. Under § 1703.28, the maximum size is calculated as 3 percent of the projected total amount that will be credited to the subaccount during a fiscal year from the interest differential calculation and the amount appropriated for the zero-interest loans or grants under section 313 of the Rural Electrification Act of 1936, as amended (RE Act) (7 U.S.C. 901 *et seq.*), rounded to the nearest $10,000. However, regardless of the projected total amount that will be available, the maximum size may not be lower than $200,000 nor greater than $400,000. Three percent of the projected total amount for fiscal year 1993, rounded to the nearest $10,000, is $590,000. Based on the limitation on the maximum size, the maximum size is determined to be $400,000.

Calculation of the Maximum Size

Projected amount that will be credited to the subaccount from the interest differential calculation based on the cushion of credit levels of REA borrowers as of August 31, 1992: $7,200,00.

Amounts appropriated for fiscal year 1993 for zero-interest loans or grants made under section 313 of the RE Act: $12,389,000.

Projected total amount that will be available during fiscal year 1993: $19,589,000.

The projected total amount of $19,589,000 multiplied by 0.03 equals $587,670. This product rounded to the nearest $10,000 equals $590,000.

The maximum size cannot exceed $400,000. Therefore, the Administrator has determined that the maximum size is $400,000. This maximum size will remain in effect until the Administrator has established a subsequent maximum amount.

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

Dated: September 29, 1992.

George E. Pratt,
Acting Administrator.

[FR Doc 92–24147 Filed 10–5–92; 8:45 am]
BILLING CODE 3410–15–F

Soil Conservation Service

Upper Blanchard River Watershed, OH

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a Finding of No Significant Impact.

SUMMARY: Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR part 1500); and the Soil Conservation Service Guidelines (7 CFR part 650), the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Upper Blanchard River Watershed, Hancock and Hardin Counties, Ohio.

FOR FURTHER INFORMATION CONTACT: Joseph C. Branco, State Conservationist, Soil Conservation Service, 200 North High Street, room 522, Columbus, Ohio 43215, telephone (614) 469–6962.

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

The project concerns a plan for flood prevention. The planned works of improvement include 3,300 feet of one-sided channel improvement, removal of an old low-head dam, installation of two smaller low-head dams, construction of two fish riffle structures, and the design and installation of an automated flood warning system.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various federal, state, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Robert L. Burris.

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

(This activity is listed in the Catalog of Federal Domestic Assistance under No. 10.904—Watershed Protection and Flood Prevention—and is subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with state and local officials.)Q02

Dated: September 24, 1992.

Joseph C. Branco,
State Conservationist.

[FR Doc. 92–24247 Filed 10–5–92; 8:45 am]
BILLING CODE 3410–15–M

DEPARTMENT OF COMMERCE

International Trade Administration

United States-Canada Free-Trade Agreement, Article 1904 Binational Panel Reviews; Request for Panel Review

AGENCY: United States-Canada Free Trade Agreement, Binational Secretariat, United States Section,

International Trade Administration, Department of Commerce.

ACTION: Notice of First Request for Panel Review.

SUMMARY: On September 25, 1992, Norsk Hydro Canada Inc. filed a Request for Panel Review with the United States Section of the Binational Secretariat pursuant to Article 1904 of the United States-Canada Free-Trade Agreement. Panel review was requested of the Final Affirmative Material Injury Determination in the Antidumping Duty Investigation respecting Magnesium from Canada made by the U.S. International Trade Commission, File Number 731–TA–528 (Final), which was published in the **Federal Register** on August 26, 1992 (57 FR 38696). The Binational Secretariat has assigned Case Number USA–92–1904–06 to this Request.

FOR FURTHER INFORMATION CONTACT: James R. Holbein, United States Secretary, Binational Secretariat, suite 2061, 14th and Constitution Avenue, Washington, DC 20230, (202) 377–5438.

SUPPLEMENTARY INFORMATION: Chapter 19 of the United States-Canada Free-Trade Agreement ("Agreement") establishes a mechanism to replace domestic judicial review of final determinations in antidumping and countervailing duty cases involving imports from the other country with review by independent binational panels. When a Request for Panel Review is filed, a panel is established to act in place of national courts to review expeditiously the final determination to determine whether it conforms with the antidumping or countervailing duty law of the country that made the determination.

Under Article 1904 of the Agreement, which came into force on January 1, 1989, the Government of the United States and the Government of Canada established Rules of Procedure for Article 1904 Binational Panel Reviews ("Rules"). These Rules were published in the **Federal Register** on December 30, 1988 (53 FR 53212). The Rules were amended by Amendments to the Rules of Procedure for Article 1904 Binational Panel Reviews, published in the **Federal Register** on December 27, 1989 (54 FR 53165). The Rules were further amended and a consolidated version of the amended Rules was published in the **Federal Register** on June 15,1992 (57 FR 26698). The panel review in this matter will be conducted in accordance with these Rules, as amended.

Rule 35(2) requires the Secretary of the responsible Section of the FTA Binational Secretariat to publish a notice that a first Request for Panel Review has been received. A first Request for Panel Review was filed with the United States Section of the Binational Secretariat, pursuant to Article 1904 of the Agreement, on September 25, 1992, requesting panel review of the final determination described above.

Rule 35(1)(c) of the Rules provides that:

(a) a Party or interested person may challenge the final determination in whole or in part by filing a Complaint in accordance with rule 39 within 30 days after the filing of the first Request for Panel Review (the deadline for filing a Complaint is October 26, 1992);

(b) a Party, an investigating authority or other interested person that does not file a Complaint may participate in the panel review by filing a Notice of Appearance in accordance with rule 40 within 45 days after the filing of the first Request for Panel Review (the deadline for filing a Notice of Appearance is November 9, 1992); and

(c) the panel review shall be limited to the allegations of error of fact or law, including the jurisdiction of the investigating authority, that are set out in the Complaints filed in the panel review and the procedural and substantive defenses raised in the panel review.

Dated: September 29, 1992.

James R. Holbein,

United States Secretary, FTA Binational Secretariat.

[FR Doc. 92–24170 Filed 10–5–92; 8:45 am]

BILLING CODE 3510–GT–M

United States-Canada Free-Trade Agreement, Article 1904 Binational Panel Reviews; Request for Panel Review

AGENCY: United States-Canada Free-Trade Agreement, Binational Secretariat, United States Section, International Trade Administration, Department of Commerce.

ACTION: Notice of First Request for Panel Review.

SUMMARY: On September 25, 1992, Norsk Hydro Canada Inc. filed a Request for Panel Review with the United States Section of the Binational Secretariat pursuant to Article 1904 of the United States-Canada Free-Trade Agreement. Panel review was requested of the Final Affirmative Material Injury Determination in the Countervailing Duty Investigation respecting Magnesium from Canada made by the U.S. International Trade Commission, File Number 701–TA–309 (Final), which was published in the **Federal Register** on August 26, 1992 (57 FR 38696). In addition, the Government of Quebec filed a Request for Panel Review in this matter. The Binational Secretariat has assigned Case Number USA–92–1904–05 to these Requests.

FOR FURTHER INFORMATION CONTACT: James R. Holbein, United States Secretary, Binational Secretariat, suite 2061, 14th and Constitution Avenue, Washington, DC 20230, (202) 377–5438.

SUPPLEMENTARY INFORMATION: Chapter 19 of the United States-Canada Free-Trade Agreement ("Agreement") establishes a mechanism to replace domestic judicial review of final determinations in antidumping and countervailing duty cases involving imports from the other country with review by independent binational panels. When a Request for Panel Review is filed, a panel is established to act in place of national courts to review expeditiously the final determination to determine whether it conforms with the antidumping or countervailing duty law of the country that made the determination.

Under Article 1904 of the Agreement, which came into force on January 1, 1989, the Government of the United States and the Government of Canada established Rules of Procedure for Article 1904 Binational Panel Reviews ("Rules"). These Rules were published in the **Federal Register** on December 30, 1988 (53 FR 53212). The Rules were amended by Amendments to the Rules of Procedures for Article 1904 Binational Panel Reviews, published in the **Federal Register** on December 27, 1989 (54 FR 53165). The Rules were further amended and a consolidated version of the amended Rules was published in the **Federal Register** on June 15, 1992 (57 FR 26698). The panel review in this matter will be conducted in accordance with these Rules, as amended.

Rule 35(2) requires the Secretary of the responsible Section of the FTA Binational Secretariat to publish a notice that a first Request for Panel Review has been received. A first Request for Panel Review was filed with the United States Section of the Binational Secretariat, pursuant to Article 1904 of the Agreement, on September 25, 1992, requesting panel review of the final determination described above.

Rule 35(1)(C) of the Rules provides that:

(a) a Party or interested person may challenge the final determination in whole or in part by filing a Complaint in accordance with rule 39 within 30 days

after the filing of the first Request for Panel Review (the deadline for filing a Complaint is October 26, 1992);

(b) a Party, an investigating authority or other interested person that does not file a Complaint may participate in panel review by filing a Notice of Appearance in accordance with rule 40 within 45 days after the filing of the first Request for Panel Review (the deadline for filing a Notice of Appearance is November 9, 1992); and

(c) the panel review shall be limited to the allegations of error of fact or law, including the jurisdiction of the investigating authority, that are set out in the Complaints filed in the panel review and the procedural and substantive defenses raised in the panel review.

Dated: September 29, 1992.

James R. Holbein,

United States Secretary, FTA Binational Secretariat.

[FR Doc. 92-24171 Filed 10-5-92; 8:45 am]

BILLING CODE 3510-GT-M

Minority Business Development Agency

[Project I.D. No. 06-10-93003-01]

Business Development Center Applications; Beaumont MBDC

AGENCY: Minority Business Development Agency; DOC.

ACTION: Notice.

SUMMARY: In accordance with Executive Order 11625, the Minority Business Development Agency (MBDA) is soliciting competitive applications under its Minority Business Development Center (MBDC) program to operate an MBDC for approximately a 3-year period, subject to Agency priorities, recipient performance and the availability of funds. The cost of performance for the first budget period (12 months) is estimated as $165,000 in Federal funds. An audit fee of $4,125 has been added to the Federal amount. The total funding breakdown is as follows: $169,125 Federal and $29,846 non-Federal for a total of $198,971. The period of performance will be from March 1, 1993 to February 28, 1994. The MBDC will operate in the Beaumont, Texas MSA geographic service area.

The funding instrument for the MBDC will be a cooperative agreement. Competition is open to individuals, non-profit and for-profit organizations, state and local governments, American Indian tribes and educational institutions.

The MBDC program is designed to provide business development services to the minority business community for the establishment and operation of viable minority businesses. To this end, MBDA funds organizations that can identify and coordinate public and private sector resources on behalf of minority individuals and firms; offer a full range of management and technical assistance; and serve as a conduit of information and assistance regarding minority business.

Applications will be evaluated initially by regional staff on the following criteria: The experience and capabilities of the firm and its staff in addressing the needs of the business community in general and, specifically, the special needs of minority businesses, individuals and organizations (50 points); the resources available to the firm in providing business development services (10 points); the firm's approach (techniques and methodologies) to performing the work requirements included in the application (20 points); and the firm's estimated cost for providing such assistance (20 points). An application must receive at least 70% of the points assigned to any one evaluation criteria category to be considered programmatically acceptable and responsive. The selection of an application for further processing by MBDA will be made by the Director based on a determination of the application most likely to further the purpose of the MBDC Program. The application will then be forwarded to the Department for final processing and approval, if appropriate. The Director will consider past performance of the applicant on previous Federal awards.

MBDCs performing satisfactorily may continue to operate after the initial competitive year for up to 2 additional budget periods. MBDCs with year-to-date "commendable" and "excellent" performance ratings may continue to be funded for up to 3 or 4 additional budget periods, respectively. Under no circumstances shall an MBDC be funded for more than 5 consecutive budget periods without competition. Periodic reviews culminating in year-to-date quantitative and qualitative evaluations will be conducted to determine if funding for the project should continue. Continued funding will be at the discretion of MBDA based on such factors as an MBDC's performance, the availability of funds and Agency priorities.

Awards under this program shall be subject to all Federal and Departmental regulations, policies, and procedures applicable to Federal assistance awards.

In accordance, with OMB Circular A-129, "Managing Federal Credit Programs," applicants who have an outstanding account receivable with the Federal Government may not be considered for funding until these debts have been paid or arrangements satisfactory to the Department of Commerce are made to pay the debt.

Applicants are subject to Governmentwide Debarment and Suspension (Nonprocurement) requirements as stated in 15 CFR part 26. The Departmental Grants Officer may terminate any grant/cooperative agreement in whole or in part at any time before the date of completion whenever it is determined that the MBDC has failed to comply with the conditions of the grant/cooperative agreement. Examples of some of the conditions which can cause termination are unsatisfactory performance of MBDC work requirements; and reporting inaccurate or inflated claims of client assistance or client certification. Such inaccurate or inflated claims may be deemed illegal and punishable by law.

On November 18, 1988, Congress enacted the Drug-Free Workplace Act of 1988 (Pub. L. 100-690, title V, subtitle D). The statute requires contractors and grantees of Federal agencies to certify that they will provide a drug-free workplace. Pursuant to these requirements, the applicable certification form must be completed by each applicant as a precondition for receiving Federal grant or cooperative agreement awards.

"Certification for Contracts, Grants, Loans, and Cooperative Agreement" and CD-511, the "Certification Regarding Debarment, Suspension and Other Responsibility Matters; Drug-Free Workplace Requirements and Lobbying" is required in accordance with section 319 of Public Law 101-121, which generally prohibits recipients of Federal contracts, grants, and loans from using Legislative Branches of the Federal Government in connection with a specific contract, grant or loan.

Closing Date: The closing date for applications is November 10, 1992. Applications must be postmarked on or before November 10, 1992.

Note: Please mail completed application to the following address: Dallas Regional Office, 1100 Commerce St., Room 7B23, Dallas, Texas 75242.

FOR APPLICATION KIT OR OTHER INFORMATION CONTACT: Dallas Regional Office, 1100 Commerce Street, Room 7B23, Dallas, Texas 75242, Attn: Yvonne Guevara, (214) 767-8001.

Requests for application kit must be in writing.

A pre-bid conference will be held on October 28, 1992 in the Earl Cabell

Federal Building, room 7B23, on 1100 Commerce Street, Dallas, Texas at 10 a.m.

SUPPLEMENTARY INFORMATION: Anticipated processing time of this award is 120 days. Executive order 12372, "Intergovernmental Review of Federal Programs," is not applicable to this program. Questions concerning the preceding information, copies of application kits and applicable regulations can be obtained at the above address.

11.800 Minority Business Development (Catalog of Federal Domestic Assistance)

Dated: September 24, 1992.

Melda Cabrera,

Regional Director, Dallas Regional Office.

[FR Doc. 92-24186 Filed 10-5-92; 8:45 am]

BILLING CODE 3510-21-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 Individual Quota Industry Committee will hold a public meeting on October 20-21, 1992, in room 240, at the Metro Center, 200 SW. First Avenue, Portland, OR. the meeting will begin at 8 a.m. on October 20, and adjourn at approximately 4:30 p.m. on October 21.

The purpose of this meeting is to continue working on development of an individual transferable quota program for the West Coast halibut and non-trawl sablefish fisheries. Included in the discussion will be the possibility of recreational sector participation in the halibut individual quota program.

For more information contact Lawrence D. Six, Executive Director, Pacific Fishery Management Council, Metro Center, suite 420, 2000 SW. First Avenue, Portland, OR 97201; telephone: (503) 326-6352.

Dated: September 30, 1992.

David S. Crestin,

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

[FR Doc. 92-24145 Filed 10-5-92; 8:45 am]

BILLING CODE 3510-22-M

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 meet on October 20, 1992, beginning at 10 a.m. The meeting will be held in the small conference room at the California Department of Fish and Game office, 330 Golden Shore, suite 50, Long Beach, CA.

The purpose of this meeting is to discuss the status of the coastal pelagic species fishery management plan.

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: September 29, 1992.

David S. Crestin,

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

[FR Doc. 92-24146 Filed 10-5-92; 8:45 am]

BILLING CODE 3510-22-M

National Marine Fisheries Service; Endangered Species; Application for Scientific Research Permit; Dr. Anne Rudloe, Gulf Specimen Marine Laboratory, Panacea, FL (P496-A)

Notice is hereby given that an applicant has applied in due form for a Scientific Research Permit to take an endangered species as authorized by the Endangered Species Act of 1973 (16 U.S.C. 1531-1543) and the National Marine Fisheries Service (NMFS) regulations governing endangered fish and wildlife permits (50 CFR parts 217-222).

1. *Applicant:* Dr. Anne Rudloe, Gulf Specimen Marine Laboratory, Inc., P.O. Box 237, Panacea, Florida 32346.

2. *Type of Permit:* Scientific Research.

3. *Name and Number of Species:* 75 Kemp's Ridley Sea Turtles, *Lepidochelys kempi*, each year.

4. *Type of Take:* The applicant proposes to conduct scientific studies on Kemp's ridley sea turtles to accrue fishery independent data on the occurrence, seasonality, population structure and behavior of Kemp's ridley sea turtles in the coastal waters of the northeastern Gulf of Mexico. Such information is necessary to develop a sound recovery plan for this species. All animals taken are expected to be subadults ranging in size from 20 to 60 cm in straight line carapace length. Animals will be taken in one of two ways:

1. A 38 cm mesh, 300 meter long, 4 meter deep nylon net anchored at each end will be fished one day per week for 12 hours. The net will be tended at all times and hand checked once every 30 minutes to recover any captive animals;

2. When tidal currents put the anchored net under too much tension to fish efficiently, the applicant will remove it from the water and continue sampling with a 35 meter section of net of the same depth and mesh size, deployed as a drift net with a small boat at each end to keep the net properly deployed.

5. *Location and Duration of Activity:* Taking will be done over a 12 hour period on one day per week for three years from April 1, 1993 to March 30, 1996 except during the months of December, January and February of each year. In addition, daily sampling will be done for 30 days during each summer. Sampling and tracking will be done in the coastal waters of Wakulla and Franklin Counties, Florida in the vicinity of Panacea, Florida.

Written data or views, or requests for a public hearing on this application should be submitted to the NMFS, U.S. Department of Commerce, 1335 East-West Highway, Silver Spring, Maryland 20910, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such a hearing is at the discretion of the Assistant Administrator for Fisheries. All statements and opinions contained in this application are summaries of those of the applicant and do not necessarily reflect the views of NMFS. Documents submitted in connection with the above application are available for review by interested persons in the following offices:

Office of Protected Resources, NMFS, NOAA, 1335 East-West Highway, SSMC#1, room 8268, Silver Spring, Maryland 20910, (301/713-2289); and Director, Southeast Region, NOAA, National Marine Fisheries Service, 9450 Koger Boulevard, St. Petersburg, Florida 33702.

Dated: September 25, 1992.

Nancy Foster,

Director, Office of Protected Resources.

[FR Doc. 92-24134 Filed 10-5-92; 8:45 am]

BILLING CODE 3510-22-M

Marine Mammals

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

ACTIONS: Receipt of Applications (P6N) and (P519).

SUMMARY: Notice is hereby given that the following applicants have applied in due form for Permits to take and import marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and the

Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216).

The National Zoological Park, Smithsonian Institution, Washington, DC 20008

Authorization is requested to import tissue samples (blood and skin) collected from grey seals (*Halichoerus grypus*) in Canada (Sable Island and either Amet Island or the pack ice in the Gulf of St. Lawrence) and Scotland (Faray Island, Orkney). Samples will be taken from 25 adult females and their pups from each location (total 150 animals sampled). Additionally, up to 150 samples will be collected from any females or pups, at any of the locations, which fostered or were fostered during the study. The activities are expected to continue through February 1994.

Dr. Bruce Lee Homer, College of Veterinary Medicine, University of Florida, P.O. Box 100145, Gainesville, FL 32610–0145

Authorization is requested to import tissue samples (lung, heart, liver, spleen, stomach, intestine, ovary and mammary gland) collected from 237 Juan Fernandez fur seals (*Arctocephalus philippii*) found dead in the rookery. The samples will be imported and if necessary re-exported from/to Chile.

ADDRESSES: Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, 1335 East-West Hwy., room 7324, Silver Spring, MD 20910, within 30 days of the publication of this notice.

Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries. All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Fisheries Service.

Documents submitted in connection with the above applications are available for review, by appointment, in the Permits Division, Office of Protected Resources, National Marine Fisheries Service, NOAA, 1335 East-West Highway., Suite 7324, Silver Spring, MD 20910 (301/713–2289); and

(P6N): Director, Northeast Region, National Marine Fisheries Service, One Blackburn Drive, Gloucester, MA 01930 (508/281–9200).

(P519): Director, Southeast Region, National Marine Fisheries Service, 9450 Koger Blvd., St. Petersburg, FL 33702 (813/893–3141).

Dated: September 28, 1992.

Nancy Foster,

Director, Office of Protected Resources.

[FR Doc. 92–24164 Filed 10–5–92; 8:45 am]

BILLING CODE 3510–22–M

National Technical Information Service

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 a field of use exclusive license in the United States to practice the invention embodied in U.S. Patent No. 4,254,774 titled, "Balloon Catheter and Technique for the Manufacture Thereof," to American BioMed, Inc., having a place of business at The Woodlands TX. The patent rights in this invention have been assigned to the United States of America.

The prospective field of use 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 field of use exclusive license may be granted unless, within sixty days from the date of this published notice, NTIS receives written evidence and argument which establishes 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 is a single-lumen, one piece catheter approximately 0.04 inch in diameter with an integral balloon at its end having a wall thickness of 0.005 inch or less, sufficiently small to be retractable by a suction into the catheter and to be extensible at a desired site by fluid pressure. The balloon may have a calibrated restricted leak aperture. The balloon may have a calibrated restricted leak aperture. The balloon portion of the catheter is made by heating a portion of the catheter tubing, stretching the tubing lengthwise, and applying fluid pressure to the tubing. The apparatus for forming the balloon includes a spring-loaded clamp to hold the tubing at one end, a capstan to hold the tubing at the other end, a heating coil wrapped around the tubing near the clamped end thereof and mounted with the clamp, and a mechanism for controlling the pressure and of the pressurizing gas entering the lumen of the tube in accordance with the retractable movement of the spring-loaded clamp.

The availability of the invention for licensing was published in the **Federal Register** of November 13, 1981. A copy of US Patent No. 4,254,774 may be purchased from the Commissioner of Patents and Trademarks, Box 9, Washington, DC 20231 for $3.00.

Inquiries, comments and other materials relating to the contemplated license must be submitted to Papan Devnani, Office of Federal Patent Licensing, 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,

Office of Federal Patent Licensing, National Technical Information Service, U.S. Department of Commerce.

[FR Doc. 92–24184 Filed 10–05–92; 8:45 am]

BILLING CODE 3510–04–M

Prospective Grant of Exclusive Patent License

This is 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 a field of use exclusive license in the United States to practice the invention embodied in U.S. Patent Re. 32,612, a reissue of US Patent No. 4,489,044 titled, "Formation of Tungsten Monocarbide from a Molten Tungstate-Halide phase by Gas Sparging," to Mustang Management Ltd., having a place of business at Vancouver BC Canada. The patent rights in this invention have been assigned to the United States of America.

The prospective field of use 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 partially exclusive license may be granted unless, within sixty days from the date of this published notice, NTIS receives written evidence and argument which establishes 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 describes how tungsten monocarbide is prepared by sparging a molten composition comprising an alkali metal halide and an oxygen compound of tungsten with a gas comprising a gaseous hydrocarbon, particularly methane.

The availability of the invention for licensing was published in the **Federal**

Register of December 13, 1984. A copy of US Patent Re. 32,612 may be purchased from the Commissioner of Patents and Trademarks, Box 9, Washington, DC 20231 for $3.00.

Inquiries, comments and other materials relating to the contemplated license must be submitted to Papan Devnani, Office of Federal Patent Licensing, 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,

Office of Federal Patent Licensing, National Technical Information Service, U.S. Department of Commerce.

[FR Doc. 92-24185 Filed 10-5-92; 8:45 am]

BILLING CODE 3510-04-M

DEPARTMENT OF EDUCATION

Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Notice of proposed information collection requests.

SUMMARY: The Director, Office of Information Resources Management, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1980.

DATES: Interested persons are invited to submit comments on or before November 5, 1992.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Dan Chenok: Desk Officer, Department of Education, Office of Management and Budget, 726 Jackson Place, NW., room 3208, New Executive Office Building, Washington, DC 20503. Requests for copies of the proposed information collection requests should be addressed to Cary Green, Department of Education, 400 Maryland Avenue, SW., room 5624, Regional Office Building 3, Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: Cary Green, (202) 708-5174.

SUPPLEMENTARY INFORMATION: Section 3517 of the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Director of the Information Resources Management Service, publishes this notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Frequency of collection; (4) The affected public; (5) Reporting burden; and/or (6) Recordkeeping burden; and (7) Abstract. OMB invites public comment at the address specified above. Copies of the requests are available from Cary Green at the address specified above.

Dated: September 29, 1992.

Cary Green,

Director, Information Resources Management Service.

Office of Special Education and Rehabilitation Services

Type of Review: Revision.
Title: Report of Children and Youth with Disabilities Exiting Special Education.
Frequency: Annually.
Affected Public: State or local governments.
Reporting Burden:
Responses: 58.
Burden Hours: 16,124.
Recordkeeping Burden:
Recordkeepers: 0.
Burden Hours: 0.

Abstract: The Secretary of Education is directed to obtain data on the number of students with disabilities exiting the educational system each year. The data is used to assess the effectiveness of State efforts to implement the legislation and to provide Congress and Education with information for monitoring, planning, congressional reporting and dissemination.

Office of Policy and Planning

Type of Review: New.
Title: Study of Title VII Projects.
Frequency: One time.
Affected Public: State or local governments.
Reporting Burden:
Responses: 200.
Burden Hours: 66.
Recordkeeping Burden:
Recordkeepers: 0.
Burden Hours: 0.

Abstract: This study will increase the Department's understanding of how Title VII Funding affects services provided to limited English proficient students. A sample of 200 Title VII program files will be reviewed and a telephone survey of the 200 program directors will be conducted.

[FR Doc. 92-24153 Filed 10-5-92; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. QF92-198-000]

Lake Cogen, Ltd.; Amendment to Filing

September 30, 1992.

On September 28, 1992, Lake Cogen, Ltd., tendered for filing a supplement to its filing in this docket. No determination has been made that the submittal constitutes a complete filing.

The supplement provides additional information pertaining to the ownership structure of the cogeneration facility and technical details pertaining to a transmission line.

Any person desiring to be heard or objecting to the granting of qualifying status should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests must be filed on or before October 21, 1992, and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will no serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92-24215 Filed 10-5-92; 8:45 am]

BILLING CODE 6717-01-M

Individual Waste Reduction Program; Albuquerque Field Office; Solicitation for Cooperative Agreements

AGENCY: Department of Energy Albuquerque Field Office.

ACTION: Solicitation for cooperative agreements.

SUMMARY: The U.S. Department of Energy (DOE) pursuant to the DOE Financial Assistance Rules, 10 CFR

600.15 intends to issue Solicitation No. DE–SC04–93AL93300 for the Industrial Waste Reduction Program on October 15, 1992.

DATES: The Solicitation will remain open until January 4, 1993.

ADDRESSES AND FOR FURTHER INFORMATION CONTACT: To obtain a complete solicitation package, please contact Juan Williams, Department of Energy Albuquerque Field Office, Contracts and Procurement Division, P.O. Box 5400, Albuquerque, NM 87185–5400 or call Mr. Williams at (505) 845–5865.

SUPPLEMENTARY INFORMATION:

Program Title: Industrial Waste Reduction Program.

Solicitation Number: DE–SC04–93AL93300.

Citation for Authority: PL 95–91.

The U.S. Department of Energy (DOE), Office of Industrial Technologies, is planning to fund research and development technologies in the Industrial Waste Reduction Program. For the purpose of this solicitation, technologies include concepts, processes, and/or hardware. The U.S. DOE Albuquerque Field Office intends to issue a competitive solicitation for unique and innovative technologies in the areas of industrial processes, process changes, feedstock substitution, and/or product changes that will conserve energy while minimizing or reducing industrial waste material. The term "innovative technology" will be used in a very broad sense and includes, but is not limited to, (1) development of new processes, materials, or products, (2) substitution of materials or products, or (3) significant changes to existing manufacturing processes and operations. Applications with innovative technology applicable to more than one industry with enhanced energy savings potential are encouraged.

Applications must meet the nominal U.S. national net energy savings goal of one trillion BTUs by fuel type per year by the year 2010. Waste reduction *does not* include waste heat, noise, electromagnetic radiation, nuclear radiation, lowering the level or degree that waste is toxic or hazardous, and those cross-media transfers (i.e. processes that convert waste material into different physical states such as from solid to liquid or gas) which are for the purpose of reducing the toxicity or hazardousness of the waste. The focus of this effort will be on the petroleum industry but industries in SIC 1–39 will also be considered. Research and Development activities will be classified into four progressive phases. Phase I is "Exploratory Development", Phase II is "Technology Development", Phase III is "Engineering Development" for pilot-scale and full-scale test, and Phase IV is "Demonstration" to test and verify the potential commercial application. Applicants may propose one or more of these phases. The proposed effort may be initiated at any phase if conclusive evidence is presented that the previous phase (s) has been completed successfully.

Multiple awards are expected to be made in FY 93 (possibly three to four Cooperative Agreements). The period of performance for these Cooperative Agreements may vary from several months to 3–5 years, depending on the projects selected. Estimated DOE funding available is $1 million for FY 93, $1.5 million for FY 94, and $1.5 million for FY 95.

A minimum of 50 percent cost sharing over the life of the project is required.

Industrial participation or support by the affected industry is essential in all phases proposed. Industrial participation directly related to the project may be in the form of cost sharing.

A complete solicitation package with information on application preparation, evaluation procedures and criteria, the extent of Government participation in the Cooperative Agreements to be awarded, and other required data will be available upon request during the time the solicitation is open. Please note that both DOE and non-DOE evaluators will be used to evaluate applications.

All responsible sources may submit an application which will be considered. Applications must be submitted no later than December 31, 1992, to the DOE Albuquerque Field Office at the address listed in the **"ADDRESSES"** section of this Notice.

Richard A. Marquez,

Assistant Manager for Management and Operations, Albuquerque Field Office.

[FR Doc. 92–24245 Filed 10–5–92; 8:45 am]

BILLING CODE 6450–01–M

Application Filed With the Commission

September 30, 1992.

Take notice that the following hydroelectric application has been filed with the Federal Energy Regulatory Commission and is available for public inspection.

a. *Type of Application:* Major License.

b. *Project No.:* 11221–002.

c. *Date Filed:* September 21, 1992.

d. *Applicant:* Peak Power Corporation.

e. *Name of Project:* Tropicana Pumped Storage Hydroelectric Project.

f. *Location:* On lands administered by the Bureau of Land Management on and near Blue Diamond Ridge, approximately 5 miles west of Las Vegas in Clark County, Nevada. Sections 32, 33, 34, and 35 in T21S, R59E; sections 3 and 4 in T22S, R59E.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Rick S. Koebbe, Vice President, Peak Power Corporation, 10 Lombard Street, Suite 410, San Francisco, CA 94111, (415) 362–0622.

i. *FERC Contact:* Mr. Michael Strzelecki, (202) 219–2827.

j. *Description of Project:* The proposed pumped storage project would consist of: (1) A 203-foot-high dam and 40-acre upper reservoir on Blue Diamond Ridge; (2) a 1,000-foot-long, 14-foot-diameter concrete vertical shaft connecting the upper reservoir to a horizontal tunnel; (3) the 2,500-foot-long, 14-foot-diameter horizontal tunnel connecting the vertical shaft to a penstock; (4) the 1,900-foot-long, 10-foot-diameter penstock connecting the horizontal tunnel to a powerhouse; (5) the powerhouse containing two generating units with a total installed capacity of 200 MW; (6) a 53-foot-high dam and 44-acre lower reservoir; (7) a 14-mile-long transmission line; and (8) appurtenant facilities. Water for the project will be conveyed to the site via pipeline from an unidentified source.

k. Under § 4.32(b)(7) of the Commission's regulations (18 CFR), if any resource agency, Indian Tribe, or person believes that the applicant should conduct an additional scientific study to form an adequate factual basis for a complete analysis of the application on its merits, they must file a request for the study with the Commission not later than 60 days after the application is filed, and must serve a copy of the request on the applicant.

Lois D. Cashell,

Secretary.

[FR Doc. 92–24150 Filed 10–5–92; 8:45 am]

BILLING CODE 6717–01–M

International Energy Agency Meetings

AGENCY: Department of Energy.

ACTION: Notice of meeting.

FOR FURTHER INFORMATION CONTACT: Samuel M. Bradley, Office of General Counsel, Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585, 202–586–2900.

SUPPLEMENTARY INFORMATION: In accordance with section 252(c)(1)(A)(i) of the Energy Policy and Conservation

Act (42 U.S.C. 6272(c)(1)(A)(i)), the following meeting notice is provided:

A meeting of the International Energy Agency's (IEA) Group of Reporting Companies will be held on October 13, 14, and 15, 1992, commencing at 9:15 a.m. on October 13, at the Sheraton City Centre Hotel, 1143 New Hampshire Avenue, NW., Washington, DC 20037. The purpose of this meeting is to permit attendance by representatives of U.S. Reporting Companies at the North American session of the IEA's Training Program for National Emergency Sharing Organizations ("NESOs") and Reporting Companies in relation to the Seventh Allocation Systems Test (AST-7), which training session is scheduled to be held at the Sheraton City Hotel on the dates indicated above. The agenda for the meeting is under the control of the IEA Secretariat. It is expected that the following draft agenda will be followed:

October 13, 1992

9:15–10:00 Introduction
Review of the Agenda
Overview of training objectives
10:00–10:50 The IEA Emergency Sharing System, activation procedures and responsibilities
10:50–11:10 Coffee break
11:10–13:00 National emergency procedures; NESO and Reporting Company organization; national fair sharing and Non-Reporting Company operations
13:00–14:30 Lunch
14:30–15:45 IEA data bases
—Questionnaires A and B ("QA/QB") data
—Use of QA/QB data in AST-7
—AST-7 test assumptions and their impact on the data base
15:45–16:00 Coffee break
16:00–17:45 Key aggregates in the Emergency Sharing System
—Trigger calculations (Based Period Final Consumption, available supplies, Emergency Reserve Drawdown Obligation, and Allocation Rights and Allocation Obligations)
—The balancing job in AST-7

October 14, 1992

9:15–10:30 Market response to oil supply disruptions
10:30–10:45 Coffee break
10:45–12:15 IEA and NESO response to the AST-7 disruption assumptions
—Supply and operational considerations
—National response, including stockdraw and demand restraint
12:15–13:30 Lunch
13:30–15:00 IEA and industry response to the AST-7 disruption assumptions
—Type 1 and Type 2 activity
—Transport and refining operations
15:00–16:15 Industry Supply Advisory Group ("ISAG") and Emergency Operations Team ("EOT") activities
16:15–16:30 Coffee break
16:30–17:45 Information processing and transmission in AST-7
—The Voluntary Offer format and codes
—Preparation, transmission and processing
—The allocation screen—tracking countries' Allocation Rights and Obligations

October 15, 1992

9:15–10:15 Voluntary Offers
—Conditional offers, short fuse offers, split cargoes
—Voyage time problems, port restrictions, vessel size, product and crude oil offers
10:15–10:45 Shipping considerations in AST-7
10:45–11:15 Legal considerations in AST-7
11:15–11:30 Coffee break
11:30–12:45 AST-7 calendar
—Discussion among participants of value of training program
—Appraisal reports
—Relations with the media
—Closing remarks; end of session
12:45–14:00 Lunch
14:00–16:00 Optional revision of Training Program elements with ISAG and the IEA Secretariat

As permitted by 10 CFR 209.32, the usual 7-day period for publication of the notice of this meeting in the **Federal Register** has been shortened because unanticipated circumstances pertaining to the IEA's scheduling of this meeting delayed the issuance of this notice.

As provided in section 252(c)(1)(A)(ii) of the Energy Policy and Conservation Act, this meeting is open only to representatives of IEA Reporting Companies and their counsel, representatives of NESOs, representatives of the Departments of Energy, Justice, and State, the Federal Trade Commission, the General Accounting Office, Committees of the Congress, the IEA, the Commission of the European Communities, and invitees of the IEA.

Issued in Washington, DC, September 29, 1992.

Eric J. Fygi,

Acting General Counsel.

[FR Doc. 92-24246 Filed 10-5-92; 8:45 am]

BILLING CODE 6450-01-M

Office of Fossil Energy

[Docket Nos. 92-119-NG, 92-120-NG]

Multi-Energies Inc. and The Brooklyn Union Gas Co.; Applications for Blanket Authorization To Import and Export Natural Gas

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of applications.

SUMMARY: The Office of Fossil Energy (FE) of the Department of Energy (DOE) gives notice that the applications identified in the attached Appendix were filed pursuant to section 3 of the Natural Gas Act and DOE Delegation Order Nos. 0204-111 and 0204-127. The applicants request blanket authorization to import and/or export natural gas, including liquefied natural gas (LNG), from and to Canada, Mexico, and other foreign countries on a short-term or spot market basis over a period of two years beginning on the date of the first delivery. The proposed imports and exports would take place at any point on the borders of the United States that would not require the construction of new pipeline or LNG processing facilities.

Copies of these applications are available for inspection and copying in the Office of Fuels Programs docket room, 3F-056, at the below address. The docket room is open between the hours of 8 a.m. an 4:30 p.m., Monday through Friday, except federal holidays. You are invited to submit protests, motions to intervene, notices of intervention, and written comments with respect to any docket listed above.

DATES: Protests, motions to intervene or notices of intervention, as applicable, requests for additional procedures and written comments are to be filed in the specific docket at the address listed below no later than 4:30 p.m., eastern time.

ADDRESSES: Office of fuels Programs, Fossil Energy, U.S. Department of Energy, Forrestal Building, room 3F-056, FE-50, 1000 Independence Avenue, SW.,Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT: P.J. Fleming, Office of Fuels Programs, Fossil Energy, U.S. Department of Energy, Forrestal Building, room 3F-094, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-4819.

SUPPLEMENTARY INFORMATION: Notice of these applications is consolidated for administrative reasons, but DOE is conducting separate proceedings and will issue individual decisions on each application. Any protestor, intervenor, commenter, or other respondent who wishes to participate in more than one docket must submit a separate filing in each docket. DOE's decision on applications for import authority will be made consistent with DOE's gas import policy guidelines, under which the competitiveness of an import arrangement in the market served is the primary consideration in determining whether it is in the public interest (49 FR 6684, February 22, 1984). In reviewing natural gas export applications DOE considers domestic need for the gas and any other issue determined to be appropriate, including whether the arrangement is consistent with the DOE policy of promoting competition in the natural gas marketplace by allowing

commercial parties to freely negotiate their own trade arrangements. Parties, especially those that may oppose any of these applications, should comment on these issues as they relate to the requested import/export authority. The applicants assert that their proposals are in the public interest. Parties opposing any of these applications bear the burden of overcoming these assertions.

NEPA Compliance

The National Environmental Policy Act (NEPA), 42 U.S.C. 4321 *et seq.*, requires DOE to give appropriate consideration to the environmental effects of its proposed actions. No final decision will be issued in these proceedings until DOE has met its NEPA responsibilities.

Public Comment Procedures

In response to this notice, any person may file a protest, motion to intervene or notice of intervention, as applicable, and written comments. Any person wishing to become a party to a proceeding and to have written comments considered as the basis for any decision on an application must, however, file a motion to intervene or notice of intervention, as applicable. The filing of a protest with respect to an application will not serve to make the protestant a party to that proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate action to be taken on an application. The filing of an intervention with respect to a particular docket will not serve to make the person a party in any other docket. All protests, motions to intervene, notices of intervention, and written comments must meet the requirements that are specified by the regulations in 10 CFR part 590. Protests, motions to intervene, notices of intervention, requests for additional procedures, and written comments should be filed to the specific docket with the Office of Fuels Programs at the address listed above.

It is intended that a decisional record on an application will be developed through responses to this notice by parties, including the parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. A party seeking intervention may request that additional procedures be provided, such as additional written comments, an oral presentation, a conference, or trail-type hearing. Any request to file additional written comments should explain why they are necessary. Any request for an oral presentation should identify the substantial question of fact, law, or policy at issue, show that it is material and relevant to a decision in the proceeding, and demonstrate why an oral presentation is needed. Any request for a conference should demonstrate why the conference would materially advance the proceeding. Any request for a trial-type hearing must show that there are factual issues genuinely in dispute that are relevant and material to a decision and that a trial-type hearing is necessary for a full and true disclosure of the facts.

If an additional procedure is scheduled, notice will be provided to all parties. If no party requests additional procedures, a final opinion and order may be issued based on the official record, including the application and responses filed by parties pursuant to this notice, in accordance with 10 CFR 590.316.

Issued in Washington, DC, on September 29, 1992.

Charles F. Vacek,

Deputy Assistant Secretary for Fuels Programs, Office of Fossil Energy.

Appendix

Filing date	Applicant name and Docket No.	Two-year maximum			Comments
		Import volume	Export volume	Import/export volume*	
9/17/92	Multi-Energies Inc. (92-119-NG)			200 Bcf	Imports/Exports (including LNG) from/to any foreign country. Imports from Canada.
9/18/92	The Brooklyn Union Gas Company (92-120-NG)	50 Bcf			

* Represents combined total of imports and exports.

[FR Doc. 92-24243 Filed 10-05-92; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. JD92-09927T Colorado-46]

Colorado; NGPA Determination by Jurisdictional Agency Designating Tight Formation

September 30, 1992.

Take notice that on September 28, 1992, the Oil and Gas Conservation Commission of the State of Colorado (Colorado), submitted the above-referenced notice of determination pursuant to § 271.703(c)(3) of the Commission's regulations, that the Shannon Formation underlying certain lands in Weld County, Colorado, qualifies as a tight formation under section 107(b) of the Natural Gas Policy Act of 1978. The area of application is described as follows:

Township 5 North, Range 66 West, 6th P.M.
Section 21: S/2SE/4; S/2SW/4; NW/4SW/4.
Section 22: SW/4.
Section 27: W/2.

The notice of determination also contains Colorado's findings that the referenced portion of the Shannon 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. 92-24216 Filed 10-5-92; 8:45 am]

BILLING CODE 6717-01-M

Genesis Coal Limited Partnership—Exclusive Patent Licenses

AGENCY: Department of Energy, Pittsburgh Energy Technology Center.

ACTION: Notice of intent to grant exclusive patent license.

SUMMARY: Notice is hereby given of an intent to grant to Genesis Coal Limited Partnership of Pittsburgh, Pennsylvania, an exclusive license to practice the invention described in U.S. Patent No. 5,022,892 entitled "Fine Coal Cleaning

via the Micro-Mag Process". The invention is owned by the United States of America, as represented by the Department of Energy (DOE).

The proposed license will be exclusive, subject to a license and other rights retained by the U.S. Government and other terms and conditions to be negotiated. DOE intends to grant the license, upon a final determination in accordance with 35 U.S.C. 209(c), unless within sixty (60) days of this notice the Pittsburgh Energy Technology Center, Department of Energy, receives in writing any of the following, together with supporting documents:

(i) A statement from any person setting forth reasons why it would not be in the best interests of the United States to grant the proposed license; or

(ii) An application for a nonexclusive license to the invention, in which applicant states that he already has brought the invention to practical application or is likely to bring the invention to practical application expeditiously.

DATES: Written comments or nonexclusive license applications are to be received at the address listed below no later than December 7, 1992.

ADDRESSES: Chief Counsel, Pittsburgh Energy Technology Center, P.O. Box 10940, Pittsburgh, Pennsylvania 15236–0940.

FOR FURTHER INFORMATION CONTACT: Curtis W. McBride, Chief Counsel, Pittsburgh Energy Technology Center, P.O. Box 10940, Pittsburgh, Pennsylvania 15236-0940, Telephone (412) 892-6161.

SUPPLEMENTARY INFORMATION: 35 U.S.C. 209(c) provides the Department with authority to grant exclusive or partially exclusive licenses in Department-owned inventions, where a determination can be made among other things, that the desired practical application of the invention has not been achieved, or is not likely expeditiously to be achieved under a nonexclusive license. The statute and implementing regulations (37 CFR part 404) require that the necessary determinations be made after public notice and opportunity for filing written objections.

Genesis Coal Limited Partnership of Pittsburgh, Pennsylvania, has applied for an exclusive license to practice the invention embodied in U.S. Patent No. 5,022,892 and has a plan for commercialization of the invention.

The proposed license will be exclusive, subject to a license and other rights retained by the U.S. Government, and subject to a negotiated royalty. The Department will review all timely written responses to this notice, and will grant the license if, after expiration of the 60-day notice period, and after consideration of written responses to this notice, a determination is made, in accordance with 35 U.S.C. 209(c), that the license grant is in the public interest.

Sun W. Chun,

Director, Pittsburgh Energy Technology Center.

[FR Doc. 92–24244 Filed 10–5–92; 8:45 am]

BILLING CODE 6450–01–M

[Docket Nos. TM92–20–20–001 & TM93–3–20–001]

Algonquin Gas Transmission Co.; Proposed Changes in FERC Gas Tariff

September 30, 1992.

Take notice that Algonquin Gas Transmission Company ("Algonquin") on September 25, 1992, tendered for filing proposed changes in its FERC Gas Tariff, Third Revised Volume No. 1, as set forth in the following revised tariff sheets:

Proposed To Be Effective July 1, 1992

1 Rev 10 Rev Sheet No. 41
1 Rev 10 Rev Sheet No. 42

Proposed To Be Effective August 1, 1992

2 Sub 11 Rev Sheet No. 41
3 Sub 11 Rev Sheet No. 42

Proposed To Be Effective September 1, 1992

1 Rev 11 Rev Sheet No. 41
1 Rev 11 Rev Sheet No. 42

Proposed To Be Effective October 1, 1992

2 Sub 12 Rev Sheet No. 41
5 Sub 12 Rev Sheet No. 42

Algonquin states that the revised tariff sheets are being filed at FERC Staff's request to revise the pagination from that which was filed in Algonquin's Docket Nos. TM92–20–20–000 and TM93–3–20–000 on September 16, 1992. Algonquin also states that the calculations and rates reflected herein are identical to those reflected in the prior filing. The only difference between the tariff sheets contained in the instant filing and those tariff sheets in the previous filing is pagination.

Algonquin further states that the revised tariff sheets flow through rate changes in Texas Eastern Transmission Corporation's ("Texas Eastern") Rate Schedules SS–2 and SS–3, which underlie Algonquin's Rate Schedules STB and SS–III, respectively. Pursuant to section 10 of Rate Schedule STB and section 9 of Rate Schedule SS–III in Algonquin's FERC Gas Tariff, Third Revised Volume No. 1, Algonquin is hereby filing the above sheets to track the latest changes filed by Texas Eastern on August 28, 1992.

Algonquin requests to withdraw the previous tracker filing made in Docket Nos. TM92–20–20–000 and TM93–3–20–000 on September 16, 1992.

Algonquin states that copies of the filing were served upon each affected party and interested state commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.211. All such protests should be filed on or before October 7, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92–24217 Filed 10–5–92; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. PR92–19–000]

Delhi Gas Pipeline Corp. (Oklahoma System); Petition for Rate Approval

September 30, 1992.

Take notice that on September 15, 1992, Delhi Gas Pipeline Corporation (Delhi) filed pursuant to § 284.123(b)(2) of the Commission's regulations, a petition for rate approval requesting that the Commission approve as fair and equitable a maximum rate of 33.5 cents per MMBtu for transportation of natural gas under section 311(a)(2) of the Natural Gas Policy Act of 1978 (NGPA).

Delhi states that it owns and operates extensive noninterconnected pipeline systems primarily in the states of Texas and Oklahoma with smaller operations in several other states. Its intrastate system in Oklahoma is the subject of this proceeding. By Commission letter order issued June 21, 1990 in Docket No. ST82–356–000 *et al.*, Delhi was authorized to charge a maximum rate of 33.5 per MMBtu for section 311(a)(2) transportation on its Oklahoma System.

Pursuant to § 284.123(b)(2)(ii), if the Commission does not act within 150 days of the filing date, the rate will be deemed to be fair and equitable and not in excess of an amount which interstate pipelines would be permitted to charge for similar transportation service. The Commission may, prior to the expiration of the 150 day period, extend the time for action or institute a proceeding to afford parties an opportunity for written comments and for the oral presentation of views, data and arguments.

Any person desiring to participate in this rate proceeding must file a motion to intervene in accordance with §§ 385.211 and 385.214 of the Commission's Rules of Practice and Procedures. All motions must be filed with the Secretary of the Commission on or before October 16, 1992. The petition for rate approval is on file with the Commission and is available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92-24218 Filed 10-5-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TQ93-1-23-000]

Eastern Shore Natural Gas Co.; Proposed Changes In FERC Gas Tariff

September 30, 1992.

Take notice that Eastern Shore Natural Gas Company (ESNG) tendered for filing on September 28, 1992 certain revised tariff sheets included in appendix A attached to the filing. Such sheets are proposed to be effective October 1, 1992.

The above referenced tariff sheets are being filed pursuant to § 154.308 of the Commission's regulations and §§ 21.2 and 21.4 of the General Terms and Conditions of ESNG's FERC Gas Tariff to reflect changes in ESNG's jurisdictional rates. The increased gas cost in the instant filing result from adjusting ESNG's rates to reflect the impact of higher prices being paid to producers/suppliers under ESNG's market responsive gas supply contracts.

ESNG states that copies of the filing have been served upon its jurisdictional customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rule 211 and Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and Section 385.214). All such motions or protests should be filed on or before October 7, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92-24219 Filed 10-5-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RS92-79-000]

Sea Robin Pipeline Co.; Rescheduling Conference

September 30, 1992.

Take notice that the conference previously scheduled for October 14, 1992 has been rescheduled. The conference will be held on Thursday, October 15, 1992, at 10 a.m., to discuss Sea Robin Pipeline Company's summary of its proposed plan for implementation of Order No. 636.

The conference will be held in Hearing Room 1, at the offices of the Federal Energy Regulatory Commission, 810 First Street NE., Washington, DC 20426. All interested parties are invited to attend. Attendance at the conference will not confer party status. For additional information, interested persons can call Al Francese at (202) 208-0736.

Lois D. Cashell,

Secretary.

[FR Doc. 92-24220 Filed 10-5-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP92-713-000]

Seagull Interstate Corp.; Petition for Declaratory Order

September 30, 1992.

Take notice that on September 17, 1992, Seagull Interstate Corporation (Seagull Interstate), 1001 Fannin Street, Houston, Texas, 77002, filed in Docket No. CP92-713-000 a petition under Rule 207 of the Commission's Rules of Practice and Procedure (18 CFR 385.207) for a declaratory order finding that certain offshore pipeline facilities owned and operated by Seagull Interstate are production and gathering facilities not subject to the Commission's jurisdiction under the NGA, that previously issued certificates authorizing construction and operations of these facilities be rescinded, and that the Commission's Order No. 636 restructuring proceeding in Docket No. RS92-80-000 be terminated as moot, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

Seagull Interstate states that the facilities in question are two short pipeline segments known as the 555 line and the 213 line attaching production in Federal waters offshore Texas to intrastate pipelines in state waters that carry the gas to processing markets onshore. Seagull Interstate indicates that the 555 line is 16 inches in diameter and extends 7 miles from a production platform to a subsea interconnection with an intrastate pipeline. Seagull Interstate also states that the 213 line is 6 inches in diameter and extends 5.67 miles from a production platform to a subsea interconnection with another intrastate pipeline. Seagull Interstate indicates that gas flowing through the 555 line undergoes separation and dehydration and minor compression on the platform; and processing and additional compression are provided downstream of Seagull Interstate's facilities. According to Seagull Interstate, the 213 line is currently idle, but when gas moved on the line it received no separation, dehydration or other processing and no compression.

Any person desiring to be heard or to make any protest with reference to said petition should on or before October 21, 1992, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Lois D. Cashell,

Secretary.

[FR Doc. 92-24221 Filed 10-5-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. PR92-20-000]

Supenn Pipeline; Petition for Rate Approval

September 30, 1992.

Take notice that on September 18, 1992, Supenn Pipeline (Supenn) filed pursuant to § 284.123(b)(2) of the Commission's regulations, a petition for rate approval requesting that the Commission approve as fair and equitable a maximum rate of $0.3218 per MMBtu for transportation of natural gas under section 311(a)(2) of the Natural Gas Policy Act of 1978 (NGPA).

Supenn states that it owns pipeline facilities extending from production platforms located in the State of Louisiana, Sabine Pass Block 3 Area to an onshore condensate reseparation plant facility located approximately ten miles north. By Commission letter order issued May 22, 1990 in Docket No. ST89–4756–000, Supenn was authorized to charge a maximum rat of $0.11 per MMBtu for section 311(a)(2) transportation.

Pursuant to § 284.123(b)(2)(ii), if the Commission does not act within 150 days of the filing date, the rate will be deemed to be fair and equitable and not in excess of an amount which interstate pipelines would be permitted to charge for similar transportation service. The Commission may, prior to the expiration of the 150 day period, extend the time for action or institute a proceeding to afford parties an opportunity for written comments and for the oral presentation of views, data and arguments.

Any person desiring to participate in this rate proceeding must file a motion to intervene in accordance with §§ 385.211 and 385.214 of the Commission's Rules of Practice and Procedures. All motions must be filed with the Secretary of the Commission on or before October 16, 1992. The petition for rate approval is on file with the Commission and is available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92–24222 Filed 10–5–92; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. RP92–164–004 and TM93–1–80–001]

Tarpon Transmission Co.; Notice of Compliance Tariff Filing

September 30, 1992.

Take notice that on September 25, 1992, Tarpon Transmission Company ("Tarpon") tendered for filing with the Commission as part of its FERC Gas Tariff, Original Volume No. 1, the following tariff sheets, proposed to be effective on November 1, 1992:

Revised Substitute Ninth Sheet No. 2A

Alternate Revised Substitute Ninth Sheet No. 2A
Revised Substitute Second Sheet No. 86A
Revised Substitute Third Sheet No. 96A

Tarpon is submitting these tariff sheets to reflect the four corrections indicated in the Letter Order issued by Kevin Madden, Director of the Office of Pipeline and Producer Regulation, on July 21, 1992, in Docket No. RP92–164–002 ("Letter Order"). The four corrections relate to the computation of Tarpon's special regulatory expense charge (and carrying charges thereon), as well as the treatment of the deferred tax liability associated with Tarpon's deferred regulatory expenses. The alternate sheet submitted by Tarpon reflects a change to the expiration date of the special charge for certain incremental expenses.

In addition to implementing the changes to its base rate and special regulatory expense charge required by the Letter Order, the above-listed tariff sheets reflect the most recent Commission-mandated change in the ACA charge. The ACA charge filing made by Tarpon on September 8, 1992 in Docket No. TM93–1–80–000 (notice of which was issued September 11, 1992), included changes to six tariff sheets proposed to be effective November 1, 1992, that had been rejected, unknown to Tarpon, in the Letter Order. Tarpon has requested that the six tariff sheets filed on September 8 to be effective November 1 be rejected, or discarded, as appropriate. Tarpon further states that the three tariff sheets to adjust the ACA charge for Tarpon's currently effective rates (which were unchanged by the Letter Order) filed on September 8 to be effective October 1, are not affected by the instant filing.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.211. All such protests should be filed on or before October 7, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92–24223 Filed 10–5–92; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP92–234–000]

Texas Eastern Transmission Corp.; Proposed Changes in FERC Gas Tariff

September 30, 1992.

Take notice that on September 28, 1992, Texas Eastern Transmission Corporation (Texas Eastern) tendered for filing what it termed a limited application pursuant to Section 4 of the Natural Gas Act, to recover gas supply realignment costs (GSR Costs) incurred as a consequence of Texas Eastern's implementation of Order No. 636.

Texas Eastern states that the tariff sheets which provide for the recovery of GSR Costs are being submitted to the Commission contemporaneously in Docket No. RP92–234–000, and in Docket No. RS92–11, *et al.*, which is Texas Eastern's Order No. 636 Compliance Filing. Texas Eastern states that the mechanism for the recovery of GSR Costs is set forth in and is a part of Docket No. RS92–11.

Texas Eastern states that the sole purpose of the filing in this Docket [RP92–234–000] is to set forth the initial level of GSR Costs and the related rates that will be charged by Texas Eastern pursuant to Order No. 636. Texas Eastern requests waiver pursuant to Section 154.51 of the Commission's Rules in order to permit the limited rate application to take effect on the same date as the effectiveness of Texas Eastern's Order No. 636 Compliance Filing in Docket No. RS92–11.

Texas Eastern states that copies of the tariff filing were mailed to all customers of Texas Eastern, interested state commissions shown on Texas Eastern's system, and each person designated on the official service list compiled by the Secretary in Docket No. RS92–11–000.

Any person desiring to be heard or to protest the filing in Docket No. RP92–234–000 should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with 18 CFR 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before October 7, 1992, and should address only the initial *level* of GSR Costs and related rates proposed in Docket No. RP92–234–000. Comments on the *mechanism* proposed in Docket No. RS92–11 for recovery of the GSR Costs will be due in accordance with the schedule established in Order No. 636. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the public reference room.

Lois D. Cashell,

Secretary.

[FR Doc. 92–24224 Filed 10–5–92; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL-4517-3]

Agency Information Collection Activities under OMB Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected cost and burden.

DATES: Comments must be submitted on or before November 5, 1992. To obtain a copy of this ICR contact Sandy Farmer at EPA, (202) 260–2740.

SUPPLEMENTARY INFORMATION:

Office of Water

Title: National Primary Drinking Water Regulations: Phase V Synthetic Organic and Inorganic Chemicals (ICR No. 0270.29)

Abstract: EPA's Phase V rule will establish national primary drinking water regulations for 24 pollutants, including inorganic chemicals, synthetic organic chemicals, and volatile synthetic organic chemicals.

In order to ensure compliance with the regulations and to protect public health, EPA will impose certain information requirements on State and local officials. Officials at Public Water Systems (PWSs) will be required to maintain records of compliance with treatment and monitoring standards. These records will enable them to identify system needs, to alter monitoring frequencies and to notify the public when systems are not in compliance with Federal and State regulations.

States will have to set up and maintain records of PWS data, including the results of drinking water tests and a list of systems out of compliance with standards. The States use this information for program implementation and oversight purposes.

States must also keep records of their actions concerning plans, enforcement, variances, and exemptions for each PWS.

The PWS information will also be useful to the primacy authority, either an EPA region or an approved State, for monitoring those PWSs trying to achieve compliance and for deciding which systems are likely targets for remedial or enforcement actions.

The States will submit reports to EPA which the Agency will use for oversight of State implementation of the regulations and to determine when to take enforcement action in cases where States have not done so. The information States submit will be stored in the Federal Reporting Data System (FRDS), where EPA and States can retrieve it. The FRDS allows for year-to-year analysis of compliance trends at the system, State, and national level and will also enable EPA to determine what policy changes are needed to increase compliance nationally.

Burden Statement: The average burden associated with the Phase V Synthetic Organic and Inorganic Chemicals Rule is 7.6 hours per response. This total includes time for searching existing data sources, gathering the data needed, and completing and reviewing the collection of information.

Respondents: Public Water Systems, States.

Estimated No. of Respondents: 200,240.

Estimated Total Annual Burden on Respondents: 430,182 hours.

Frequency of Collection: Quarterly, annually, triennially and every nine years.

Send comments regarding the burden estimate, or any other aspect of this collection of information, including suggestions for reducing the burden, to:

Sandy Farmer, U.S. Environmental Protection Agency, Information Policy Branch (PM–223Y), 401 M Street, SW., Washington, DC, 20460.

and

Matt Mitchell, Office of Management and Budget, Office of Information and Regulatory Affairs, 725 17th St., NW., Washington, DC, 20503.

Dated: September 29, 1992.

Paul Lapsley,

Director, Regulatory Management Division.

[FR Doc. 92–24234 Filed 10–5–92; 8:45 am]

BILLING CODE 6560–50–F

[FRL-4517-7]

Agency Information Collection Activities Under OMB Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected cost and burden.

DATES: Comments must be submitted on or before November 5, 1992.

FOR FURTHER INFORMATION OR TO OBTAIN A COPY OF THIS ICR, CONTACT: Sandy Farmer at EPA (202) 260–2740.

SUPPLEMENTARY INFORMATION:

Office of Prevention, Pesticides and Toxic Substances

Title: Reporting and Recordkeeping Requirements for Asbestos Abatement Worker Protection. (EPA ICR No. 1246.03; OMB No. 2070–0072). This is a reinstatement of a previously approved collection.

Abstract: This rule covers state and local government employees who perform asbestos abatement activities. Employers are required to inform EPA of asbestos abatement projects, to train employees about the hazards of asbestos, to monitor employee exposure, to provide medical surveillance, and to keep records of all these activities. The records maintained provide EPA with the data necessary to ensure compliance with the worker protection rule authorized under sections 6 and 8 (a) of the Toxic Substances Control Act (TSCA).

Burden Statement: The public reporting burden for this collection of information is estimated to average 22 hours per response for reporting, and 1 hour for recordkeeping. This includes the time for reviewing instructions, gathering and maintaining the data needed, and reviewing the collection of information.

Respondents: State and local governments.

Estimated No. of Respondents: 2080.

Estimated No. of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 47,882.

Frequency of Collection: On occasion.

Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestions for reducing the burden, to:

Sandy Farmer, U.S. Environmental Protection Agency, Information Policy Branch (PM–223Y), 401 M Street, SW., Washington, DC, 20460.

and

Matthew Mitchell, Office of Management and Budget, Office of

Information and Regulatory Affairs, 725 17th Street, NW., Washington, DC, 20503.

Dated: September 25, 1992.

Paul Lapsley,

Director, Regulatory Management Division.

[FR Doc. 92-24235 Filed 10-5-92; 8:45 am]

BILLING CODE 6560-50-F

[FRL-4519-6]

Proposed Assessment of Clean Water Act Class II Administrative Penalty to Pro-Tech, Incorporated and Opportunity to Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed administrative penalty assessment and opportunity to comment.

SUMMARY: EPA is providing notice of a proposed administrative penalty assessment for alleged violations of the Clean Water Act. EPA is also providing notice of opportunity to comment on the proposed assessment.

Under 33 U.S.C. Section 1319(g), EPA is authorized to issue orders assessing civil penalties for various violations of the Act. EPA may issue these orders after the commencement of either a Class I or Class II penalty proceeding. EPA provides public notice of the proposed assessments pursuant to 33 U.S.C. Section 1319(g)(4)(a).

Class II proceedings are conducted under EPA's Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation and Suspension of Permits, 40 CFR part 22. The procedures through which the public may submit written comment on a proposed Class II order or participate in a Class II proceeding, and the Procedures by which a Respondent may request a hearing, are set forth in the Consolidated Rules. The deadline for submitting public comment on a proposed Class II order is thirty days after publication of this notice.

On the date identified below, EPA commenced the following Class II proceeding for the assessment of penalties:

In the Matter of Pro-Tech Incorporated, located at 11164 Young River Avenue, Fountain Valley, California; EPA Docket No. CWA-IX-FY92-37; filed on September 28, 1992 with Mr. Steven Armsey, Regional Hearing Clerk, U.S. EPA, Region 9, 75 Hawthorne Street, San Francisco, California 94105, (415) 744-1389; proposed penalty of $125,000 for failure to comply with the categorical pretreatment standards and requirements for new metal finishers (40 CFR 433) and for failure to comply with the General Pretreatment Regulation for Existing Sources of Pollution (40 CFR 403).

FOR FURTHER INFORMATION CONTACT: Persons wishing to receive a copy of EPA's Consolidated Rules, review of the complaint or other documents filed in this proceeding, comment upon a proposed assessment, or otherwise participate in the proceeding should contact the Regional Hearing Clerk identified above. The administrative record for this proceeding is located in the EPA Regional Office identified above, and the file will be open for public inspection during normal business hours. All information submitted by the respondent is available as part of the administrative record, subject to provisions of law restricting public disclosure of confidential information. In order to provide opportunity for public comment, EPA will issue no final order assessing a penalty in these proceedings prior to thirty (30) days after the date of publication of this notice.

Dated: September 25, 1992.

Catherine Kuhlman,

Acting Director, Water Management Division.

[FR Doc. 92-24236 Filed 10-5-92; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

Public Information Collection Requirements Submitted to OMB for Review

ACTION: Notice.

SUMMARY: The Federal Emergency Management Agency (FEMA) has submitted to the Office of Management and Budget the following public information collection requirements for review and clearance in accordance with the Paperwork Reduction Act of 1980, 44 U.S.C. chapter 35.

DATES: Comments on this information collection must be submitted on or before December 7, 1992.

ADDRESSES: Direct comments regarding the burden estimate or any aspect of this information collection, including suggestions for reducing this burden, to: the FEMA Information Collections Clearance Officer at the address below; and to Gary Waxman, Office of Management and Budget, 3235 New Executive Office Building, Washington, DC 20503, (202) 395-7340, within 60 days of this notice.

FOR FURTHER INFORMATION CONTACT: Copies of the above information collection request and supporting documentation can be obtained by calling or writing Linda Borror, FEMA Information Collections Clearance Officer, Federal Emergency Management Agency, 500 C Street, SW Washington, DC 20472, (202) 646-2624.

Type: Extension of 3067-0090.

Title: Emergency Management Assistance Staffing Pattern.

Abstract: FEMA uses FEMA Form 85-17, Emergency Management Assistance Staffing Pattern, to obtain information from State and local governments on classifications of emergency management positions, salaries, and appointments of personnel funded under its Emergency Management Assistance matching fund grant program. Personnel supported by the EMA program are an important part of the civil defense infrastructure which is maintained in accordance with the national civil defense policy.

Type of Respondents: State and local governments.

Estimate of Total Annual Reporting and Recordkeeping Burden: 1,375 hours.

Number of Respondents: 2,750.

Estimated Average Burden Time per Response: 30 minutes.

Frequency of Response: Annually.

Dated: September 24, 1992.

Wesley C. Moore,

Director, Office of Administrative Support.

[FR Doc. 92-24231 Filed 10-05-92; 8:45 am]

BILLING CODE 6718-01-M

FEDERAL MARITIME COMMISSION

Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 800 North Capitol Street, NW., 9th Floor. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 224-010974-012.

Title: Oakland/International Transportation Service Terminal Agreement.

Parties: City of Oakland, International Transportation Service, Inc.

Synopsis: The amendment extends the term of the Agreement until June 30, 1997 with an option to extend the Agreement for an additional five year term. It also increases the breakpoint level and minimum annual cargo guarantee as well as providing for secondary use incentives, adjustment in rentals and storage charges and dredging obligations during the extended term of the Agreement.

Agreement No.: 203–011387.

Title: Hapag Lloyd A.G., Nippon Yusen Kaisha and Neptune Orient Lines, Ltd. Far East/U.S. Pacific and Atlantic Coasts/North Europe Discussion Agreement.

Parties: Hapag Lloyd A.G., Nippon Yusen Kaisha, Neptune Orient Lines, Ltd.

Synopsis: The proposed Agreement will authorize the parties to meet, discuss, exchange information and reach an understanding in regard to contemplated future coordinated operation of their vessels in the trade between ports in the Far East, U.S. Pacific (including Alaska) and Atlantic Coasts and North Europe and inland and coastal points via such ports.

Dated: September 30, 1992.

By Order of the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 92–24116 Filed 10–05–92; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL TRADE COMMISSION

Granting of Request for Early Termination of the Waiting Period Under the Premerger Notification Rules

Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notices of this action be published in the **Federal Register.**

The following transactions were granted early termination of the waiting period provided by law and the premerger notification rules. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period.

TRANSACTIONS GRANTED EARLY TERMINATION BETWEEN: 091492 AND 092592

Name of acquiring person, Name of acquired person, Name of acquired entity	PMN No.	Date terminated
Jonahan J. Oscher, Gordon Gray Irrevocable Living Trust, Summit Cable Service of Iredell County, Inc.	92–1438	09/14/92
O'Sullivan Corporation, HM Acquisition Partners, Meinor Industries, Inc.	92–1457	09/14/92
C. Itoh & Co., Ltd., General Electric Company, General Electric Capital Corporation	92–1461	09/14/92
Wellcome plc, Wellcome plc, WelGen Manufacturing Partnership	92–1432	09/15/92
Bass plc, Metropolitan Life Insurance Company	92–1440	09/15/92
Shipyard Hotel Venture		
Frank V. Carlow Irrevocable Trust, Pennsylvania Power & Light Company, Tunnelton Mining Company	92–1446	09/15/92
Johnson Matthey Public Limited Company, Alta Group, Inc. (The), Alta Group,Inc. (The)	92–1452	09/15/92
McDonald's Corporation, Estate Of John Kornblith, Deceased, Twenty First Century Corporation	92–1456	09/15/92
Warburg, Pincus Investors, L.P., Jennings Group Limited, Jennings Holdings (USA) Inc	92–1463	09/15/92
RJR Nabisco Holdings Corp.	92–1474	09/15/92
Plush Pippin Corporation, Plush Pippin Corporation		
Liberty Corporation (The), Magnolia Financial Corporation, Magnolia Financial Corporation	92–1475	09/15/92
Integon Life Partners, L.P., Skandia Group Insurance Company Ltd., Skandia America Corporation	92–1484	09/15/92
Integon Corporation, Skandia Group Insurance Company Ltd., Skandia America Corporation	92–1486	09/15/92
Roscoe Moss,Jr., SJW Corp., SJW Corp	92–1416	09/16/92
SJW Corp., Roscoe Moss Company, Roscoe Moss Company	92–1417	09/16/92
Student Loan Marketing Association, Citicorp, Citibank (New York State)	92–1421	09/16/92
Newell Co., Intercraft Holdings, L.P., Intercraft Industries, L.P. and Intercraft	92–1466	09/17/92
CSM nv, Allen S. Ziegler, Westco Products, Inc	92–1412	09/18/92
Burlington Resources, Inc., Mobil Corporation	92–1431	09/18/92
Mobil Producing Texas & New Mexico Inc.		
Koch Industries, Inc., Royal Dutch Petroleum Company, Shell Pipe Line Corporation	92–1454	09/18/92
Capstead Mortgage Corporation, Tyler Cabot Mortgage Securities Fund, Inc., Tyler Cabot Mortgage Securities Fund, Inc.	92–1472	09/18/92
Enron Corp., Access Energy Corporation, Access Energy Corporation	92–1473	09/18/92
Heilig-Meyers Company, Wolf Furniture Enterprises, Inc., Wolf Furniture Enterprises, Inc	92–1477	09/18/92
Tyler Capital Fund, L. P	92–1485	09/18/92
United Technologies Corporation, United Technologies Automotive, Inc. and voting,		
Land Free II Investment Limited, Gillette Holdings, Inc., Gillett Holdings, Inc.	92–1510	09/18/92
Stichting Administratiekantoor ABN AMRO Holding, Stanley Stahl, Apple Bank for Savings	92–1512	09/18/92
Degussa Aktiengesellschaft, George D. Behrakis, Muro Pharmaceutical,Inc.	92–1480	09/21/92
Takara Shuzo Co., Ltd., AADC Holding Company,Inc., AADC Holding Company, Inc	92–1492	09/21/92
Nippon Mining Company, Limited, Kyodo Oil Company, Limited, Kyodo Oil Company, Limited	92–1501	09/21/92
William A. Goldring, Takara Shuzo Co., Ltd., AADC Holding Company, Inc.	92–1511	09/21/92
Swiss Bank Corporation, Swiss Bank Corporation, SBC/OC Partners L.P.	92–1489	09/22/92
Dr. & Mrs. Nicholas A Cummings, Medco Containment Services, Inc. Medco Containment Services, Inc	92–1503	09/22/92
Albert S. and Anita Howe-Waxman, Medco Containment Services, Inc., Medco Containment Services, Inc	92–1504	09/22/92
Medco Containment Services, Inc., American Biodyne, Inc., American Biodyne, Inc	92–1505	09/22/92
International Shipholding Corporation, General Dynamics Corporation, American Overseas Marine Corporation, Braintree	92–1429	09/23/92
Archer-Daniels-Midland Company, Overseas Shipholding Group, Inc	92–1441	09/23/92
Overseas Shipholding Group, Inc.		
Gates Corporation (The), LASMO plc, Ultramar Oil & Gas Limited	92–1496	09/23/92

TRANSACTIONS GRANTED EARLY TERMINATION BETWEEN: 091492 AND 092592—Continued

Name of acquiring person, Name of acquired person, Name of acquired entity	PMN No.	Date terminated
General Conference of Seventh-day Adventists, Hospital Associates of La Habra, Hospital Associates of La Habra	92-1490	09/24/92
General Conference of Seventh-day Adventists, Friendly Hills Medical Group, Friendly Hills Medical Group	92-1491	09/24/92
Warburg, Pincus Investors, L.P., CompuPharm, Inc., CompuPharm, Inc.	92-1502	09/24/92
Standard Chartered PLC	92-1518	09/24/92
First Interstate Bancorp, First Interstate Bank International	92-1460	09/25/92
Ford Motor Company, Chrysler Corporation, Chrysler Rail Transportation Corporation	92-1494	09/25/92
Automated Security (Holdings) PLC, INDRA FINANCE, Sonitrol Holding Company	92-1515	09/25/92
SCANA Corporation, PacifiCorp, NERCO Oil & Gas, Inc	92-1523	09/25/92
American Express Company, Royal Dutch Petroleum Company, Shell Oil Company	92-1529	09/25/92
USF&G Corporation, PetroCorp Acquisition Corporation, PetroCorp Acquisition Corporation	92-1530	09/25/92
CIGNA Corporation, PetroCorp Acquisition Corporation, PetroCorp Acquisition Corporation	92-1533	09/25/92
Mutual of America Life Insurance Company, Olympia & York Developments Limited, Olympia & York 320 Park Company	92-1537	09/25/92
Motorola, Inc., In Focus Systems, Inc., In Focus Systems, Inc		

FOR FURTHER INFORMATION CONTACT: Sandra M. Peay or Renee A. Horton, Contact Representatives, Federal Trade Commission, Premerger Notification Office, Bureau of Competition, room 303, Washington, DC 20580 (202) 326-3100.

By Direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 92-24187 Filed 10-5-92; 8:45 am]

BILLING CODE 6750-01-M

[File No. 861 0082]

American Psychological Association; Proposed Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent agreement, accepted subject to final Commission approval, would prohibit, among other things, a Washington, DC association from restricting the dissemination of truthful, nondeceptive information about psychologists' services, products, or publications. In addition, the agreement would require the respondent for one year to cease its affiliation with any state, regional or other psychological association affiliate that imposes similar restrictions.

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

ADDRESSES: Comments should be directed to: FTC/Office of the Secretary, room 159, 6th St. and Pa. Ave., NW., Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: Elizabeth Hilder, FTC/S-3115, Washington, DC 20580. (202) 326-2545.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and Section 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with Section 4.9(b)(6)(ii) of the Commission's Rules of Practice (16 CFR 4.9(b)(6)(ii)).

Agreement Containing Consent Order To Cease and Desist

In the Matter of American Psychological Association, a corporation; File No. 861-0082.

The Federal Trade Commission having initiated an investigation of certain acts and practices of the American Psychological Association, a corporation, and it now appearing that the American Psychological Association, hereinafter sometimes referred to as proposed respondent, is willing to enter into an agreement containing an order to cease and desist from the use of the acts and practices being investigated.

It is hereby Agreed by and between the American Psychological Association, by its duly authorized officers its attorney, and counsel for the Federal Trade Commission that:

1. Proposed respondent is a corporation organized, existing and doing business under and by virtue of the laws of the District of Columbia, with its offices and principal place of business located at 1200 Seventeenth Street, NW., Washington, DC 20036.

2. Proposed respondent admits all the jurisdictional facts set forth in the draft of complaint here attached. This admission is solely for the purposes of this agreement, the order contemplated by this agreement, any modification of the order or other proceeding related to the order, any action relating to a possible violation of this agreement or the order contemplated by this agreement, or any action relating to a possible violation of any law administered or enforced by or on behalf of the Federal Trade Commission.

3. Proposed respondent waives:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law;

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement; and

(d) Any claim under the Equal Access to Justice Act

4. This agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission, it, together with the draft of complaint contemplated thereby, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify the proposed respondents, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision, in disposition of the proceeding.

5. This agreement is for settlement purposes only and does not constitute an admission by proposed respondent that the law has been violated as alleged in the draft of compliant here attached.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant

to the provisions of § 2.34 of the Commission's Rules, the Commission may, without further notice to proposed respondents, (1) issue its complaint corresponding in form and substance with the draft of compliant here attached and its decision containing the following order to cease and desist in disposition of the proceeding, and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery by the U.S. Postal Service of the complaint and decision containing the agreed-to order to proposed respondent's address as stated in this agreement shall constitute service. Proposed respondent waives any right it may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

7. Proposed respondent has read the proposed complaint and order contemplated hereby. It understands that once the order has been issued, it will be required to file one or more compliance reports showing that it has fully complied with the order. Proposed respondent further understands that it may be liable for civil penalties in the amount provided by law for each violation of the order after the order becomes final.

Order

I.

For the purposes of this order:

"Respondent" means the American Psychological Association, its directors, trustees, councils, committees, boards, divisions, officers, representatives, delegates, agents, employees, successors, or assigns.

"Members" means the Fellows, Members, and Associates classes of members of the American Psychological Association, and persons that hold Affiliate status with the American Psychological Association.

"Psychotherapy" means the therapeutic treatment of mental, emotional, or behavioral disorders by psychological means, and excludes programs, seminars, workshops, or consultations that address specific limited goals, such as career planning; improving employment skills or performance; increasing assertiveness; losing weight, giving up smoking; or obtaining non-individualized information about methods of coping with concerns common in everyday life.

"Current psychotherapy patient" means a patient who has commenced an evaluation for or a planned course of individual, family, or group psychotherapy, where the patient and the therapist have not agreed to terminate the treatment. However, a person who has not participated in psychotherapy with the psychologist for one year shall not be deemed a current psychotherapy patient.

II.

It is ordered that respondent, directly, indirectly, or through any corporate or other device, in or in connection with respondent's activities as a professional association, in or affecting commerce, as "commerce" is defined in Section 4 of the Federal Trade Commission Act, 15 U.S.C. 44, do forthwith cease and desist from:

A. Restricting, regulating, impeding, declaring unethical, interfering with, or restraining the advertising, publishing, stating, or disseminating by any person of the prices, terms, availability, characteristics, or conditions of sale of services, products, or publications offered for sale or made available by any psychologist, or by any organization or institution with which a psychologist is affiliated, through any means, including but not limited to the adoption or maintenance of any principle, rule, guideline, or policy that restricts any psychologist from:

1. Marking public statements about the comparative desirability of offered services, products, or publications;

2. Making public statements claiming or implying unusual, unique, or one-of-a-kind abilities;

3. Making public statements likely to appeal to a client, patient or other consumer's emotions, fears, or anxieties concerning the possible results of obtaining or failing to obtain offered services, products, or publications;

4. Presenting testimonials from clients, patients, or other consumers;

5. Engaging in any direct solicitation of business from actual or prospective clients, patients, or other consumers or offering of services directly to a client, patient, or other consumer receiving similar services from another professional.

Provided that nothing contained in this order shall prohibit respondent from adopting and enforcing reasonable principles, rules, guidelines, or policies governing the conduct of its members with respect to:

1. Representations that respondent reasonably believes would be false or deceptive within the meaning of section 5 of the Federal Trade Commission Act;

2. Uninvited, in-person solicitation of business from persons who, because of their particular circumstances, are vulnerable to undue influence; or

3. Solicitation of testimonial endorsements (including solicitation of consent to use the person's prior statement as a testimonial endorsement) from current psychotherapy patients, or from other persons who, because of their particular circumstances, are vulnerable to undue influence.

Provided further that nothing in this order shall prohibit respondent from adopting and enforcing editorial, scientific, peer review, or display standards for its publications and conferences.

B. Prohibiting, restricting, regulating, impeding, declaring unethical, interfering with, or restraining any of its members, or any organization or institution with which any of its members is associated, from giving or paying any remuneration to any patient referral service or other similar institution for referral of clients, patients, or other consumers for professional services.

Provided that nothing contained in this order shall prohibit respondent from formulating, adopting, disseminating, and enforcing reasonable principles, rules, guidelines, or policies requiring that disclosures be made to clients, patients, or other consumers that the psychologist, or organization or institution with which he or she is associated, will pay or give, or has paid or given, remuneration for the referral of the clients, patients, or other consumers for professional services.

III.

It is further ordered that respondent shall:

A. Cease and desist for ten (10) years from the date at which this order becomes final, from taking any action against a person alleged to have violated any ethical principle, rule, policy, guideline, or standard, or taking disciplinary action on any other basis against a person, so as to restrain or otherwise restrict advertising, solicitation of business, or the payment of fees for the referral of clients, patients, or other consumers for services without first providing such person, at a minimum, with written notice of any such allegation and without providing such person a reasonable opportunity to respond. The notice required by this part shall, at a minimum, clearly specify the

ethical principle, rule, policy, guideline, or other basis of the allegation and the reasons the conduct is alleged to have violated the ethical principle, rule, policy, guideline, or standard or other applicable criterion.

B. Maintain for five (5) years following the taking of any action referred to in Part III.A. of this order, in one separate file, segregated by the names of any person against whom such action was taken, and make available to Commission staff for inspection and copying, upon reasonable notice, all documents and correspondence that embody, discuss, mention, refer, or relate to the action taken and all bases for all allegations relating to it.

IV.

It is further ordered that respondent shall:

A. Within thirty (30) days after the date this order becomes final, remove or amend to eliminate from the respondent's Ethical Principles, Bylaws, and any officially promulgated or authorized guidelines or interpretations of respondent's official policies any statement of policy that is inconsistent with parts II and III of this order.

B. Within sixty (60) days after the date this order becomes final, publish in The APA Monitor, or any successor publication that serves as an official journal of respondent, a copy of this order with such prominence as is therein given to regularly published feature articles.

C. Within Sixty (60) days after the date this order becomes final, publish in The APA Monitor, or any successor publication that serves as an official journal of respondent:

1. Notice of the removal or amendment, pursuant to this order, of any Principle, Bylaw, guideline, interpretation, provision, or statement, together with;

2. A copy of any such Principle, Bylaw, guideline interpretation, provision, or statement, as worded after any such amendment.

D. Within sixty (60) days after the date this order becomes final, distributed by mail a copy of appendix A to this order, along with a copy of the order itself, to each of respondent's members and to each state psychological association.

E. Cease and desist for a period of one (1) year from maintaining or continuing respondent's affiliation with any state, regional, or other psychological association affiliate within one hundred twenty (120) days after respondent learns or obtains information that would lead a reasonable person to conclude that said association has, following the effective date of this order, maintained or enforced any prohibition against:

1. Advertising or making public statements concerning the comparative desirability of offered services;

2. Advertising or making any public statement representing or implying unusual, unique, or one of a kind abilities;

3. Advertising or making any public statement intended or likely to appeal to a client's fears, anxieties, or emotions;

4. Using a testimonial regarding the quality of a psychologist's services or products;

5. Directly soliciting individual clients;

6. Offering services directly to persons receiving similar services from another professional; or

7. Making payments to patient referral services; where maintenance or enforcement of such prohibition by respondent would be prohibited by part II of this order; unless, prior to the expiration of the one hundred twenty (120) day period, said association informs respondent by a verified written statement of an officer that the association has eliminated and will not reimpose such prohibitions(s), and respondent has no grounds to believe otherwise.

It is further ordered that respondent shall:

A. Within ninety (90) days after the date this order becomes final, and at such other times as the Commission may require by written notice to the respondent, file with the Commission a written report setting forth in detail the manner and form in which respondent has complied and is complying with the order;

B. For a period of five (5) years after the date this order becomes final, maintain and make available to Commission staff for inspection and copying, upon reasonable notice, records adequate to describe in detail any action taken in connection with the activities covered by Parts II, III, and IV of this order, including but not limited to all documents generated by the respondent or that come into the possession, custody, or control of respondent, regardless of the source, that discuss, refer to, or relate to any advice or interpretation rendered with respect to advertising, solicitation, or giving or receiving any remuneration for referring clients for professional services, involving any of its members.

VI.

It is further ordered, that respondent shall notify the Commission at least thirty (30) days prior to any proposed change in respondent, such as dissolution, assignment, sale resulting in the emergency of a successor corporation or association, or any other change which may affect compliance obligations arising out of this order.

Appendix A

Announcement

Dear _____:

As you may be aware, the American Psychological Association ("APA" or "the Association") has signed a consent agreement with the Federal Trade Commission under which the Commission has entered a cease and desist order that became final on [insert date]. A copy of that order is enclosed with this letter. The order is also printed in the [insert date] issue of The APA Monitor, which may be obtained from APA headquarters. The agreement between the Commission and the APA is for settlement purposes. It does not constitute an admission by the Association that it has violated any law.

Under the terms of the order, APA may not ban any of its members from engaging in truthful, nondeceptive advertising and marketing. Specifically, the Association may not prohibit its members from:

1. Making public statements about the comparative desirability of offered services;

2. Making public statements implying or expressing unusual, unique, or one-of-a-kind abilities;

3. Making public statements likely to appeal to a person's emotions, fears, or anxieties concerning the possible results of obtaining or failing to obtain offered services, products, or publications; or

4. Presenting testimonials regarding the quality of a psychologist's services, products, or publications, except that the Association may formulate and enforce reasonable guidelines with respect to the solicitation of testimonials from persons who are vulnerable to undue influence.

Under the order, Association also may not prohibit its members from making statements of direct solicitation of individuals, including offering services directly to persons who may be receiving similar services from other professionals.

In addition, the Association may not prohibit its members from paying any patient referral service or similar institution for referrals, including those where the institution's operations are funded, in whole or in part, through individual assessments of participating psychologists that are based on the referrals that have been made.

The order, however, provides that the Association may formulate and enforce

reasonable principles or ethical guidelines to prevent deceptive advertising and solicitation practices. APA also may issue principles or guidelines with respect to uninvited, in-person solicitation of business, or the solicitation of testimonials from current psychotherapy patients, as defined in the order, or other persons who, because of their particular circumstances, are vulnerable to undue influence by a psychologist.

And, under the order, APA also may issue reasonable principles or guidelines requiring that disclosures be made to clients, patients, or other consumers regarding fees paid by any psychologist to any patient referral service or similar institution for referring the client, patient, or other consumer for professional services.

The Association is required, under the terms of the order, to provide any person against whom it initiates or takes action for any alleged violation of any of the Association's Ethical Principles, rules, or other standards that relate to advertising and solicitation of business or to the payment of referral fees to patient referral services or similar institutions, written notice of the specific allegations and of the opportunity to respond to those allegations. The procedures that have been in effect under the Rules and Procedures of the Ethics Committee of the American Psychological Association may continue to be employed by APA in this regard.

Finally, the order requires APA to amend the Ethical Principles of Psychologists, its Bylaws, and any guidelines or interpretations officially promulgated or authorized by APA to delete any provisions that are in conflict with the order and to cease its affiliation for one year with any of its state or regional associations that engage in conduct prohibited by the order and that does not notify APA that it has ceased and will not repeat such conduct.

In entering into an agreement with the Association, the Federal Trade Commission has not endorsed any principle, guideline, policy, or practice of the Association. For more specific information, you should refer to the Federal Trade Commission's order itself.

Thank you for your cooperation.

Sincerely,

President
American Psychological Association

Analysis of Proposed Consent Order To Aid Public Comment

In the Matter of American Psychological Association, File No. 861-0082.

The Federal Trade Commission has accepted an agreement to a proposed consent order from the American Psychological Association ("APA").

The proposed consent order has been placed on the public record for sixty (60) days for receipt of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

Description of the Complaint

The complaint prepared for issuance along with the proposed order alleges that APA has acted as a combination of its members to unreasonably restrain competition in the delivery of psychologists' services and products in the United States. In particular, the complaint alleges, APA has restricted the dissemination of information about psychological care by prohibiting certain forms of truthful, nondeceptive advertising and solicitation by psychologists. The complaint also charges that APA has restricted participation in patient referral services that charge a participating psychologist a fee based on the number of patients referred.

The complaint alleges that in furtherance of the combination, APA adopted and enforced rules prohibiting:

—Comparative statements in advertising about the skills or services offered by a psychologist;
—Use in advertising of statements likely to appeal to "fears, anxieties, or emotions";
—Advertising that contains testimonials;
—Statements of "direct solicitation."

The complaint further charges that APA's adoption and enforcement of a rule banning the giving or receiving of remuneration for referrals restricted or may have restricted participation by psychologists in referral services that are financed through assessments based upon the referrals made to contracting providers.

Finally, the complaint alleges that the combination has deprived consumers of the benefits of vigorous competition in the delivery of psychological services.

Description of the Proposed Order

The proposed order prohibits APA from restricting the dissemination of truthful, nondeceptive information about psychologists' services, products, or publications. The order further states that APA may adopt and enforce reasonable rules respect to representations that APA reasonably believes would be false or deceptive within the meaning of Section 5 of the FTC Act, or with respect to uninvited, in-person solicitation of business from persons who, because of their particular circumstances, are vulnerable to undue influence. The order also contains a specific provision governing the solicitation of testimonials. It provides that APA may regulate the solicitation of testimonial endorsement from all "current psychotherapy patients," a term defined in the order, in addition to those individuals who may be subject to undue influence because of their particular circumstances.

The proposed order also prohibits APA from banning payments by psychologists to patient referral services. The order states, however, that APA may require that psychologists disclose to consumers that they have paid a fee for the referral of business.

The proposed order also requires APA to eliminate any rules, guidelines, or interpretation that conflict with the order. APA must also send a prescribed notice about the order to all of its members, and, under circumstances specified in the order, must terminate for one year its affiliation with any state or regional psychological association affiliate that engages in practices prohibited by the order.

The purpose of this analysis is to facilitate public comment on the proposed order, and it is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

Donald S. Clark,

Secretary.

Separate Statement of Commissioner Mary L. Azcuenaga Concurring in Part and Dissenting in Part in American Psychological Association, File 861-0082

The Commission today accepts for public comment a consent order that would bar the American Psychological Association ("APA"), through its Ethical Principles (code of ethics for its members), from restricting the advertising of its members. I concur in the general prohibition of the order. Part of the order, however, is troubling in the context of this case and raises concerns about the Commission's general approach to analyzing horizontal agreements and, in particular, agreements embodied in professional codes of ethics.

In addition to the general prohibition of restraints on advertising, the order enumerates several specific prohibitions designed to force the APA to repeal specific ethical principles. One in particular raises an issue about the extent to which the Commission is willing to substitute its judgment for the professional judgment of a

psychologist. The proposed consent order would bar the APA from restricting its members from advertising that is "intended or likely to appeal to a client's fears, anxieties, or emotions concerning the possible results of failure to obtain" psychotherapy services.[1] I dissent from this provision of the order because of its potential for harm to patients and prospective patients, given the nature of psychotherapy services.[2]

Appeals to the "fears, anxieties and emotions" of consumers can be an effective form of advertising. The Commission normally would view a broad restriction of this kind of advertising with a high degree of skepticism. The APA rule in question is limited, but even assuming it is inherently suspect, under Massachusetts Board of Registration in Optometry, 110 F.T.C. 549, 602–04 (1988), this is not the end of the inquiry. Instead, in deciding whether a restraint on advertising is unlawful under Section 5 of the Federal Trade Commission Act, it is necessary to consider the possible justifications for the restriction.

Here, the challenged rule restricts advertising by psychologists that is intended to arouse consumer's fears, anxieties or other emotions about the consequences of failing to obtain psychotherapy services. The plausible justification for this restriction is the professional concern about compounding the psychological problems of vulnerable individuals and interfering with psychotherapy. An individual who fears the consequences of failing to obtain psychotherapy may be less successful in psychotherapy or require a longer course of treatment than one who has positive expectations.[3] On the record before us, I do not know that this is a valid professional justification, but, more importantly, in deciding whether the APA's restriction may be unlawful, I do not know that it is not.

When we are presented with a plausible justification for restrictive conduct that involves or may involve a professional judgment, we should substitute our judgment for that of the professional only if we have a sound basis for doing so. The Commission has deferred to the professional judgments of professionals in the past, especially where quality of care has been involved. At the very least, it has not rushed to overturn such judgments absent compelling cause. Here, the justification is plausible, we have nothing to weigh against it and the Commission lacks expertise concerning psychotherapy. The decision to ignore the plausible justification and invalidate the rule is based on a truncated record. Everything the record contains on this point supports the justification, and nothing, even hypothetically, suggests that the justification is either implausible or invalid. In addition, as often happens in cases of this nature, the respondent has substantial financial incentives to accept the settlement rather than litigate.

The proposed order partly concedes the validity of the APA's concerns about engendering fears and anxieties in consumers and interfering with the therapeutic process by permitting the APA to restrict its members from direct solicitation of business and the solicitation of testimonials from current psychotherapy patients and others who may be "vulnerable to undue influence."[4] The same potential for harm to vulnerable persons might have been recognized by allowing the APA to restrict emotional appeals regarding failure to obtain psychotherapy services in advertisements. The majority instead paints with a broader brush, to the possible detriment of consumers.

As a matter of law, the Commission necessarily substitutes its judgment on this professional question for that of the APA when it invalidates the APA's rule. Making that judgment without better reason than is apparent here suggests a willingness to expand the *per se* rule, is unnecessarily intrusive and has serious implications for future cases, particularly in view of the recognized difficulty of identifying and articulating plausible efficiency justifications. Overly broad orders may deter legitimate conduct that the Commission never examines. Our zeal to promote competition should not override our attention to the interests of consumers. When judgments need to be made about the reasonableness of private conduct and the validity of justifications for it, the Commission should be cautious about overriding the tenets of professionalism, especially in the context of a consent order.

[FR Doc. 92–24189 Filed 10–5–92; 8:45 am]
BILLING CODE 6750–01–M

[1] The APA had such a restriction in its ethical code but repealed it in the face of the Commission's investigation. See ¶ II.3 of the order and ¶ 9.C of the complaint.

[2] "The therapeutic treatment of mental, emotional, or behavioral disorders by psychological means." Order ¶ 1.

[3] The APA Ethical Principle at issue fully supports the justification. By its terms, the APA's rule did not restrict emotional appeals about the benefits of obtaining psychotherapy services but rather advertising that is intended to appeal to a client's "fears, anxieties or emotions concerning the possible results of failure to obtain [psychotherapy] services." See Complaint ¶ 9.C.

[4] Order ¶ II.A, provisos 2 & 3. Although I might have addressed these issues differently in the context of the order as a whole, the provisos appropriately credit plausible justifications offered by the APA.

GENERAL ACCOUNTING OFFICE

Federal Accounting Standards Advisory Board; Meeting

AGENCY: General Accounting Office.

ACTION: Notice of meeting.

SUMMARY: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. No. 92–463), as amended, notice is hereby given that the monthly meeting of the Federal Accounting Standards Advisory Board will be held on Monday, October 26, 1992, from 9 a.m. to 4 p.m. in the third floor Board Room (Metropolitan Washington Council of Governments), 777 North Capitol St., NE., Washington, DC. Please note that this and all subsequent meetings of the Board will be held at this new site, unless notice is given to the contrary.

The agenda for the meeting will consist of a review of the minutes of the September 23–24 meeting, a discussion of the *Statement of Recommended Accounting Standards No. 1, Accounting for Selected Assets and Liabilities*, a discussion of the Exposure Draft on *Accounting for Liabilities and Future Claims on Budgetary Resources*, and a discussion on *User Needs and Objectives*. We advise that other items may be added to the agenda; interested parties should contact the Staff Director for more specific information.

Any interested person may attend the meeting as an observer. Board discussions and reviews are open to the public.

FOR FURTHER INFORMATION CONTACT: Ronald S. Young, Staff Director, 401 F St., NW., room 302, Washington, DC 20001, or call (202) 504-3336.

Authority: Federal Advisory Committee Act. Public Law No. 92–463, Section 10(a)(2), 86 Stat. 770, 774 (1972) (current version at 5 U.S.C. app. section 10(a)(2) (1988); 41 CFR 101–6.1015 (1990).

Dated: October 1, 1992.

Jimmie D. Brown,

Deputy Director.

[FR Doc. 92–24249 Filed 10–5–92; 8:45 am]
BILLING CODE 1610–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Alcohol, Drug Abuse, and Mental Health Administration

National Institute of Mental Health; Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of an advisory committee of the National Institute of Mental Health for October 1992.

The initial review group will be performing review of applications for Federal assistance; therefore, portions of this meeting will be closed to the public as determined by the Acting Administrator, ADAMHA, in accordance with 5 U.S.C. 552b(c)(6) and 5 U.S.C. app. 2 10(d).

A summary of the meeting and roster of committee members may be obtained from: Ms. Joanna L. Kieffer, NIMH Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration, Parklawn Building, room 9–105, 5600 Fishers Lane,

Rockville, MD 20857 (Telephone: 301–443–4333).

Substantive program information may be obtained from the contact whose name, room number, and telephone number is listed below.

Committee Name: Clinical Subcommittee, Mental Health Special Projects Review Committee.

Meeting Date: October 28–30, 1992.

Place: Grand Hyatt Hotel, Park Avenue at Grand Central, New York, NY 10017.

Open: October 28, 7–8 p.m.

Closed: Otherwise.

Contact: Gwen Artis, Room 9C–08, Parklawn Building, Telephone (301) 443–1367.

Dated: September 30, 1992.

Peggy W. Cockrill,

Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 92–24248 Filed 10–5–92; 8:45 am]

BILLING CODE 4160–20–M

Centers for Disease Control

Advisory Committee on Immunization Practices: Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control (CDC) announces the following committee meeting:

Name: Advisory Committee on Immunization Practices.

Times and Dates: 8:30 a.m.–5 p.m., October 21, 1992. 8:30 a.m.–12:45 p.m., October 22, 1992.

Place: CDC, Auditorium A, Building 2, 1600 Clifton Road, NE, Atlanta, Georgia 30333.

Status: Open to the public, limited only by the space available.

Purpose: The committee is charged with advising the Director, CDC, on the appropriate uses of immunizing agents.

Matters to be Discussed: The committee will discuss polio, measles, mumps, BCG, rabies, and Haemophilus b conjugate vaccines; hepatitis B and C vaccination; general recommendations for immunization; immunization in bone marrow recipients; Guillain-Barre Syndrome; immunization schedule; and vaccination recommendations for health care workers. The agenda also includes a presentation on Influence on Vaccine Research and Development of Possible "Sole Source" Contract for Public and Private Vaccine; a summary of an FDA Workshop on Package Inserts and Warnings for Use of Vaccines; an update on Research Priorities of the Division of Immunization, CDC; an update on Immunization Action Plans; and an update on the National Vaccine Injury Compensation Program. Other matters of relevance among the committee's objectives may be discussed.

Agenda items are subject to change as priorities dictate.

CONTACT PERSON FOR MORE INFORMATION: Gloria A. Kovach, Staff Specialist, CDC (1–B72), 1600 Clifton Road, NE, Mailstop A20, Atlanta, Georgia 30333, telephone 404/639–3851.

Dated: September 30, 1992.

Elvin Hilyer,

Associate Director for Policy Coordination, Centers for Disease Control.

[FR Doc. 92–24201 Filed 10–5–92; 8:45 am]

BILLING CODE 4160–18–M

National Center for Environmental Health (NCEH) of the Centers for Disease Control (CDC) Announces the Following Meeting

Name: In-progress Review of U.S. Army Analysis of Risk of Liquid Lethal Chemical Agent Deposition Beyond Installation Boundaries.

Times and Dates: 8:30 a.m.–4 p.m., November 5, 1992, 8:30 a.m.–12 noon, November 6, 1992.

Place: Terrace Garden Inn-Buckhead, 3405 Lenox Road, NE, Atlanta, Georgia 30326.

Status: Open to the public, limited only by the space available. The meeting room will accommodate approximately 35 people.

Purpose: A working group of both intra-and extra-governmental experts will review Army analyses intended to assess the risk of contacting liquid chemical warfare agents beyond the installation boundaries in the event of a catastrophic release. The analyses were undertaken at the request of the Department of Health and Human Services in order to assist in selecting personal protective equipment for civilian emergency personnel responding to a release.

Matters to be Discussed: The meeting will be led by CDC program staff and a working group of subject experts. Planners for the Chemical Stockpile Emergency Preparedness Program know that a large enough release of nerve or blister agents, combined with certain adverse meteorological conditions, could create a vapor plume capable of endangering civilians outside the installations where these agents are stored. Planners do not know whether such releases, under any meteorologic conditions, could deposit liquid agent beyond the installation boundary in a way which could endanger people working in or moving through nearby areas.

The Army has performed some analyses regarding the liquid agent issue and is working on others. Participants of the working group will examine the Department of Army's efforts to date and provide their individual expert opinions regarding the validity of what has been done and the directions the work in progress should take. Agenda items are subject to change as priorities dictate.

CONTACT PERSON FOR MORE INFORMATION: Sanford Leffingwell, M.D., Medical Director, Special Programs Group, NCEH, CDC, 4770 Buford Highway, NE., (F–29), Atlanta, Georgia 30341–3724, telephone 404/488–7070.

Dated: September 28, 1992.

Elvin Hilyer,

Associate Director for Policy Coordination, Centers for Disease Control.

[FR Doc. 92–24202 Filed 10–5–92; 8:45 am]

BILLING CODE 4160–18–M

Food and Drug Administration

[Docket No. 86B–0058]

Draft Anesthesia Apparatus Checkout Recommendations, 1992; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a draft document entitled "Draft Anesthesia Apparatus Checkout Recommendations, 1992." These draft recommendations are a revised version of the original recommendations dated August 1986 and announced in the **Federal Register** of February 25, 1987, and present a general checkout and inspection procedure. The checkout and inspection procedure should be conducted before administration of anesthesia to ensure that the anesthesia machine, patient breathing system, and monitors, which together comprise the anesthesia delivery system, are correctly interconnected, adjusted, and functioning as intended. These draft recommendations should be followed for anesthesia systems that conform to current and relevant standards (such as "Standards Specifications for Minimum Performance and Safety Requirements for Components and Systems of Anesthesia Gas Machines," ASTM F–1161–88) and that include an ascending bellows ventilator and at least the following monitors: capnograph, pulse oximeter, oxygen analyzer, respiratory volume monitor (spirometer), and breathing system pressure monitor with high and low pressure alarms. The original recommendations should be followed for all other anesthesia systems.

DATES: Written comments by February 16, 1993.

ADDRESSES: Submit written requests for single copies of the draft document entitled "Draft Anesthesia Apparatus Checkout Recommendations, 1992" to the Center for Devices and Radiological Health (HFZ–150), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857. Send two self-addressed adhesive labels to assist that office in processing your requests. Submit written comments on the draft

document to the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 1-23, 12420 Parklawn Dr., Rockville, MD 20857. Requests and comments should be identified with the docket number found in brackets in the heading of this document. The draft document and received comments are available for public examination in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: J. Jay Crowley, Center for Devices and Radiological Health (HFZ-150), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-7003.

SUPPLEMENTARY INFORMATION: FDA is committed to carrying out a program to ensure the safety and effectiveness of medical devices. One aspect of this program involves regulatory activities under the laws administered by the agency concerning the design, manufacture, and distribution of medical devices. Patient safety, however, is dependent on more than properly functioning devices. Although proper operation, maintenance, and periodic inspection of these devices by the user are matters that cannot always be addressed effectively through regulatory action under the laws administered by the agency, they are essential in minimizing risks to patients. Consequently, as an important adjunct to its regulatory program, FDA has initiated a variety of educational efforts to aid medical professionals in the safe use of medical devices. These educational endeavors are done in cooperation, and usually with the active participation, of the relevant professional organizations and other groups within the private sector.

For example, to reduce unnecessary retakes in radiology and to improve image quality, in cooperation with the American College of Radiology and other private sector organizations, FDA developed voluntary recommendations for radiology facilities concerning equipment quality assurance programs (A Basic Quality Assurance Program for Small Diagnostic Radiology Facilities, FDA 83-8218). In cooperation with the American College of Radiology and numerous other medical professional societies, FDA fostered the development of guides for clinicians on the effective use of selected diagnostic imaging procedures ("The Selection of Patients for X-ray Examinations," FDA 80-8104; "The Selection of Patients for X-ray Examinations: The Pelvimetry Examinations," FDA 81-8174; "The Selection of Patients for X-ray Examinations: Chest X-ray Screening Examinations," FDA 83-8204). As an adjunct to the teaching of medical students and radiology residents, FDA funded the development of a basic teaching system in radiology "The Radiological Health Sciences Learning File," which is now in use in radiology education and is used in 118 medical schools in the United States and in several foreign medical schools as well. These examples illustrate FDA's commitment to ensuring that users of medical devices are sufficiently educated and motivated to use medical devices safely and effectively.

In the **Federal Register** of February 25, 1987 (52 FR 5583), FDA published the "Anesthesia Apparatus Checkout Recommendations" (checklist) (Ref. 1), a generic checklist for use by anesthesia professionals to checkout anesthesia equipment before use. Since that time, changes have occurred in both anesthesia equipment and the practice of anesthesia which have caused FDA to reexamine the checklist. The draft recommendations announced in this document are a revised version of the original recommendations dated August 1986 and published in the **Federal Register** of February 25, 1987.

Published and unpublished studies (Refs. 2 through 5) indicate that most practitioners do not routinely perform a thorough checkout of their anesthesia equipment. The primary reasons for resistance to doing a thorough, daily pre-use checkout of the anesthesia system, as described by the checklist, appear to be the excessive amount of time that would be required, the nonspecificity and ambiguity of certain steps, and the difficulty in performing step No. 16 of the 1986 checklist "Test for Leaks in Machine and Breathing System."

In March 1991, the American Society of Anesthesiologist's (ASA) Committee on Equipment and Facilities convened a meeting at which FDA was asked to present its opinions on revising the checklist. Invited participants included representatives of the ASA, ASA Committee on Equipment and Facilities, Anesthesia Patient Safety Foundation (APSF), American Association of Nurse Anesthetist (AANA), anesthesia machine manufacturers (Ohmeda and North American Drager) and anesthesia equipment experts. The objectives of a revision of the checklist were to:

(1) Improve the language of the checklist in order to increase clarity and remove any ambiguity;

(2) streamline the checklist to reduce the number of steps required daily to only those that are critical;

(3) modify certain steps to facilitate a more thorough and complete execution; and

(4) develop an educational initiative to improve effectiveness by encouraging daily use of the recommendations and understanding of the equipment.

As a result of that meeting and other work, a draft version of the checklist was reviewed at the 1991 ASA annual meeting. The draft was also reviewed by FDA's Anesthesia and Respiratory Care Devices Panel. Results of these reviews and further work have produced the draft 1992 version of the checklist which incorporates the following modifications to the original checklist:

Modifications Made to the 1986 Checklist Which Created the Draft Recommendations

Checklist Step

Step Nos. 1 through 4—Modified/edited to improve clarity and flow.

Step No. 5—Deleted—Present data indicate that central pipeline systems fail infrequently. Therefore, it seems unnecessary to check the backup system daily. It is still critical, though, to ensure that the cylinder of oxygen is at least half full.

Step No. 6—Editorial changes only.

Step No. 7—Deleted—Only critical components need to be checked. It is unnecessary to check non-life-sustaining gases.

Step Nos. 8 and 9—Combined/edited to improve clarity and flow.

Step No. 10—Deleted—Present data indicate that this piece of apparatus seldom fails. However, even if it does fail, it does not create a life threatening situation.

Step No. 11—Deleted—Supply hoses need only be checked during periodic maintenance. It is still necessary, however, to ensure that there is adequate supply pressure.

Step No. 12—Editorial changes only.

Step No. 13—Editorial changes only.

Step No. 14—Deleted—An unnecessary step without any real benefit. Combined with another step and modified for more thorough execution.

Step No. 15—Modified for more thorough execution.

Step No. 16—Combined with another step and modified for more thorough execution.

Step No. 17—Editorial changes only.

Step Nos. 18 through 24—Combined and edited for more thorough execution.

Interested persons may, on or before February 16, 1993, submit to the Dockets Management Branch (address above) written comments on the draft document. FDA will consider these

comments in determining whether further revisions of the document are warranted. Two copies of any comments should be submitted, except that individuals may submit one copy. After the public comment period closes, FDA intends to make the final version of the recommendations available to the public, to anesthesia clinicians through their professional organizations, and to anesthesia equipment manufacturers so that they may include them in their own user education programs.

References

The following references have been placed on display in the Dockets Management Branch (address above) and may be seen by interested persons between 9 a.m. and 4 p.m, Monday through Friday.

1. "Anesthesia Apparatus Checkout Recommendations; Availability," 52 FR 5583–5584, February 25, 1987.

2. March, M. G. and J. J. Crowley: "An Evaluation of Anesthesiologists' Present Checkout Methods and the Validity of the FDA Checklist," *Anesthesiology* 75:724–729, 1991.

3. "A Study to Determine the Effect of Intensive Check-Out Education On Anesthesiologist's Performance of the FDA Checklist for the Pre-Use Checkout of Anesthesia Equipment," an internal FDA study conducted at the New York Medical College in cooperation with David Lees, August, 1990.

4. "A Study to Determine the Effect of the Modified FDA Checklist on Checkout Performance," an internal FDA study conducted at the 1990 annual meeting of the American Association of Nurse Anesthetists in Atlanta, GA.

5. FDA contract of four States to examine anesthesia equipment and practices, 1989.

Dated: September 29, 1992.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 92–24190 Filed 10–5–92; 8:45 am]

BILLING CODE 4160–01–F

National Institutes of Health

National Institute on Deafness and Other Communication Disorders; Board of Scientific Counselors, NIDCD, Meeting

Pursuant to Public Law 92–462, notice is hereby given of the meeting of the Board of Scientific Counselors, NIDCD, October 15 and 16, 1992, Building 31C, Conference Room 8, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland.

This meeting will be open to the public from 8:30 a.m. to 9:25 a.m. on October 15, 1992 to present reports and discuss issues related to committee business. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sec. 552b(c)(6), title 5, U.S.C. and sec. 10(d) of Public Law 92–463, the meeting will be closed to the public from 9:25 a.m. until recess on October 15, 1992 and from 8:30 a.m. until adjournment on October 16, 1992. The closed portions of the meeting will be for the review, discussion, and evaluation of the Laboratory of Molecular Biology, Division of Intramural Research, National Institute on Deafness and Other Communication Disorders, including consideration of personnel qualifications and performance, the competence of individual investigators, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Betty Guy, Acting Executive Secretary of the Board of Scientific Counselors, NIDCD, Building 31, room 3C06, National Institutes of Health, Bethesda, Maryland 20892, 301–402–2829, will provide a summary of the meeting, roster of committee members, and substantive program information upon request.

Dated: September 23, 1992.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 92–24163 Filed 10–5–92; 8:45 am]

BILLING CODE 4140–01–M

National Institute of Environmental Health Sciences; Meeting of Board of Scientific Counselors

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Board of Scientific Counselors, NIEHS, October 19–20, in Building 101 Conference Room, South Campus, NIEHS, Research Triangle Park, North Carolina.

This meeting will be open to the public 9 a.m. to 12 noon on October 19, for the purpose of presenting an overview of the organization and conduct of research in the Laboratory of Genetics. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sec. 552b(c)(6) of Title 5 U.S. Code and sec. 10(d) of Public Law 92–463, the meeting will be closed to the public on October 19 from approximately 1 p.m. to recess and on October 20 from 9 a.m. to adjournment, for the evaluation of the programs of the Laboratory of Genetics, including consideration of personnel qualifications and performance, the competence of individual investigators, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

The Executive Secretary, Dr. John McLachland, Scientific Director, Division of Intramural Research, NIEHS, Research Triangle Park, N.C. 27709, telephone (919) 541–3205, will furnish summaries of meeting, rosters of committee members and substantive program information.

Dated: September 23, 1992.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 92–24162 Filed 10–5–92; 8:45 am]

BILLING CODE 4140–01–M

Division of Research Grants; Meetings

Pursuant to Public Law 92–463, notice is hereby given of meetings of the Division of Research grants Behavioral and Neurosciences Special Emphasis Panel.

These meetings will be open to the public for approximately one half hour at the beginning of each meeting during the discussion of administrative details relating to Panel business. Attendance by the public will be limited to space available. These meetings will be closed thereafter in accordance with the provisions set forth in section 552b(c)(4) and 552b(c)(4) and 552b(c)(6), title 5, U.S.C. and section 10(d) of Public Law 92–463, for the review, discussion and evaluation of individual grant applications in the areas of the behavioral and neurosciences. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

The Office of Committee Management, Division of Research Grants, Westwood Building, National Institutes of Health, Bethesda, Maryland 20892, telephone 301–496–7534, will furnish summaries of the meetings and rosters of panel members. Substantive program information may be obtained from each Scientific Review Administrator whose telephone number is provided. Since it is necessary to announce meetings well in advance of the actual meeting, it is suggested that anyone planning to attend a meeting contact the Scientific Review Administrator to confirm the exact date, time and location.

Meeting to Review Individual Grant Applications in the Areas of the Behavioral and Neurosciences;

Scintific Review Administrator: Dr. Teresa Levitin (301) 496–7025.
Date of Meeting: October 9, 1992.
Place of Meting: Lowes New York Hotel, New York, NY.
Time of Meeting: 2 p.m.

Meeting to Review Individual Grant Applications in the Areas of the Behavioral and Neurosciences

Scientific Review Administrator: Dr. Robert Weller (301) 496–7906.
Date of Meeting: October 10, 1992.
Place of Meeting: Holiday Inn, Chevy Chase, MD.
Time of Meeting: 9 a.m.

Meeting to Review Individual Grant Applications in the Areas of the Behavioral and Neurosciences

Scientific Review Administrator: Dr. Robert Weller (301) 496–7906.
Date of Meeting: November 6, 1992.
Place of Meeting: Holiday Inn, Chevy Chase, MD.
Time of Meeting: 9 a.m.

(Catalog of Federal Domestic Assistance Program Nos. 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: September 24, 1992.

Susan K. Feldman,

Committee Management Officer, NIH

[FR Doc. 92–24159 Filed 10–5–92; 8:45 am]

BILLING CODE 4140–01–M

Public Health Service

National Toxicology Program, Board of Scientific Counselors; Meeting

Pursuant to Public Law 92–463, notice is hereby given of a meeting of the National Toxicology Program (NTP) Board of Scientific Counselors, U.S. Public Health Service, in the Conference Center, Building 101, South Campus, National Institute of Environmental Health Sciences (NIEHS), 111 Alexander Drive, Research Triangle Park, North Carolina, on October 27, 1992.

The meeting will be open to the public from 9 a.m. to adjournment with attendance limited only by space available. The preliminary agenda topics with approximate times are as follows:

9 a.m.–12 noon—The NTP staff will present responses to the recommendations in the Advisory Review Report of the Board (**Federal Register** 57, No. 138, pp. 31721–31730, July 17, 1992), and provide a summary of public comments received. There will be a discussion of the proposed procedure for release of preliminary findings from NTP studies including comments received by agencies on the NTP Executive Committee. The impact of the recent reorganization of the NIEHS intramural programs and reordered research priorities on the NTP will be discussed.

1 p.m.–2 p.m.—Discussion of the role and responsibilities of the NTP Board within the context of the reorganized NIEHS Intramural Program.

2 p.m.–3 p.m.—(1) Update on Activities of the Technical Reports Review Subcommittee. (2) Concept Reviews.

Adjournment

The Executive Secretary, Dr. Larry G. Hart, National Toxicology Program, P.O. Box 12233, Research Triangle Park, North Carolina 27709, will have available a roster of Board members and other program information prior to the meeting and summary minutes subsequent to the meeting.

Dated: September 30, 1992.

Kenneth Olden,

Director, National Toxicology Program.

[FR Doc. 92–24160 Filed 10–5–92; 8:45 am]

BILLING CODE 4140–01–M

National Toxicology Program; Request for Comments on Proposed Procedures for Release of Preliminary Findings From National Toxicology Program (NTP) Studies

Background

Dr. Kenneth Olden, Director of the NTP, has as one of his major goals to assure that the Program serves the public health by strengthening its role as the Nation's premier toxicology research and testing program. To accomplish this goal, Dr. Olden asked the NTP Board of Scientific Counselors, the primary scientific oversight body for the NTP, to review three specific issues of the operation and function of the NTP. Their findings and recommendations were published in the **Federal Register** 57, No. 138, 31721–31730, July 17, 1992.

A fourth issue, for which advice was sought, was concerned with how to improve the procedures for alerting regulatory agencies and the public about test results on chemicals (particularly data which suggest potential hazard to humans from chemicals of widespread importance). The NTP Executive Committee was asked to review this issue separately.

Action

To aid the Committee, Program staff drafted "Proposed Procedures for Release of Preliminary Findings from National Toxicology Program (NTP) Studies", which is attached to this announcement. The NTP seeks written comments and views on the proposed procedures and will consider those received by October 23, 1992. However, comments will be accepted after this date and used if possible. Comments should be addressed to Dr. Larry G. Hart, NIEHS, P.O. Box 12233, Research Triangle Park, North Carolina 27709, FAX 919/541–2260.

Dated: September 30, 1992.

Kenneth Olden,

Director, National Toxicology Program.

Proposed Procedures for Release of Preliminary Findings From National Toxicology Program (NTP) Studies

Periodically, NTP studies yield results that are judged to have such a significant potential impact on public health that release of the results on a preliminary basis is warranted. These have most often occurred with the rodent cancer studies, and less frequently in studies with non-cancer endpoints. Although many NTP studies give results that are suggestive of a potential hazard associated with exposure to a chemical, the relative strength of the "signal" depends on a variety of factors including the consequence of exposure (death, cancer), the effective doses required in relation to the human exposure, the numbers of people potentially exposed, and other factors. It has been NTP policy to alert the nominator, various government regulating agencies and others as deemed appropriate, to findings that are not yet in a final peer review form, when the Director has deemed such an early release of data to be in the public interest. The purpose of this document is to propose for your consideration a more formal procedure for handling such events.

Issuing Official: Director, NTP.
Issued to:

1. Assistant Secretary for Health, DHHS
2. Director, NIH; Director, NIOSH; and Commissioner, FDA
3. NTP Executive Committee
4. Nominator of agent for study
5. Private sector individuals or organizations who have expressed an interest

Nature of Communication: Written summary of protocol including agent, test species, response of concern (tabulated summary of preliminary findings limited to the responding organ or tissue), and any possible study confounders.

Timing of Notification: Assistant Secretary of Health, DHHS, followed by Director, NIH; Director, NIOSH; and Commissioner, FDA, within 24 hours. Notification of NTP Executive Committee, study nominator and others as appropriate within 48 hours.

It is the NTP position to limit the release of preliminary pathology or other toxicology findings until the usual verification steps have been completed. It is however, recognized that special situations may arise which would require deviating from these procedures. These will be considered on a case by case basis.

[FR Doc. 92-24161 Filed 10-5-92; 8:45 am]
BILLING CODE 4140-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Administration

[Docket No. N-92-3516]

Submission of Proposed Information Collection to OMB

AGENCY: Office of Administration, HUD.
ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and should be sent to: Angela Antonelli, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Kay F. Weaver, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, Southwest, Washington, DC 20410, telephone (202) 708-0050. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Ms. Weaver.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the description of the need for the information and its proposed use; (4) the agency form number, if applicable; (5) what members of the public will be affected by the proposal; (6) how frequently information submissions will be required; (7) an estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (8) whether the proposal is new or an extention, reinstatement, or revision of an information collection requirement; and (9) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Authority: Section 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; section 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: September 25, 1992.

John T. Murphy,
Director, Information Resources, Policy and Management Division.

Notice of Submission of Proposed Information Collection to OMB

Proposal: Section 235 Homeownership Assistance Programs Computerized Magnetic Tape/Cartridge/Floppy Disk Data.

Office: Administration.

Description of the Need for the Information and Its Proposed Use: In order to validate each mortgagee's monthly subsidy request at the case level rather than at the portfolio level, an establishment of a computerized record of each mortgagee's portfolio is needed. This is a one-time establishment. Mortgagees will be requested to submit a copy of their portfolio using magnetic tape, cartridge, or IBM compatible 5¼ inch floppy disk. This will enhance efficiency and fund controls in determining monthly disbursements.

Form Number: None.

Respondents: Businesses or Other-For-Profit.

Frequency of Submission: One-time.

Reporting Burden:

	No. of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
Information collection	450		1		240		108,000

Total Estimated Burden Hours: 108,000.

Status: New.

Contact: Lionel R. Barnes, HUD, (202) 708-0706. Angela Antonelli, OMB, (202) 395-6880.

Dated: September 25, 1992.

[FR Doc. 92-24157 Filed 10-5-92; 8:45 am]
BILLING CODE 4210-01-M

[Docket No. N-92-3517]

Submission of Proposed Information Collection to OMB

AGENCY: Office of Administration, HUD.
ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

ADDRESS: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and should be sent to: Angela Antonelli, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Kay F. Weaver, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, Southwest, Washington, DC 20410, telephone (202) 708-0050. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Ms. Weaver.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the description of the need for the information and its proposed use; (4) the agency form number, if applicable; (5) what members of the public will be affected by the proposal; (6) how frequently information submissions will be required; (7) an estimate of the total number of hours needed to prepare the information

submission including number of respondents, frequency of response, and hours of response; (8) whether the proposal is new or an extension, reinstatement, or revision of an information collection requirement; and (9) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Authority: Section 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Section 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: September 25, 1992.

Kay Weaver,

Acting Director, IRM Policy and Management Division.

Notice of Submission of Proposed Information Collection to OMB

Proposal: Notification of Extension of Contract Time and Assessment of Liquidated Damages.

Office: Public and Indian Housing.

Description of the Need for the Information and its Proposed Use: Public Housing Authorities will use the notification to transmit officially, amendments to construction contracts that concern extensions of contract time for assessments of liquidated damages.

Form Number: None.

Respondents: State or Local Governments.

Frequency of Submission: On Occasion.

Reporting Burden:

	No. of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
Information collection	180		.27		.75		38
Recordingkeeping	50		1		.25		12

Total Estimated Burden Hours: 50

Status: Reinstatement.

Contact: Raymond Hamilton, HUD, (202) 708–1938. Angela Antonelli, OMB (202) 395–6880.

Dated: September 25, 1992.

[FR Doc. 92–24158 Filed 10–5–92; 8:45 am]

BILLING CODE 4210–01–M

Office of the Assistant Secretary for Public and Indian Housing

[Docket No. N–92–3362; FR–3190–N–07]

Notice of Fund Availability (NOFA) Hope for Public and Indian Housing Homeownership Program (HOPE 1) Implementation Grants

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Notice of Fund Availability; limited reopening of competition.

SUMMARY: This Notice of Fund Availability (NOFA) announces a second, limited competition for the 105,797,160 dollars in excess FY 1992 funds which remain following the recently completed implementation grant phase of the Homeownership and Opportunity for People Everywhere for Public and Indian Housing Homeownership Program (HOPE 1). Only HOPE 1 implementation grant applicants who were unsuccessful in response to the original competition announced by HUD on January 14, 1992 (57 FR 1550) may apply. The purpose of this NOFA is to increase the number of approvable HOPE 1 implementation grant applications so that viable homeownership opportunities may be developed at the earliest possible time. This limited funding round will be governed by the requirements contained in the HOPE 1 Program Guidelines (57 FR 1522) and the NOFA (57 FR 1550) published on January 14, 1992, except as specifically modified by this Notice of Fund Availability.

DATES: The deadline date for receipt of revised HOPE 1 implementation grant applications is November 5, 1992.

Revised applications must be physically received in the local HUD field office by 4:30 p.m. local time on the deadline date. The application deadline is firm as to date and hour. In the interest of fairness to all competing applicants, the Department will treat as ineligible for consideration any application that is received after the deadline. Applicants should take this requirement into account and make early submission of their materials to avoid loss of eligibility caused by unanticipated delays or other delivery-related problems. Applications may be hand-delivered to the appropriate HUD Field Office, so long as they are physically received by the deadline. Applications sent by facsimile will not be accepted. HUD field offices will date-stamp incoming applications to evidence timely receipt and, upon request, will provide the applicant with an acknowledgement of receipt.

ADDRESSES: An original and one copy of the revised application must be physically received by the deadline at the appropriate HUD Field Office having jurisdiction over the locality in which the proposed project is located. The applications should be addressed to the Attention of: Public Housing Division Director, or Office of Indian Programs Director. In States with more than one Field Office, applicants must submit their applications to the correct Field Office. Failure to submit an application to the correct Field Office by the deadline will result in disqualification of the application. In addition, one copy of the application must be submitted to Department of Housing and Urban Development, Office of Public and Indian Housing, Office of Resident Initiatives, room 4112, 451 Seventh St., SW., Washington, DC 20410, Attention: Gary Van Buskirk. While copies must be submitted both to the HUD Field and Central Offices, the date and time of receipt in the field office will be used to determine whether the application has been submitted on time.

FOR FURTHER INFORMATION CONTACT: Gary Van Buskirk, Director, Homeownership Division, Office of Resident Initiatives, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., room 4112, Washington, DC 20410, telephone (202) 708–4233. To provide service for persons who are hearing- or speech-impaired, this number may be reached via TDD by dialing the Federal Information Relay Service on 1–800–877–TDDY, 1–800–877–8339, or (202)–708–9300. (Telephone numbers, other than "800" TDD numbers, are not toll-free.)

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act Statement

The information collection requirements contained in this NOFA have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501–220 , and have been assigned OMB Control Number 2577–0132

Purpose and Substantive Description

On January 14, 1992, HUD announced in a NOFA published in the **Federal Register** (57 FR 1550) a competition for $161 million to be awarded pursuant to

the HOPE for Public and Indian Housing Homeownership Program (HOPE 1), enacted by section 411 of the National Affordable Housing Act (Pub. L. 101–625, approved November 28, 1990). Of this amount, $24 million was to be allocated for mini and full planning grants, and the remaining $137 million was to be allocated for implementation grants.

Earlier this year, HUD allocated all of the available planning grant funds pursuant to a competition held for mini and full planning grant applicants, in accordance with the requirements contained in the HOPE 1 NOFA (57 FR 1550) and Program Guidelines (57 FR 1522). However, after holding the implementation grant funding competition, HUD was unable to fund some of the applications because of unresolved deficiencies (of the original 27 implementation grant applications submitted, 18 have been approved and funded by HUD). Consequently, HUD has an excess of FY 1992 HOPE 1 implementation grant funds.

Pursuant to the requirement contained in section 425(f) of the HOPE 1 Guidelines, HUD must first use excess implementation grant funds to fund the highest ranked, unfunded planning grant applicants. HUD has followed this requirement and has funded all of the remaining, approvable but previously unfunded planning grant applications.

Thereafter, pursuant to section 425(g) of the HOPE 1 Program Guidelines, HUD has the authority to request that HOPE 1 implementation grant applicants "who submitted applications that could not be funded * * * submit amended * * * implementation grant applications." (See 57 FR 1544.) In this NOFA, HUD is announcing a second, limited funding round in FY 1992, pursuant to the authority contained in section 425(g) of the HOPE 1 Program Guidelines, to allocate the $105,797,160 in excess HOPE 1 implementation grant funds. The reason that HUD is limiting this funding round to the pool of unsuccessful implementation grant applicants is that these applicants have already completed most of the work involved in putting together a viable homeownership program, and the Department believes that implementing such programs at the earliest possible opportunity is in the best interests of low-income families.

All HOPE 1 implementation grant applicants who are eligible to participate in this limited competition will receive written notification from HUD informing them of their eligibility, together with a copy of this published NOFA. Applicants will be required to revise their previously submitted applications based upon the requirements contained in the January 14, 1992 NOFA and Program Guidelines. Likewise, HUD will review the revised applications and make selections based upon the requirements contained in the January 14, 1992 NOFA and Program Guidelines, with one modification: the period for curing deficiencies, as outlined in Section III(D)(2) of the HOPE 1 NOFA and section 415(c) of the Program Guidelines, shall be extended from 14 to 45 calendar days following the date of HUD's written deficiency notification to the applicant.

HOPE 1 implementation grant applicants who were successful in response to the January 14, 1992 funding round will be notified by HUD of their selection, and shall not be affected by this second, limited funding round.

Authority: Title III of the United States Housing Act of 1937, as enacted by section 411 of the National Affordable Housing Act (Pub. L. 101–625, approved November 28, 1990).

Dated: September 30, 1992.

Michael B. Janis,

General Deputy Assistant Secretary for Public and Indian Housing.

[FR Doc. 92–24238 Filed 10–5–92; 8:45 am]

BILLING CODE 4210–33–M

Office of the Assistant Secretary for Housing Federal Housing Commissioner

[Docket No. N–92–3436; FR–3235–N–02]

NOFA for Federally Assisted Low Income Housing Drug Elimination Grants, FY–1992; Technical Correction

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

ACTION: Notice of technical correction to Notice of Funding Availability (NOFA).

SUMMARY: On August 28, 1992, HUD published a NOFA that announced HUD's FY 1992 funding of $10,000,000 for Federally Assisted Low Income Housing Drug Elimination Grants. The purpose of this Notice is to make a correction to the section specifying eligible applicants under the NOFA, and extend the application period.

DATES: The application due date for this NOFA is extended to 4 p.m. (local time) for the Regional Office on November 9, 1992.

FOR FURTHER INFORMATION CONTACT: William Schick, Office of Multifamily Housing Management, Operations Division, (202) 708–2654 (voice) or (202) 708–3938 (TDD for hearing-impaired). (These are not toll free numbers).

SUPPLEMENTARY INFORMATION: A Notice of Funding Availability (NOFA) announcing HUD's FY 1992 funding of $10,000,000 for Federally Assisted Low Income Housing Drug Elimination Grants was published on August 28, 1992 (57 FR 39318). Section I.(c)(3)(i) of the NOFA, under the heading Eligible Applicants, incorrectly excluded from consideration as federally assisted low-income housing all market rate projects under section 221(d)(4) and 221(d)(3) of the National Housing Act that are without tenant-based assistance contracts. This exclusion should have read to apply to section 221(d)(4) and section 221(d)(3) market rate projects without project-based assistance contracts. To provide further clarification of what would constitute an eligible applicant, a sentence is added to specify that section 221(d)(4) and section 221(d)(3) market rate projects with tenant-based assistance contracts are not considered federally assisted low-income housing.

To give eligible applicants at least thirty days in which to submit their applications following the publication of this correction, the application due date for this NOFA is extended to 4 p.m. (local time) for the Regional Office on November 9, 1992. This application deadline is firm as to date and hour. In the interest of fairness to all competing applicants, the Department will treat as ineligible for consideration any application that is received after the deadline. A "FAX" will not constitute delivery.

Accordingly, the following technical correction is made in FR Doc. 92–20841 to the NOFA titled, "NOFA for Federally Assisted Low Income Housing Drug Elimination Grants; FY–1992", published on August 28, 1992 (57 FR 39318):

1. On page 39320, paragraph I.(c)(3)(i), which appears in the second column is revised to read: "(i) Section 221(d)(3), section 221(d)(4) or 236 of the National Housing Act (Note however, section 221(d)(4) and section 221(d)(3) market rate projects without project-based assistance contracts are not considered federally assisted low-income housing. Therefore, section 221(d)(4) and section 221(d)(3) market rate projects with tenant-based assistance contracts are not considered federally assisted low-income housing and are not eligible for funding.)

Dated: September 29, 1992.

Arthur J. Hill,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 92–24156 Filed 10–5–92; 8:45 am]

BILLING CODE 4210–27–M

[Docket No. D-92-1003; FR-3347-D-01]

Office of the Regional Administrator—Regional Housing Commissioner; Designation; Chicago Regional Office

AGENCY: Department of Housing and Urban Development.

ACTION: Designation of order of succession, Region V, Chicago.

SUMMARY: The Regional Administrator—Regional Housing Commissioner is designating officials who may serve as Acting Regional Administrator—Regional Housing Commissioner during the absence, disability or vacancy in the position of the Regional Housing Commissioner.

EFFECTIVE DATE: This designation is effective as of September 22, 1992.

FOR FURTHER INFORMATION CONTACT: Lewis Nixon, Regional Counsel, Chicago Regional Office, 77 West Jackson Blvd, #2604, Chicago, Illinois, 60604-3507, (312) 353-4681. (This is not a toll-free number.)

DESIGNATION: Each of the officials appointed to the following positions is designated to serve as Acting Regional Administrator—Regional Housing Commissioner during the absence, disability or vacancy in the position of the Regional Administrator—Regional Housing Commissioner, with all the powers, functions and duties redelegated or assigned to the Regional Administrator—Regional Housing Commissioner: Provided that no official in this designation is authorized to serve as the Regional Administrator—Regional Housing Commissioner unless all other officials whose title precedes his or hers in this designation are unable to act by reason of absence, disability or vacancy.

1. Deputy Regional Administrator
2. Regional Counsel
3. Director of Regional Administration
4. Director of Community Planning Development
5. Director of Regional Housing
6. Executive Assistant to the Regional Administrator
7. Director of Regional Fair Housing and Equal Opportunity
8. Director of Regional Indian Programs
9. Director of Regional Public/Housing

This designation supersedes the designation published, July 7, 1986, FR Doc. 86-15140, Filed 7-3-83 (Citation) Vol. 51, No. 129, effective May 28, 1986.

Authority: Delegation of Authority, 27 FR 4319, 1962; section 9(c), Department of Housing and Urban Development Act, 42 U.S.C. 3531 note; and Interim Order II, 31 FR 815, 1966.

Dated: September 22, 1992.

Gertrude W. Jordan,

Regional Administrator—Regional Housing Commissioner, Region V, Chicago Regional Office.

[FR Doc. 92-24155 Filed 10-5-92; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[WO-650-4120-24 1A]

Federal-State Coal Advisory Board and Regional Coal Teams; Notice of Renewal

This notice is published in accordance with Section 9(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix (1982)). Following consultation with the General Services Administration, notice is hereby given that the Secretary of the Interior (Secretary) is renewing the Federal-State Coal Advisory Board (Board) and the Fort Union, Green River-Hams Fork, Powder River, and San Juan River Regional Coal Teams (RCTs). The Board has a national focus and advises the Secretary on various coal leasing policies. The RCTs are independent subcommittees of the Board that provide advice to the Secretary, through the Director, Bureau of Land Management, on Federal coal leasing activities in specific coal production regions.

Further information may be obtained from Dan Wedderburn, (202) 208-3258, Bureau of Land Management (660), U.S. Department of the Interior, 1849 C Street, NW., Washington, DC 20240.

The certification of renewal is published below.

Certification

I hereby certify that the renewal of the Federal-State Coal Advisory Board and the Fort Union, Green River-Hams Fork, Powder River, and San Juan River Regional Coal Teams is necessary and in the public interest in connection with the performance of duties imposed on the Department of the Interior by those statutory authorities listed in 43 CFR 3400.0-3 and by Departmental policy for Federal-State cooperation concerning the Federal coal management program.

Dated: August 24, 1992.

Manuel Lujan, Jr.,

Secretary of the Interior.

[FR Doc. 92-24242 Filed 10-05-92; 8:45 am]

BILLING CODE 4310-84-M

Fish and Wildlife Service

Garrison Diversion Unit Federal Advisory Council Meeting

AGENCY: Department of the Interior.

ACTION: Notice of meeting.

SUMMARY: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App. I), this notice announces a meeting of the Garrison Diversion Unit Federal Advisory Council established under the authority of the Garrison Diversion Unit Reformulation Act of 1986 (Pub. L. 99-294, May 12, 1986). The meeting is open to the public. Interested persons may make oral statements to the Council or may file written statements for consideration.

DATES: The Garrison Diversion Unit Federal Advisory Council will meet from 8:30 a.m. to 4 p.m. on Tuesday, October 27, 1992.

ADDRESSES: The meeting will be held at the North Dakota Game and Fish Department, 100 N. Bismarck Expressway, Bismarck, North Dakota.

SUPPLEMENTARY INFORMATION: The Council will consider and discuss subjects such as the Garrison Diversion Unit Project update and wildlife budget, Lonetree Area tax issue, Kraft Slough Acquisition update, Wetlands Trust, Lake Audubon mitigation implementation, comprehensive mitigation plan, and offsite island mitigation progress, Arrowwood National Wildlife Refuge mitigation implementation progress, potential Oakes Test Area impacts after 1995, and progress in resolving current impacts to James River Refuges.

For further information, contact Dr. Grady Towns, Fish and Wildlife Enhancement, at (303) 236-8186.

Dated: September 29, 1992.

John L. Spinks, Jr.,

Acting Regional Director, Region 6.

[FR Doc. 92-24204 Filed 10-5-92; 8:45 am]

BILLING CODE 4310-55-M

Bureau of Land Management

[WO-260-09-4212-02]

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 provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35). Copies of the

proposed collection of information and related forms may be obtained by contacting the Bureau's Clearance Officer at the telephone number listed below. Comments and suggestions on the proposal should be made directly to the Bureau Clearance Officer and to the Office Management and Budget, Paperwork Reduction Project (1004–0056), Washington, DC 20503, telephone number (202) 395–7340.

Title: Exchanges—General Procedures, 43 CFR 2200.

OMB approval number: (1004–0056).

Abstract: This information collected is necessary for the initiation and completion of a land exchange with the Bureau of Land Management. The information would aid the Bureau in determining the non-Federal party's eligibility and whether all statutory requirements have been met.

Bureau form number: None.

Frequency: Once.

Description of respondents: Citizens of the United States, corporations, subject to the laws of any State or of the United States, a State, or a political subdivision of a State desiring to propose an exchange of lands or interests in lands.

Estimated completion time: Four hours each report.

Annual responses: 130.

Annual burden hours: 520.

Bureau Clearance Officer (Alternate): G. Jenkins 202–653–6015.

Dated: May 28, 1992.

Michael Penfold,

Assistant Director, Land and Renewable Resources.

[FR Doc. 92–24130 Filed 10–5–92; 8:45 am]

BILLING CODE 4310–84–M

[UT–020–02–4320–08]

Bear River Resource Area, UT; Availability

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability.

SUMMARY: This is a Notice of Availability of the Environmental Assessment (EA) and Proposed Plan Amendment for the Randolph Management Framework Plan, Bear River Resource Area, Rich County, Utah. This notice is to advise the public that the EA and plan amendment to retire the grazing preference on the East Woodruff Allotment, Rich County, are available for public review. The final EA revealed no significant impacts from the proposed action. A Notice of Intent proposing to amend Range Decisions 1.1, 1.2, and 2.2 of the Randolph Management Framework Plan was published in the Federal Register on July 20, 1990. This plan amendment will affect public lands within Rich County.

DATES: A 30-day protest period for the plan amendment will commence with publication of this notice of availability.

FOR FURTHER INFORMATION CONTACT: Leon Berggren, Bear River Resource Area Manager, 2370 South 2300 West, Salt Lake City, Utah 84119, (801) 977–4300. Copies of the EA and Proposed Amendment are available for review at the Salt Lake District Office.

SUPPLEMENTARY INFORMATION: This action is announced pursuant to section 202(a) of the Federal Land Policy and Management Act of 1976 and 43 CFR part 1610. The Proposed Plan Amendment is subject to protest from any adversely affected party who participated in the planning process. Protest must be made in accordance with the provisions of 43 CFR 1610.5–2. Protest must be received by the Director (WO–760) of the BLM, 18th and C Street NW., Washington, DC 20240, within 30 days after the date of publication of this notice of availability for the Proposed Plan Amendment.

G. William Lamb,

Associate State Director.

[FR Doc. 92–24132 Filed 10–5–92; 8:45 am]

BILLING CODE 4310–DQ–M

[UT–060–02–4111–04]

Availability of Final Castlegate Coalbed Methane Project Environmental Impact Statement

September 23, 1992.

AGENCY: Bureau of Land Management, Moab District, Moab, Utah.

ACTION: Notice of availability of the Final Castlegate Coalbed Methane Project Environmental Impact Statement.

SUMMARY: In accordance with section 202 of the National Environmental Policy Act of 1969, a Final Environmental Impact Statement has been prepared for the Castlegate Coalbed Methane Project.

Cockrell Oil Corporation of Houston, Texas proposes to develop its Federal, State, and private leases in the Emma Park area of Carbon County, Utah to produce coalbed methane gas.

The Castlegate Coalbed Methane Project involves a variety of elements. Up to 124 wells would be drilled and access roads constructed to each well site. Along the access roads, pipeline corridors would be constructed to carry gas from the wells, produced water from the wells, electrical lines to the well sites, and high-pressure gas from the compressor facility to each well. The high-pressure gas would be used in a gas-lift system to lift the produced water from the coal seams. Gas would be treated to remove water, CO_2, and be compressed for delivery into a gas sales pipeline 14 miles long, which would connect with an existing interstate pipeline. Produced water would be treated by reverse osmosis (RO) to reduce the concentration of total dissolved solids (TDS) down to concentrations that are allowable for surface discharge. RO would result in approximately 80 percent of the produced water being acceptable for surface discharge, the remaining 20 percent would be discharged into evaporation pits. The remaining concentrate from the evaporation pits would be pumped into injection wells.

Copies of the Final EIS will be available at libraries in Moab, Price, and Castle Dale, Utah. Copies will also be available from the Moab District Office, 82 East Dogwood, Moab, Utah 84532, and the Price River Resource Area Office, 900 North 700 East, Price, Utah 84501, (801–637–4584), Utah State Office, 324 South State, P.O. Box 45155, Salt Lake City, Utah, 84145–0155.

DATES: No sooner than November 5, 1992 a Record of Decision for the project will be prepared.

FOR FURTHER INFORMATION CONTACT: Daryl Trotter, Planning and Environmental Coordinator, Moab District Office, Moab, Utah; phone (801) 259–6111.

SUPPLEMENTAL INFORMATION: The purpose of this EIS is to provide decision makers and the public with information pertaining to Cockrell's proposal, and to disclose environmental impacts and identify mitigation measures to reduce impacts.

The Final EIS analyzes two alternatives: Disposal of all produced water into injection wells, and No Action. Under the disposal of all produced water into injection wells (up to 68,000 BPD), it would require four or more injection wells to dispose of this quantity of water. Under the No Action alternative it would mean development of up to 105 wells located on private and state mineral estate and some on Federal mineral estate.

The preferred alternative is the applicant's proposed action as mitigated.

Public participation has occurred throughout the EIS process. A Notice of Intent was filed in the Federal Register in October 1991. A public scoping meeting was held in November 1991 in

Price, Utah. A 60 day public comment period was allowed on the Draft EIS. All comments presented throughout the process have been considered.

C. Delano Backus,

Acting District Manager.

[FR Doc. 92-24181 Filed 10-5-92; 8:45 am]

BILLING CODE 4310-DQ-M

[UT-020-02-4333-08]

Pony Express Resource Area, Salt Lake District, Utah; Notice of Availability of the Environmental Assessment and Plan Amendment

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability.

SUMMARY: This is a Notice of Availability of the Environmental Assessment (EA) and Plan Amendment for the Pony Express Resource Management Plan (RMP) to classify areas for Off-Highway Vehicle use within the Pony Express Resource Area, Salt Lake District, Utah. This notice is to advise the public that the RMP and EA are available for public review. This plan amendment will affect public lands within Salt Lake, Tooele, and Utah Counties.

DATES: A 30-day protest period for the plan amendment will commence with publication of this notice of availability.

FOR FURTHER INFORMATION CONTACT: Howard Hedric, Pony Express Resource Area Manager, 2370 South 2300 West, Salt Lake City, Utah 84119, (801) 977-4300.

SUPPLEMENTARY INFORMATION: This action is announced pursuant to section 202(a) of the Federal Land Policy and Management Act of 1976 and 43 CFR part 1610. The Proposed Plan Amendment is subject to protest from any adversely affected party who participated in the planning process. Protest must be made in accordance with the provisions of 43 CFR 1610.5-2. Protest must be received by the Director (WO-760) of the BLM, 18th and C Street NW., Washington, DC 20240, within 30 days after the date of publication of this notice of availability for the Proposed Plan Amendment.

G. William Lamb,

Associate State Director.

[FR Doc. 92-24133 Filed 10-5-92; 8:45 am]

BILLING CODE 4310-DQ-M

[ID-010-02-4320-02-ADVB]

Meetings; Boise District Grazing Advisory Board

AGENCY: Boise District, Bureau of Land Management, Idaho, DOI.

ACTION: Notice of meeting.

SUMMARY: The Boise District Grazing Advisory Board will meet on Tuesday, November 17, 1992. The following items will be discussed: Election of Officers, Sensitive Specis Management, Bighorn Sheep Policy, PILT Payments, Drought Update. The meeting is open to the public and a comment period will be held at 2 p.m.

DATES: The meeting will begin at 9 a.m. on Tuesday, November 17, 1992, in the district office conference room.

ADDRESSES: The Boise District Office is located at 3948 Development Avenue, Boise, Idaho 83705.

FOR FURTHER INFORMATION CONTACT: Fred Schley, Boise District, BLM, (208) 384-3300.

Dated: September 24, 1992.

J. David Brunner,

District Manager.

[FR Doc. 92-24123 Filed 10-5-92; 8:45 am]

BILLING CODE 4310-GG-M

[AK-919-02-4830-02-ADVB]

Northern Alaska Advisory Council Public Meetings

The Northern Alaska Advisory Council will hold a public meeting Friday, November 6, 1992, in Fairbanks. The public meeting will be from 8:30 a.m. to 5 p.m. in the training rooms of the Bureau of Land Management's Fairbanks Office Building, 1150 University Ave. Public comments will be taken from 2 to 3 p.m. Written comments may be submitted at the meeting.

The council will hear brief BLM reports on (1) the effect the Intermodal Surface Transportation Efficiency Act has on BLM programs, (2) the BLM Law Enforcement/Ranger program, (3) results of past council involvement with the Fort Egbert National Historic Site and the Coldfoot administrative site, and (4) effects of the conveyance of public lands in the Utility Corridor. The council will also discuss (1) working relationships between BLM and the rural communities and (2) future activity planning for portions of the Squirrel River drainage.

For information, contact the Public Affairs Office, Bureau of Land Management, 1150 University Avenue, Fairbanks, Alaska 99709, telephone (907) 474-2231.

Dated: September 30, 1992.

Richard Bouts,

Acting District Manager.

[FR Doc. 92-24203 Filed 10-5-92; 8:45 am]

BILLING CODE 4310-JA-M

Grazing Advisory Board Meeting

AGENCY: Bureau of Land Management, Susanville District Grazing Advisory Board, Susanville, CA, DOI.

ACTION: Notice of Meeting.

SUMMARY: Notice is hereby given that the Susanville District Grazing Advisory Board, created under the Secretary of Interior's discretionary authority on May 14, 1986, will meet on November 24, 1992.

The November 24 meeting will begin at 10 a.m. at the Surprise Resource Area Office, Bureau of Land Management, 602 Cressler Street, Cedarville, California.

The meeting will consist of a discussion on how to deal with the drought in the 1993 grazing season, a review of standards for leasing base property and livestock control agreements, an update on the East Lassen Integrated Vegetation Management Plan, an update on the Wild Horse and Burro Program, a progress report of FY 1992 range improvement projects, presentation of the plan for FY 1993 range improvements, and a discussion of other items as appropriate.

The meeting is open to the public.

Summary minutes of the Board Meeting will maintained in the District Office, and will be available for public inspection and reproduction (during regular business hours) within 30 days following the meeting.

Robert J. Sherve,

Associate District Manager.

[FR Doc. 92-24183 Filed 10-5-92; 8:45 am]

BILLING CODE 4310-41-M

[AZ-040-02-4212-11; AZA 23409]

Realty Action for Classification; Safford District, AZ

AGENCY: Bureau of Land Management, Interior.

ACTION: Recreation and Public Purposes Act Classification in Pima County, AZ.

SUMMARY: The following public lands in Tucson, Arizona, have been examined and found suitable for conveyance to Drexel Heights Fire Department under the provisions of the Recreation and Public Purposes Act, as amended (43 U.S.C. 869 et seq.). The land will be used for a fire station to provide community

fire protection. Below is the legal description of the public land:

Gila and Salt River Meridian, Arizona

T. 15 S., R. 12 E.
Sec. 3, lot 29.

Containing 3.12 acres, more or less.

The lands are not needed for Federal purposes. Conveyance is consistent with current Bureau of Land Management land use planning and would be in the public interest.

The patent, when issued, will be subject to the following terms, conditions, and reservations:

1. Provisions of the Recreation and Public Purposes Act and to all applicable regulations of the Secretary of the Interior.

2. A right-of-way for ditches and canals constructed by the authority of the United States.

3. All minerals shall be reserved to the United States, together with the right to prospect for, mine, and remove the minerals.

SUPPLEMENTARY INFORMATION: Detailed information concerning this action is available for review at the office of the Bureau of Land Management, Safford District Office, 425 E. 4th Street, Safford, Arizona 85546.

Upon publication of this notice in the **Federal Register**, the lands will be segregated from all other forms of appropriation under the public land laws, including the general mining laws, except for conveyance under the Recreation and Public Purposes Act and leasing under the mineral leasing laws. For a period of 45 days from the date of publication of this notice, interested persons may submit comments regarding the proposed conveyance of the lands to the District Manager, Safford District Office, 425 E. 4th Street, Safford, Arizona 85546.

Any adverse comments will be reviewed by the State Director. In the absence of any adverse comments, the classification will become effective 60 days from the date of publication of this notice.

Dated: September 24, 1992.

Frank L. Rowley,

Acting District Manager.

[FR Doc. 92-24182 Filed 10-5-92; 8:45 am]

BILLING CODE 4310-32-M

[OR-942-00-4730-12: GP2-460]

Filing of Plats of Survey: Oregon/Washington

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The plats of survey of the following described lands are scheduled to be officially filed in the Oregon State Office, Portland, Oregon, thirty (30) calendar days from the date of this publication.

Willamette Meridian

Oregon

T. 21 S., R. 2 W., accepted August 18, 1992
T. 36 S., R. 3 W., accepted August 25, 1992
T. 33 S., R. 5 W., accepted July 31, 1992
T. 29½ S., R. 7 W., accepted August 26, 1992
T. 30 S., R. 7 W., accepted August 26, 1992
T. 13 S., R. 9 W., accepted July 13, 1992
T. 17 S., R. 4 E., accepted August 27, 1992

Washington

T. 21 N., R. 11 W., accepted July 29, 1992
T. 33 N., R. 14 W., accepted August 25, 1992

If protests against a survey, as shown on any of the above plat(s), are received prior to the date of official filing, the filing will be stayed pending consideration of the protest(s). A plat will not be officially filed until the day after all protests have been dismissed and become final or appeals from the dismissal affirmed.

The plat(s) will be placed in the open files of the Oregon State Office, Bureau of Land Management, 1300 NE. 44th Avenue, Portland, Oregon 97213, and will be available to the public as a matter of information only. Copies of the plat(s) may be obtained from the above office upon required payment. A person or party who wishes to protest against a survey must file with the State Director, Bureau of Land Management, Portland, Oregon, a notice that they wish to protest prior to the proposed official filing date given above. A statement of reasons for a protest may be filed with the notice of protest to the State Director, or the statement of reasons must be filed with the State Director within thirty (30) days after the proposed official filing date.

The above-listed plats represent dependent resurveys, survey and subdivision.

FOR FURTHER INFORMATION CONTACT: Bureau of Land Management, 1300 NE. 44th Avenue, P.O. Box 2965, Portland, Oregon 97208.

Dated: September 22, 1992.

Robert E. Mollohan,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 92-24180 Filed 10-5-92; 8:45 am]

BILLING CODE 4310-33-M

[WO-270-4333-11]

Wild and Scenic Rivers

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability, 8351 manual section, Wild and Scenic Rivers—policy and program direction for identification, evaluation, and management.

SUMMARY: The Bureau of Land Management (BLM) hereby gives notice to making available a manual concerning policy and program direction for the identification, evaluation, and management of Wild and Scenic Rivers under the stewardship of BLM.

DATES: October 6, 1992.

ADDRESSES: Send requests for copies to Director (270), Bureau of Land Management, 1849 C Street, NW., 302 LS, Washington, DC 20240-9998.

FOR FURTHER INFORMATION CONTACT: Gary G. Marsh, Recreation Resources Branch, (202) 653-9202.

SUPPLEMENTARY INFORMATION. This Manual Section (8351) makes use of existing authorities and regulations, and proposes policy, program direction, and procedural guidelines for fulfilling requirements of the Wild and Scenic Rivers Act. It provides the BLM line manager and program staff professional with specific policies for evaluating rivers within the BLM's resource management planning process.

In addition, it sets forth requirements for the identification, evaluation, reporting, and management of potential and existing wild, scenic, and/or recreational rivers in the National Wild and Scenic River System under BLM's administration. This Manual Section was developed as a direct result of field requests and experience, in furtherance of BLM's multiple-use mission, and in order to consolidate program guidance into one document. The Manual supplements other BLM Manuals and guidance, e.g., BLM 1623 Manual—Supplemental Program Guidance, and the U.S. Department of the Interior—U.S. Department of Agriculture (USDI-USDA) Final Revised Guidelines for Eligibility, Classification, and Management of River Areas (47 FR 39454).

Dated: September 24, 1992.

Michael J. Penfold,

Assistant Director, Land and Renewable Resources.

[FR Doc. 92-24240 Filed 10-5-92; 8:45 am]

BILLING CODE 4310-84-M

National Park Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before September 26, 1992. Pursuant to § 60.13 of 36 CFR part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, P.O. Box 37127, Washington, DC 20013–7127. Written comments should be submitted by October 21, 1992.

Carol D. Shull,

Chief of Registration, National Register.

COLORADO

Boulder County

Longmont Carnegie Library, 457 Fourth Ave., Longmont, 92001406

Denver County

Palmer—Ferril House, 2123 Downing St., Denver, 92001408

El Paso County

Black Forest School, 6770 Shoup Rd., Colorado Springs, 92001407

Mesa County

Hotel St. Regis, 359 Colorado Ave., Grand Junction, 92001410

Routt County

Hayden Depot, 300 W. Pearl St., Hayden, 92001409

FLORDIA

Okaloosa County

Gulfview Hotel Historic District, 12 Miracle Strip Pkway, SE., Fort Walton Beach, 92001402

GEORGIA

Meriwether County

Champinole, GA Spur 109, 4 mi. NE of Greenville, Greenville vicinity, 92001400

Troup County

Jarrell, H. Frank, House, 605 Hill St., LaGrange, 92001399

Turner County

Ashburn Heights—Hudson-College Avenue Historic District, Roughly bounded by McLendon, Phillips, Monnie, Hudson and College Aves., Ashburn, 92001411

IDAHO

Bonneville County

Beckman, Andrew and Johanna M., Farm (New Sweden and Riverview Farmsteads and Institutional Buildings, MPS), US 20 0.5 mi. W of jct. with New Sweden Rd,, Idaho vicinity, 92001414

Gooding County

Mays, James Henry and Ida Owen, House, Along N bank of Snake R. S of Wendell, Wendell vicinity, 92001412

Nez Perce County

McLaren, William and Elizabeth, House, 1602 15th Ave., Lewiston, 92001413

MISSISSIPPI

Warren County

Beulah Cemetery (Vicksburg MPS) Jct. of Openwood St. and Old Jackson Rd., Vicksburg, 92001404

NEW MEXICO

Rio Arriba County

Rattlesnake Ridge Site (Gallina Culture Developments in North Central New Mexico MPS), Address Restricted, Llaves vicinity, 92001405

NEW YORK

Essex County

Barngalow (Saranac Lake MPS), 108½ Park Ave., Saranac Lake, 92001427
Bogie Cottage [Saranac Lake MPS], 59 Franklin St., Saranac Lake, 92001464
Clark, Peyton, Cottage (Saranac Lake MPS), 9 Rockledge Rd., Saranac Lake, 92001435
Coulter Cottage (Saranac Lake MPS), 34 Shepard Ave., Saranac Lake, 92001438
Denny Cottage (Saranac Lake MPS), 76, Saranac Lake, 92001452
Fallon Cottage Annex (Saranac Lake MPS), 31 Franklin St., Saranac Lake, 92001463
Highland Park Historic District (Saranac Lake MPS), Roughly, Park Ave. from Military Rd. to 170 Park Ave., Saranac Lake, 92001474
Kennedy Cottage (Saranac Lake MPS), 26 Shepard St., Saranac Lake, 92001437
Lane Cottage (Saranac Lake MPS), 4 Rockledge Rd., Saranac Lake, 92001434
Larom—Welles Cottage (Saranac Lake MPS), 110 Park Ave., Saranac Lake, 92001478
Leetch, Dr. Henry, House (Saranac Lake MPS), 3 Johnson Rd., Saranac Lake, 92001471
Lent Cottage (Saranac Lake MPS), 18 Franklin Ave., Saranac Lake, 92001462
Marquay Cottage (Saranac Lake MPS), 6 Slater St., Saranac Lake, 92001439
Marvin Cottage (Saranac Lake MPS), 15 Franklin St., Saranac Lake, 92001461
Morgan Cottage (Saranac Lake MPS), 100 Park Ave., Saranac Lake, 92001426
Partridge Cottage (Saranac Lake MPS), 15 South St., Saranac Lake, 92001440
Pittenger Cottage (Saranac Lake MPS), 14 Forest Hill Ave., Saranac Lake, 92001460
Stevenson Cottage (Saranac Lake MPS), Stevenson Ln., Saranac Lake, 92001441

Franklin County

Allen, Dr. A.H., Cottage (Saranac Lake MPS), 22 Catherine St., Saranac Lake, 92001454
Ames Cottage (Saranac Lake MPS), 43 Church St., Saranac Lake, 92001456
Baird Cottage [Saranac Lake MPS], Glenwood Rd., Saranac Lake, 92001466
Camp Intermission (Saranac Lake MPS), Northwest Bay Rd., Saranac Lake, 92001421
Chuch Street Historic Districts (Saranac Lake MPS), Roughly, Church St. from Main St. to St. Bernard S., Saranac Lake, 92001472
Colbath Cottage (Saranac Lake MPS), 30 River St., Saranac Lake, 92001433
Cottage Row Historic District (Saranac Lake MPS), Roughly, Park Ave. N side from Rosemont Ave. to Catherine St., Saranac Lake, 92001473
Distin Cottage (Saranac Lake MPS), 11 Kiwassa Rd., Saranac Lake, 92001416
Drury Cottage (Saranac Lake MPS), 29 Bloomingdale Ave., Saranac Lake, 92001450
Ellenberger Cottage (Saranac Lake MPS), 183 Broadway, Saranac Lake, 92001453
Feisthamel—Edelberg Cottage (Saranac Lake MPS), 11 Neil St., Saranac Lake, 92001420
Feustmann Cottage (Saranac Lake MPS), 28 Cathering St., Saranac Lake, 92001455
Freer Cottage (Saranac Lake MPS), 40 Kiwassa St., Saranac Lake, 92001417
Gray, E.L., House (Saranac Lake MPS), 15 Helen St., Saranac Lake, 92001469
Hathaway Cottage (Saranac Lake MPS), 6 Charles St., Saranac Lake, 92001457
Hill Cottage (Saranac Lake MPS), 36 Franklin Ave., Saranac Lake, 92001475
Hillside Lodge (Saranac Lake MPS), Harrietstown Rd., Saranac Lake, 92001467
Homestead, The (Saranac Lake MPS), 3 Maple Hill, Saranac Lake, 92001418
Hooey Cottage (Saranac Lake MPS), 24 Park Pl., Saranac Lake, 92001429
Hopkins Cottage (Saranac Lake MPS), 5 Birch St., Saranac Lake, 92001448
Jennings Cottage (Saranac Lake MPS), 16 Marshall St., Saranac Lake, 92001419
Johnson Cottage (Saranac Lake MPS), 6½ St., Bernard St., Saranac Lake, 92001436
Larom Cottage (Saranac Lake MPS), 112 Park Ave., Saranac Lake, 92001428
Leis Block (Saranac Lake MPS), 3–5 Bloomingdale Ave., Saranac Lake, 92001449
Leis Cottage (Saranac Lake MPS), 26 Algonquin Ave., Saranac Lake, 92001444
Little Red (Saranac Lake MPS), Algonquin Ave., Saranac Lake, 92001446
Magill Cottage (Saranac Lake MPS), 37 Riverside Dr., Saranac Lake, 92001430
McBean Cottage (Saranac Lake MPS), 89 Park Ave., Saranac Lake, 92001425
Musselman Cottage (Saranac Lake MPS), 25 Riverside Dr., Saranac Lake, 92001431
Noyes Cottage (Saranac Lake MPS), 16 Helen St., Saranac Lake, 92001468
Pomeroy Cottage (Saranac Lake MPS), 26 Baker St., Saranac Lake, 92001447
Radwell Cottage (Saranac Lake MPS), 2 Charles St., Saranac Lake, 92001456
Ryan Cottage (Saranac Lake MPS), 62 Algonquin Ave., Saranac Lake, 92001445
Sarbanes Cottage (Saranac Lake MPS), 72 Bloomindale Ave., Saranac Lake, 92001451
Savage, Orin, Cottage (Saranac Lake MPS), 33 Olive St., Saranac Lake, 92001422
Schrader—Griswold Cottage (Saranac Lake MPS), 49 Riverside Dr., Saranac Lake, 92001432
Seeley Cottage (Saranac Lake MPS), 27 Olive St., Saranac Lake, 92001423
Sloan Cottage (Saranac Lake MPS), 21 View St., Saranac Lake, 92001442
Smith Cottage (Saranac Lake MPS), 12 Jenkins St., Saranac Lake, 92001470

Stonaker Cottage (Saranac Lake MPS), Glenwood Rd., Saranac Lake, 92001465
Stuckman Cottage (Saranac Lake MPS), 6 Clinton Ave., Saranac Lake, 92001459
Walker Cottage (Saranac Lake MPS), 67 Park Ave., Saranac Lake, 92001424
Wilson Cottage (Saranac Lake MPS), 8 Williams St., Saranac Lake, 92001443
Witherspoon Cottage (Saranac Lake MPS), 3 Kiwassa Rd., Saranac Lake, 92001415

TEXAS

Bexar County

Aztec Theater, 104 N. St. Mary's St., San Antonio, 902001403

Liberty County

Black Cloud, Address Restricted, Liberty vicinity, 902001401

[FR Doc. 92-24166 Filed 10-5-92; 8:45 am]
BILLING CODE 4310-70-M

DEPARTMENT OF JUSTICE

Lodging of Consent Decree Under Resource Conservation and Recovery Act

In accordance with Department policy, 28 CFR 50.7, notice is hereby given that on September 10, 1992, a proposed Consent Decree in *United States* v. *Federated Metals Corporation* (Civil Action No. H-90-327) was lodged with the United States District Court for the Northern District of Indiana. The proposed Consent Decree concerns a hazardous waste land-disposal facility located at 2230 Indianapolis Boulevard, Whiting, Indiana (the "Facility"). The proposed Consent Decree requires Federated Metals Corporation ("Federated") to finance and perform corrective action at the Facility to remediate the release and threatened releases of hazardous substances and hazardous constituents from the Facility into the environment. In addition, Federated will pay a civil penalty in the amount $675,000 in settlement of claims based on Federated's failure to comply with certain financial responsibility requirements imposed on owners and operators of hazardous waste land-disposal facilities by the Resource Conservations and Recovery Act, 42 U.S.C. 6901 *et. seq.*

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Environmental Enforcement Section, Department of Justice, P.O. Box 7611, Ben Franklin Station, Washington, DC 20530, and should refer to *United States* v. *Federated Metals Corporation* and D.J. reference 90-7-1-569. The proposed Consent Decree may be examined at the office of the United States Attorney, Northern District of Indiana, 1001 Main Street, Suite A, Dyer, Indiana; at the Region V Office of the Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604; and at the Consent Decree Library, 601 Pennsylvania, Avenue, NW., Washington, DC 20044, (202) 347-2072. A copy of the proposed Consent Decree may be obtained in person or by mail from the Consent Decree Library, 601 Pennsylvania Avenue, NW., Box 1097, Washington, DC 20004. In requesting a copy, please enclose a check in the amount of $23.50 (25 cents per page reproduction cost) payable to the Consent Decree Library.

Roger Clegg,

Deputy Assistant Attorney General, Environment and Natural Resources Division.

[FR Doc. 92-24144 Filed 10-05-92; 8:45 am]
BILLING CODE 4410-01-M

Lodging of Consent Decree Pursuant to the Clean Water Act

In accordance with Departmental Policy, 28 CFR 50.7, notice is hereby given that a consent decree in *United States* v. *Hamm's Holiday Harbor, Inc.*, Civil Action No. 87-1287 (C.D. Ill.), was lodged with the United States District Court for the Central District of Illinois on September 14, 1992.

The proposed consent decree concerns alleged violations of sections 301 and 404 of the Clean Water Act, 33 U.S.C. 1311 and 1344, and sections 10 and 13 of the Rivers and Harbors Act, 33 U.S.C. 403 and 407, as a result of the unlawful discharge of pollutants into waters of the United States, the unlawful obstruction and modification of navigable waters of the United States, and the unlawful discharge of refuse into navigable waters of the United States at property located in Peoria County, Illinois, owned by Hamm's Holiday Harbor, Inc., and Richard E. Hamm (hereinafter "the Site").

The consent decree permanently enjoins defendants from taking any action at the Site which: (i) Results in the discharge of dredged or fill material into the Illinois River, (ii) results in the obstruction or modification of the course or condition of the Illinois River, (iii) results in the discharge of refuse into or upon the banks of the Illinois River, or (iv) constitutes dredging of the Illinois River bottom by any means, except in compliance with an individual permit from the Secretary of the Army or any applicable general permit issued by the United States Army Corps of Engineers. Defendants shall take all necessary actions to conduct and complete a program of restoration at the Site in accordance with the activities and schedule detailed in the Restoration Plan.

The Department of Justice will accept written comments relating to this proposed consent decree for thirty (30) days from the date of publication of this notice. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, U.S. Department of Justice, Attention: Robert E. Lefevre, Esquire, 10th St. & Constitution Avenue, NW., room 7204—Main Building, Washington, DC 20530, and should refer to *United States* v. *Hamm's Holiday Harbor, Inc.*, Civil Action No. 89-1287 (C.D. Ill.), DJ Reference No. 90-5-1-1-3404.

The proposed consent decree may be examined at the Clerk's Office, United States District Court, 100 Northeast Monroe, Room 174, Peoria, Illinois 61602.

Roger B. Clegg,

Acting Assistant Attorney General, Environment & Natural Resources Division.

[FR Doc. 92-24129 Filed 10-5-92; 8:45 am]
BILLING CODE 4410-01-M

Notice of Lodging of Consent Decree Pursuant to the Clean Air Act

In accordance with Departmental policy, 28 CFR § 50.7, notice is hereby given that on September 22, 1992, a proposed Consent Decree in *United States* v. *Hirsch Industries, Inc.*, Civil Action No. 1:90CV0547, was lodged with the United States District Court for the Northern District of Indiana. The proposed Consent Decree resolves a suit brought by the United States against Hirsch Industries, Inc. under Section 113 of the Clean Air Act, 42 U.S.C. 7413, for violations of Sections 112(c) and 114(a) of the Act, 42 U.S.C. 7412(c) and 7414(a)(1), and the National Emission Standards for Hazardous Air Pollutants for asbestos, 40 CFR part 61, subpart M. The consent decree requires Hirsch Industries, Inc. to pay a civil penalty of $16,000, and to maintain compliance with regulations governing asbestos removal.

The Department of Justice will receive for a period of thirty (30) days for the date of this publication comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States* v. *Hirsch Industries, Inc.*, D.J. Ref. 90-5-2-1-1452.

The proposed Consent Decree may be examined at the office of the United States Attorney, Northern District of Indiana, suite 500, 1404 East Ninth St., Cleveland, Ohio 44114, and at the Region V Office of the Environmental Protection Agency, 111 West Jackson Street, Chicago, Illinois 60604. The proposed Consent Decree may also be examined at the Consent Decree Library, 601 Pennsylvania Ave., NW., Box 1097, Washington, DC 20004, (202) 347-2072. A copy of the proposed Consent Decree may be obtained in person or by mail from the Document Center. In requesting a copy, please enclose a check in the amount of $4.00 (25 cents per page reproduction cost), payable to Consent Decree Library.

John C. Cruden,

Chief, Environmental Enforcement Section, Environment and Natural Resources Division

[FR Doc. 92-24142 Filed 10-5-92; 8:45 am]

BILLING CODE 4410-01-M

Lodging of Consent Decree Pursuant to the Clean Water Act

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that a proposed consent decree in *United States* v. *Oak Crystal, Inc.*, Civil Action No. CV-91-0304, was lodged on September 23, 1992, with the United States District Court for the Middle District of Pennsylvania. The action was brought for alleged violations of the Clean Water Act, 33 U.S.C. 1251 *et seq.*, and its implementing regulations set forth at 40 CFR parts 403 and 433. In addition to providing for payment of civil penalties in the sum of $335,000, the consent decree requires the defendant to implement a supplemental environmental project estimated to cost $325,000.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States* v. *Oak Crystal, Inc.* (M.D. Pa.), DOJ Ref. No. 90-5-1-1-3637.

The proposed consent decree may be examined at the Office of the United States Attorney, 228 Walnut Street, Harrisburg, Pennsylvania 17108; or the Region III Office of the Environmental Protection Agency, 841 Chestnut Bldg., Philadelphia, PA 19104; and at the Consent Decree Library, 601 Pennsylvania Avenue, NW., Washington, DC 20044, 202-347-2072. A copy of the proposed consent decree may be obtained in person or by mail from the Consent Decree Library, 601 Pennsylvania Avenue, NW., Box 1097, Washington, DC 20044. In requesting a copy, please refer to the referenced case and enclose a check in the amount of $27.25 (25 cents per page reproduction costs), payable to the Consent Decree Library.

Roger Clegg,

Acting Assistant Attorney General, Environment and Natural Resources Division.

[FR Doc. 92-24135 Filed 10-5-92; 8:45 am]

BILLING CODE 4410-01-M

Lodging of Consent Decree Pursuant to the Clean Air Act

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that a proposed consent decree in *United States* v. *Merchants Bank, Inc. and Joseph Senesac d/b/a Senesac Construction Company*, Civil Action No. 91-127 (D. Vt.) was lodged on September 24, 1992 with the United States District Court for the District of Vermont. The decree provides for defendants Merchants Bank, Inc. ("Merchants") and Joseph Senesac d/b/a/ Senesac Construction Company to jointly pay a civil penalty of $40,000 pursuant to the provision of section 113(b) of the Clean Air Act, 42 U.S.C. 7513(b). The civil penalty is for violations occurring during and subsequent to the June 1990 demolition by Senesac Construction of a building owned by Merchants Bank of the National Emission standard for Hazardous Air Pollutants ("NESHAP") promulgated for asbestos pursuant to section 112 and 114 of the Clean Air Act, 42 U.S.C. 7412 and 7414. The decree also requires future compliance with the asbestos NESHAP regulations and provides for stipulated penalties for future violations.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States* v. *Merchants Bank, Inc. and Joseph Senesac d/b/a Senesac Construction Company*, Civil Action No. 91-127 (D. Vt.), DOJ reference #90-5-2-1-1576.

The proposed consent decree may be examined at the Office of the United States Attorney for the District of Vermont, 11 Elmwood Avenue, Burlington, Vermont, 05402, and at the Consent Decree Library, 601 Pennsylvania Avenue, NW., Box 1097, Washington, DC 20004, (202) 347-2072. A copy of the proposed consent decree may be obtained in person or by mail from the Consent Decree Library. In requesting a copy, please enclose a check in the amount of $6.50 (25 cents per page reproduction costs), payable to "Consent Decree Library".

John C. Cruden,

Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 92-24127 Filed 10-5-92; 8:45 am]

BILLING CODE 4410-01-M

Lodging of Consent Decree Pursuant to the Clean Air Act

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that a proposed consent decree in *United States* v. *Southwest Hazard Control, Inc.*, Civil Action No. 92-3800 was lodged with the United States District Court for the Northern District of California on September 17, 1992. Defendant Southwest Hazard Control, Inc. is an Arizona asbestos abatement company which does business in California. The complaint alleges that defendant failed to comply with the Clean Air Act and the National Emission Standards for Hazardous Air Pollutants, for asbestos, in removing asbestos from 630 Sansome Street, San Francisco, California. Under the proposed consent decree, Southwest must pay a civil penalty of $5,000 and institute procedures to ensure future compliance with the Clean Air Act.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States* v. *Southwest Hazard Control, Inc.* 90-5-2-1-1374.

The proposed consent decree may be examined at the Office of the United States Attorney, Northern District of California, 450 Golden Gate Avenue, 16th Floor, San Francisco, CA 94102; the Region 9 Office of the Environmental Protection Agency, 75 Hawthorne Street, San Francisco, California 94105; and at the Consent Decree Library, 601 Pennsylvania Avenue, NW., Washington, DC 20044, 202-347-2072. A copy of the proposed consent decree may be obtained in person or by mail from the Consent Decree Library, 601 Pennsylvania Avenue, NW , Box 1097,

Washington, DC 20044. In requesting a copy, please refer to the referenced case and enclose a check in the amount of $6.50 (25 cents per page reproduction costs), payable to the Consent Decree Library.

John C. Cruden,

Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 92-24209 Filed 10-5-92; 8:45 am]

BILLING CODE 4410-01-M

Notice of Lodging of Final Judgment by Consent Pursuant to the Clean Air Act

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that on September 23, 1992, a consent decree in *United States* v. *Specialty Systems of Ohio Construction, Inc.*, Civil Action No. 3:91 CV 7628, was lodged with the United States District Court for the Northern District of Ohio, Western Division.

The Complaint filed by the United States on October 21, 1991, alleged violations by the defendant of sections 112(c) and 114(a)(1) of the Clean Air Act (the "Act"), 42 U.S.C. 7412(c) and 7414(a)(1), as amended by the Clean Air Act Amendments of 1990, Public Law No. 101-549, 104 Stat. 2399, and the National Emission Standards for Hazardous Air Pollutants ("NESHAP") for asbestos, 40 CFR part 61, subpart M, at a facility in Norwalk, Ohio, in November 1988. The United States sought civil penalties and injunctive relief pursuant to section 113 of the Act, 42 U.S.C. 7413.

The proposed consent decree requires Specialty Systems of Ohio Construction, Inc. to pay a civil penalty of $55,000 and to comply with the asbestos NESHAP. Additional injunctive relief includes the designation of an asbestos program manager who will oversee Specialty's compliance with the NESHAP, additional on-site supervision of asbestos abatement work, and monthly compliance reports with payment of stipulated penalties for self-reported violations of the Decree.

The Department of Justice will receive comments relating to the proposed consent decree for a period of thirty days from the date of publication of this notice. Comments should be addressed to the Acting Assistant Attorney General, Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States* v. *Specialty Systems of Ohio Construction, Inc.*, DOJ Ref. No. 90-5-2-1-1628. The proposed consent decree may be examined at the office of the United States Attorney, Northern District of Ohio, Toledo Office, United States Courthouse, suite 305 1716 Spielbusch Avenue, Toledo, Ohio 43624; at the Region V office of U.S. EPA, Records Center, Seventh Floor, 77 West Jackson Boulevard, Chicago, Illinois 60604-3590; and at the Consent Decree Library, 601 Pennsylvania Avenue Building, NW., Washington, DC 20044. (202-347-7829). A copy of the proposed Consent Decree may be obtained in person or by mail from the Consent Decree Library. When requesting a copy of the consent decree by mail, please refer to the referenced case and enclose a check in the amount of $7.25 (twenty-five cents per page reproduction costs) payable to the "Consent Decree Library."

John C. Cruden,

Chief, Environmental Enforcement Section, Environment & Natural Resources Division.

[FR Doc. 92-24143 Filed 10-5-92; 8:45 am]

BILLING CODE 4410-01-M

Antitrust Division

Notice Pursuant to the National Cooperative Research Act of 1984—Bell Communications Research, Inc.

Notice is hereby given that, on August 21, 1992, pursuant to section 6(a) of the National Cooperative Research Act of 1984, 15 U.S.C. 4301 *et seq.* ("the Act"), Bell Communications Research, Inc. ("Bellcore") filed a written notification on behalf of Bellcore and France Telecom as represented by Centre National d'Etudes des Telecommunications ("CNET") simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties and (2) the nature and objectives of the venture. The notification was filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to section 6(b) of the Act, the identities of the parties are Bellcore, Livingston, NJ; and CNET, Paris, France. Bellcore and CNET entered into an agreement effective on April 28, 1992, to engage in cooperative research of semiconductor laser reliability to better understand the long term behavior and failure modes of such devices when used as components in exchange and exchange access telecommunications systems.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 92-24136 Filed 10-5-92; 8:45 am]

BILLING CODE 4410-01-M

Notice Pursuant to the National Cooperative Research Act of 1984 United States Automotive Manufacturers Occupant Safety Research Partnership

Notice is hereby given that, on August 21, 1992, pursuant to section 6(a) of the National Cooperative Research Act of 1984, 15 U.S.C. 4301, *et seq.* ("the Act"), General Motors Corporation filed a written notification simultaneously with the Attorney General and the Federal Trade Commission disclosing a change in the name of the joint venture United States Automotive Manufacturers Crash Test Dummy Consortium. The notification was filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, the United States Automotive Manufacturers Crash Test Dummy Consortium is now known as United States Automotive Manufacturers Occupant Safety Research Partnership.

No other changes have been made in either the membership or planned activity of the joint venture. Membership in this joint venture remains open, and General Motors intends to file additional written notification disclosing all changes in membership.

On July 7, 1992, General Motors filed its original notification pursuant to section 6(a) of the Act. The Department of Justice ("The Department") published a notice in the Federal Register pursuant to section 6(b) of the Act on August 11, 1992, 57 FR 35845.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 92-24141 Filed 10-5-92; 8:45 am]

BILLING CODE 4410-01-M

Notice Pursuant to the National Cooperative Research Act of 1984—Open Software Foundation, Inc.

Notice is hereby given that, on July 29, 1992, pursuant to section 6(a) of the National Cooperative Research Act of 1984, 15 U.S.C. 4301 *et seq.* ("the Act"), Open Software Foundation, Inc. ("OSF") filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The additional notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, the identities of the new, non-voting members of OSF are as follows: Reuters

Singapore Pte. Ltd., Singapore; The Royal Hong Kong Jockey Club of Hong Kong; Mobil E&P Services, Dallas, TX; National Center for High Performance Computing, Taipei, Taiwan; the University of Texas at Dallas, Richardson, TX; Battelle Memorial Institute, Columbus, OH; IIT Research Institute, Annapolis, MD; University of Durham, Durham, United Kingdom; Epoch Systems, Inc., Westborough, MA; Institute for Defense Analyses, Alexandria, VA; Tera Computer Company, Seattle, WA; PeerLogic, Inc., San Francisco, CA; Societe Intl. De Telecom Aeronautiques, Valbonne, France; Aristotelian University of Thessaloniki, Thessaloniki, Greece; and ITT Hartford Insurance, Hartford, CT. No new voting members have been added as of this filing.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and OSF intends to file additional written notifications disclosing all changes in membership.

On August 8, 1988, OSF and the Open Software Foundation Institute, Inc. (the "Institute") filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on September 7, 1988 (53 Fed. Reg. 34594).

The last notification was filed with the Department on April 30, 1992. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on July 2, 1992 (57 FR 29538).

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 92-24137 Filed 10-5-92; 8:45 am]

BILLING CODE 4410-01-M

Notice Pursuant to the National Cooperative Research Act of 1984—Petroleum Environmental Research Forum Project No. 91-10

Notice is hereby given that, on August 11, 1992, pursuant to section 6(a) of the National Cooperative Research Act of 1984, 15 U.S.C. 4301 *et seq.* ("the Act"), the Petroleum Environmental Research Forum Project No. 91-10 has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties and (2) the nature and objectives of the venture. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to Section 6(b) of the Act, the identities of the parties and its general area of planned activity are: Chevron Research and Technology Company, Richmond, CA; Exxon Research and Engineering Company, Florham Park, NJ; Mobil Research and Development Corporation, Paulsboro, NJ; Phillips Petroleum Company, Bartlesville, OK; and BP America, Inc., Cleveland, OH.

The general area of planned activity of Project No. 91-10 is the development of open path monitors for the detection of hydrogen fluoride ("HF") and hydrogen sulfide ("H_2S") using wavelength modulation technology with near infra-red semiconductor diode lasers.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 92-24138 Filed 10-5-92; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

Athenia Wire Co. et al.; Determinations Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period of September 1992.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-27,425; Athenia Wire Co., East Syracuse, NY

TA-W-27,441; Maghielse Tool Corp., Grand Rapids, MI

TA-W-27,499;— George— E.— Failing Co. A/K/A Gefco, Enid, OK

TA-W-27,540; Adobe Mining Co., Grove City, PA

TA-W-27,486; Milroy Wood Products, Milroy, PA

TA-W-27,409; Ultramatic Embroidery Machine Co., North Haven, CT

TA-W-27,508; Miller Holzwarth Div., IMO Industries, Inc., Byesville, OH

TA-W-27,518, TA-W-27, 519, TA-W-27,520, TA-W-27,521; Axem Resources Inc., Denver, CO, Belfield, ND, Gillette, WY, Woodward, OK

TA-W-27,522, TA-W-27,523, TA-W-27,524, TA-W-27,525; Axem Resources Inc., Arnett, OK, Freedom, OK, Welty, OK, Pond Creek, OK

TA-W-27,526, TA-W-27,527; Axem Resources, Inc., Perry, OK, Sapulpa, OK

TA-W-27,369; Wm. F. Surgi Equipment Corp., Harahan, LA

TA-W-27,533; Proctor Products, Bourbon, MO

TA-W-27,231; Optima Exploration, Inc., Oklahoma City, OK

TA-W-27,483; Ricke Knitting Mills, Inc., Maspeth, NY

TA-W-27,380; M & Q Plastic Products, Freehold, NJ

In the following cases, the investigation revealed that the criteria for eligibility has not been met for the reasons specified.

TA-W-27,494; Excellon Automation Co., Tigard, OR, Renton, WA, Salt Lake City, UT

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA-W-27,478; Breed Automotive, Boonton Township, NJ

Increased imports did not contribute importantly to worker separations at the firm.

TA-W-27,561; Outer Stuff, Altoona, PA

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA-W-27,565; Engineered Well Services, Inc., Dickinson, ND

Increased imports did not contribute importantly to worker separations at the firm.

TA-W-27,481; Texas Oil Tools Div., Drexel Oilfield Service, Inc., Conroe, TX

U.S. imports of oil and gas field machinery in 1990, 1991 and 1992 are negligible.

TA–W–27,575; Dailey Petroleum Services, Conroe, TX

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA–W–27,444; National Semiconductor Corp., West Jordan, UT

The investigation revealed that criterion (2) has not been met. Sales or production did not decline during the relevant period as required for certification.

TA–W–27,515, TA–W–27,515A; Mewbourne Oil Co., Midland, TX and Perrytown, TX

The investigation revealed that criterion (2) has not been met. Sales or production did not decline during the relevant period as required for certification.

Affirmative Determinations

TA–W–27,537; Sterling Plastic, Mountainside, NJ

A certification was issued covering all workers separated on or after July 10, 1991 and before September 30, 1992.

TA–W–27,557; Blocker Services, Inc., Alice, TX

A certification was issued covering all workers separated on or after June 2, 1991.

TA–W–27,379; Garrett Manufacturing, Inc., Deer Park, MD

A certification was issued covering all workers separated on or after May 30, 1991.

TA–W–27,532; Sackville Mills, Inc., Wallingford, PA

A certification was issued covering all workers separated on or after July 1, 1991.

TA–W–27,386; Advanced Monobloc Corp., Cranbury, NJ

A certification was issued covering all workers separated on or after January 24, 1991 and before February 28, 1992.

TA–W–27,398; Atlas Bradford, Houston, TX

A certification was issued covering all workers separated on or after June 11, 1991.

TA–W–27,424; Man Roland, Inc., Middlesex, NJ

A certification was issued covering all workers separated on or after June 15, 1991.

TA–W–27,484; Estoril Producing Corp., Midland, TX

A certification was issued covering all workers separated on or after June 30, 1991.

TA–W–27,485; Sunstrand Aerospace, Denver, CO

A certification was issued covering all workers separated on or after August 28, 1992.

TA–W–27,476; Sunshine Shake and Shingle Co., Inc., Forks, WA

A certification was issued covering all workers separated on or after July 6, 1991.

TA–W–27,492; General Electric Superabrasives, Worthington, OH

A certification was issued covering all workers separated on or after July 9, 1991.

TA–W–27,466; General Electric Appliances, Milwaukee, WI

A certification was issued covering all workers separated on or after June 25, 1991.

TA–W–27,505; Sayre Lingerie, Inc., Sayre, PA

A certification was issued covering all workers separated on or after July 8, 1991.

TA–W–27,558; Trexpro, Inc., Sedalia, CO

A certification was issued covering all workers separated on or after August 3, 1991.

TA–W–27,541; KBA Motter Corp., York, PA

A certification was issued covering all workers separated on or after July 13, 1991.

TA–W–27,557; Blocker Services, Inc., Alice, TX

A certification was issued covering all workers separated on or after June 2, 1991.

TA–W–27,530; BASF Corp. Information Systems, Bedford, MA

A certification was issued covering all workers separated on or after July 16, 1991.

TA–W–27,570; Brown Shoe Co., Clayton, MO

A certification was issued covering all workers separated on or after July 17, 1991.

TA–W–27,531; Coalinga Corp., Ira, TX

A certification was issued covering all workers separated on or after July 15, 1991.

TA–W–27,577, TA–W–27,578, TA–W–27,579; Briggs & Stratton Corp., Menomonee Falls, WI, Wauwatosa, WI, West Allis, WI

A certification was issued covering all workers separated on or after July 23, 1991 and before July 1, 1992.

TA–W–27,535; Toby Sportswear, Inc., York, PA

A certification was issued covering all workers separated on or after July 15, 1991.

TA–W–27,609; Eastman Teleco, Broussard, LA and Operating Out of the Following Locations: A; Houston, TX B; Lafayette, LA, C; Casper, WY, D; Ventura, CA, E; Anchorage, AK, F; Oklahoma City, OK

A certification was issued covering all workers separated on or after August 13, 1991.

I hereby certify that the aforementioned determinations were issued during the month of September 1992. Copies of these determinations are available for inspection in room C–4318, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210 during normal business hours or will be mailed to persons to write to the above address.

Dated: September 30, 1992.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 92–24209 Filed 10–5–92; 8:45 am]

BILLING CODE 4510–30–M

[TA–W–27,320]

Mobil Pipeline Co., Dallas, TX, Dismissal of Application for Reconsideration

Pursuant to 29 CFR 90.18 an application for administrative reconsideration was filed with the Director of the Office of Trade Adjustment Assistance for workers at Mobil Pipeline Company, Dallas, Texas. The review indicated that the application contained no new substantial information which would bear importantly on the Department's determination. Therefore, dismissal of the application was issued.

TA–W–27,320; Mobil Pipeline Company, Dallas, Texas (September 25, 1992)

Signed at Washington, DC this 30th day of September 1992.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 92–24210 Filed 10–5–92; 8:45 am]

BILLING CODE 4510–30–M

[TA-W-26, 896, et al.]

Sonat Offshore Drilling Inc. and Sonat Offshore U.S.A., Inc.; Amended Certification Regarding Eligibility to Apply for Workers Adjustment Assistance

In the matter of Sonat Offshore Drilling, Inc., TA-W-2,896 New Orleans, LA; TA-W-26,896A Houston, TX; TA-W-26,896B Morgan City, LA and Sonat Offshore U.S.A., Inc., TA-W-26,896C New Orleans, LA

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Revised Certification on Reopening on May 6, 1992 applicable to all workers of Sonat Offshore Drilling, USA, Gulf of Mexico Division, New Orleans, Louisiana. The notice was published in the **Federal Register** on May 22, 1992 (57 FR 821828). The certification was subsequently amended on May 15, 1992 to include Houston, Texas and all other locations in Texas and Louisiana and offshore in the Gulf of Mexico. The notice was published in the **Federal Register** on May 26, 1992 (57 FR 21998).

At the request of the Louisiana State Agency, the Department reviewed the certification again. The findings show that the claimants wages are being reported under Sonat Offshore Drilling, Inc. and Sonat Offshore USA, Inc. and not Sonat Offshore Drilling, USA.

Both Sonat Offshore Drilling, U.S.A., Inc., and Sonat Offshore Drilling, Inc., are engaged in offshore drilling operations in the Gulf of Mexico and have had substantial worker separations in 1991 and 1992.

Accordingly, the Department is amending the certification to properly reflect the correct worker groups.

The amended notice applicable to TA-W-26,896 is hereby issued as follows:

"All workers of Sonat Offshore Drilling, Inc., and Sonat Offshore U.S.A., Inc., headquartered in Houston, Texas and New Orleans, Louisiana, respectively, and operating in other locations of Texas and Louisiana and offshore in the Gulf of Mexico who became totally or partially separated from employment on or after February 1, 1991 are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974."

Signed in Washington, DC, this 25th day of September 1992.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 92-24211 Filed 10-5-92; 8:45 am]

BILLING CODE 4510-30-M

Labor Surplus Area Classifications Under Executive Orders 12073 and 10582; Notice of the Annual List of Labor Surplus Areas

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

DATES: The annual list of labor surplus areas in effective October 1, 1992, through September 30, 1993.

SUMMARY: The purpose of this notice is to announce the annual list of labor surplus areas.

FOR FURTHER INFORMATION CONTACT: William J. McGarrity, Labor Economist, Employment and Training Administration, 200 Constitution Avenue, NW., Room N-4470, Attention: TEESS, Washington, DC 20210. Telephone: 202-219-5185.

SUPPLEMENTARY INFORMATION: Executive Order 12073 requires executive agencies to emphasize procurement set-asides in labor surplus areas. The Secretary of Labor is responsible under that Order for classifying and designating areas as labor surplus areas. Executive agencies should refer to Federal Acquisition Regulation part 20 (48 CFR part 20) in order to assess the impact of the labor surplus area program on particular procurements.

Under Executive Order 10582 executive agencies may reject bids or offers of foreign materials in favor of the lowest offer by a domestic supplier, provided that the domestic supplier undertakes to produce substantially all of the materials in areas of substantial unemployment as defined by the Secretary of Labor. The preference given to domestic suppliers under Executive Order 10582 has ben modified by Executive Order 12260. Federal Acquisition Regulation part 25 (48 CFR part 25) implememts Executive Order 12260. Executive agencies should refer to Federal Acquisition Regulation part 25 in procurements involving foreign businesses or products in order to assess its impact on the paticular procurements.

The Department of Labor regulations implementing Executive Orders 12073 and 10582 are set forth at 20 CFR part 654, subparts A and B. Subpart A requires the Assistant Secretary of Labor to classify jurisdictions as labor surplus areas pursuant to the criteria specified in the regulations and to publish annually a list of labor surplus areas. Pursuant to those regulations the Assistant Secretary of Labor is publishing the annual list of labor surplus areas.

Subpart B of part 654 states that an area of substantial unemployment for purposes of Executive Order 10582 is any area classified as a labor surplus area under subpart A. Thus, labor surplus areas under Executive Order 12073 are also areas of substantial unemployment under Executive Order 10582.

The area described below have been classified by the Assistant Secretary of Labor as Labor surplus areas pursuant to 20 CFR 654.5(b) (48 FR 15615 April 12, 1983) and are effective October 1, 1992, through September 30, 1993.

The list of labor surplus areas is published for the use of all Federal agencies in directing procurement activities and locating new plants or facilities.

Signed at Washington, DC on September 25, 1992.

Roberts T. Jones,

Assistant Secretary of Labor.

[FR Doc. 92-24079 Filed 10-5-89; 8:45 am]

BILLING CODE 4510-30-M

Labor Surplus Areas Eligible for Federal Procurement Preference

[October 1, 1992 through September 30, 1993]

Eligible labor surplus areas	Civil jurisdictions included
Alabama	
Anniston City	Anniston City in Calhoun County
Barbour County	Barbour County
Bessemer City	Bessemer City in Jefferson County
Bibb County	Bibb County
Birmingham City	Birmingham City in Jefferson County
Bullock County	Bullock County
Butler County	Butler County
Chambers County	Chambers County
Cherokee County	Cherokee County
Chilton County	Chilton County
Choctaw County	Choctaw County
Clarke County	Clarke County
Cleburne County	Cleburne County
Colbert County	Colbert County
Conecuh County	Conecuh County
Covington County	Covington County
Crenshaw County	Crenshaw County
Dale County	Dale County
Decatur City	Decatur City in Morgan County
Escambia County	Escambia County
Fayette County	Fayette County
Florence City	Florence City in Lauderdale County
Franklin County	Franklin County
Gadsden City	Gadsden City in Etowah County
Greene County	Greene County
Hale County	Hale County
Jackson County	Jackson County
Lamar County	Lamar County
Lawrence County	Lawrence County
Lowndes County	Lowndes County
Macon County	Macon County
Marion County	Marion County
Marshall County	Marshall County
Monroe County	Monroe County

LABOR SURPLUS AREAS ELIGIBLE FOR FEDERAL PROCUREMENT PREFERENCE—Continued

[October 1, 1992 through September 30, 1993]

Eligible labor surplus areas	Civil jurisdictions included
Perry County	Perry County
Phenix City	Phenix City in Lee County Russell County
Pickens County	Pickens County
Prichard City	Prichard City in Mobile County
Randolph County	Randolph County
Selma City	Selma City in Dallas County
Sumter County	Sumter County
Talladega County	Talladega County
Walker County	Walker County
Washington County	Washington County
Wilcox County	Wilcox County
Winston County	Winston County
Alaska	
Fairbanks City	Fairbanks City in Fairbanks North Star Borough
Balance of Fairbanks North Star Borough.	Fairbanks North Star Borough Less Fairbanks City
Haines Borough	Haines Borough
Kenai Peninsula Borough	Kenai Peninsula Borough
Ketchikan Gateway Borough.	Ketchikan Gateway Borough
Matanuska-Susitna Borough.	Matanuska-Susitna Borough
Nome Census Area	Nome Census Area
Northwest Arctic Borough.	Northwest Arctic Borough
Prince of Wales Outer Ketchikan.	Prince of Wales Outer Ketchikan
Skagway Yakutat Angoon Cens Area.	Skagway Yakutat Angoon Cens Area
Southeast Fairbanks Census Area.	Southeast Fairbanks Census Area
Valdez Cordova Census Area.	Valdez Cordova Census Area
Wade Hampton Census Area.	Wade Hampton Census Area
Wrangell-Petersburg Census Area.	Wrangell-Petersburg Census Area
Yukon-Koyukuk Census Area.	Yukon-Koyukuk Census Area
Arizona	
Apache County	Apache County
Balance of Coconino County.	Coconino County Less Flagstaff City
Gila County	Gila County
La Paz County	La Paz County
Navajo County	Navajo County
Pinal County	Pinal County
Santa Cruz County	Santa Cruz County
Sierra Vista City	Sierra Vista City in Cochise County
Yuma City	Yuma City in Yuma County
Balance of Yuma County	Yuma County less Yuma City
Arkansas	
Bradley County	Bradley County
Chicot County	Chicot County
Cleburne County	Cleburne County
Conway City	Conway City in Faulkner County
Conway County	Conway County
Crawford County	Crawford County
Balance of Crittenden County.	Crittenden County less West Memphis City
Cross County	Cross County
Dallas County	Dallas County

LABOR SURPLUS AREAS ELIGIBLE FOR FEDERAL PROCUREMENT PREFERENCE—Continued

[October 1, 1992 through September 30, 1993]

Eligible labor surplus areas	Civil jurisdictions included
Desha County	Desha County
Drew County	Drew County
El Dorado City	El Dorado City in Union County
Balance of Faulkner County.	Faulkner County Less Conway City
Franklin County	Franklin County
Greene County	Greene County
Hempstead County	Hempstead County
Hot Spring County	Hot Spring County
Hot Springs City	Hot Springs City in Garland County
Howard County	Howard County
Independence County	Independence County
Jackson County	Jackson County
Jacksonville City	Jacksonville City in Pulaski County
Balance of Jefferson County.	Jefferson County less Pine Bluff City
Johnson County	Johnson County
Lafayette County	Lafayette County
Lawrence County	Lawrence County
Lee County	Lee County
Lincoln County	Lincoln County
Little River County	Little River County
Mississippi County	Mississippi County
Monroe County	Monroe County
Nevada County	Nevada County
Newton County	Newton County
Ouachita County	Ouachita County
Perry County	Perry County
Phillips County	Phillips County
Pike County	Pike County
Pine Bluff City	Pine Bluff City in Jefferson County
Poinsett County	Poinsett County
Prairie County	Prairie County
Randolph County	Randolph County
Searcy County	Searcy County
Balance of Sebastian County.	Sebastian County less Fort Smith City
St. Francis County	St. Francis County
Van Buren County	Van Buren County
West Memphis City	West Memphis City in Crittenden County
White County	White County
Woodruff County	Woodruff County
California	
Apple Valley City	Apple Valley City in San Bernardino County
Bakersfield City	Bakersfield City in Kern County
Baldwin Park City	Baldwin Park City in Los Angeles County
Bell City	Bell City in Los Angeles County
Bell Gardens City	Bell Gardens City in Los Angeles County
Balance of Butte County	Butte County less Chico City Paradise City
Calaveras County	Calaveras County
Chico City	Chico City in Butte County
Clovis City	Clovis City in Fresno County
Colton City	Colton City in San Bernardino County
Colusa County	Colusa County
Compton City	Compton City in Los Angeles County
Corona City	Corona City in Riverside County
Del Norte County	Del Norte County

LABOR SURPLUS AREAS ELIGIBLE FOR FEDERAL PROCUREMENT PREFERENCE—Continued

[October 1, 1992 through September 30, 1993]

Eligible labor surplus areas	Civil jurisdictions included
El Centro City	El Centro City in Imperial County
El Monte City	El Monte City in Los Angeles County
Fairfield City	Fairfield City in Solano County
Fontana City	Fontana City in San Bernardino County
Fresno City	Fresno City in Fresno County
Balance of Fresno County.	Fresno County Less Clovis City Fresno City
Gilroy City	Gilroy City in Santa Clara County
Glenn County	Glenn County
Hanford City	Hanford City in Kings County
Hemet City	Hemet City in Riverside County
Hesperia City	Hesperia City in San Bernardino County
Highland City	Highland City in San Bernardino County
Humboldt County	Humboldt County
Huntington Park City	Huntington Park City in Los Angeles County
Imperial Beach City	Imperial Beach City in San Diego County
Balance of Imperial County.	Imperial County less El Centro City
Indio City	Indio City in Riverside County
Inglewood City	Inglewood City in Los Angeles County
Balance of Kern County	Kern County less Bakersfield City Ridgecrest City
Balance of Kings County	Kings County less Hanford City
Lake County	Lake County
Lancaster City	Lancaster City in Los Angeles County
Lassen County	Lassen County
Lodi City	Lodi City in San Joaquin County
Lompoc City	Lompoc City in Santa Barbara County
Los Angeles City	Los Angeles City in Los Angeles County
Lynwood City	Lynwood City in Los Angeles County
Madera City	Madera City in Madera County
Balance of Madera County.	Madera County less Madera City
Manteca City	Manteca City in San Joaquin County
Marina City	Marina City in Monterey County
Maywood City	Maywood City in Los Angeles County
Mendocino County	Mendocino County
Merced City	Merced City in Merced County
Balance of Merced County.	Merced County less Merced City
Modesto City	Modesto City in Stanislaus County
Modoc County	Modoc County
Mono County	Mono County

LABOR SURPLUS AREAS ELIGIBLE FOR FEDERAL PROCUREMENT PREFERENCE—Continued

[October 1, 1992 through September 30, 1993]

Eligible labor surplus areas	Civil jurisdictions included
Balance of Monterey County.	Monterey County less Marina City
	Monterey City
	Salinas City
	Seaside City
Moreno Valley	Moreno Valley in Riverside County
National City	National City in San Diego County
Norco City	Norco City in Riverside County
Oxnard City	Oxnard City in Ventura County
Palm Springs City	Palm Springs City in Riverside County
Palmdale City	Palmdale City in Los Angeles County
Paradise City	Paradise City in Butte County
Paramount City	Paramount City in Los Angeles County
Pico Rivera City	Pico Rivera City in Los Angeles County
Plumas County	Plumas County
Pomona City	Pomona City in Los Angeles County
Porterville City	Porterville City in Tulare County
Redding City	Redding City in Shasta County
Rialto City	Rialto City in San Bernardino County
Richmond City	Richmond City in Contra Costa County
Riverside City	Riverside City in Riverside County
Balance of Riverside County.	Riverside County less Cathedral City
	Corona City
	Hemet City
	Indio City
	Moreno Valley
	Norco City
	Palm Springs City
	Riverside City
Salinas City	Salinas City in Monterey County
San Benito County	San Benito County
San Bernardino City	San Bernardino City in San Bernardino County
Balance of San Joaquin County.	San Joaquin County less Lodi City
	Manteca City
	Stockton City
	Tracey City
Santa Cruz City	Santa Cruz City in Santa Cruz County
Santa Maria City	Santa Maria City in Santa Barbara County
Seaside City	Seaside City in Monterey County
Balance of Shasta County.	Shasta County less Redding City
Sierra County	Sierra County
Siskiyou County	Siskiyou County
South Gate City	South Gate City in Los Angeles County
Balance of Stanislaus County.	Stanislaus County less Modesto City
	Turlock City
Stockton City	Stockton City in San Joaquin County
Sutter County	Sutter County
Tehama County	Tehama County
Tracey City	Tracey City in San Joaquin County
Trinity County	Trinity County
Tulare City	Tulare City in Tulare County
Balance of Tulare County.	Tulare County less Porterville City
	Tulare City
	Visalia City
Tuolumne County	Tuolumne County
Turlock City	Turlock City in Stanislaus County
Vacaville City	Vacaville City in Solano County
Victorville City	Victorville City in Solano Bernardino County
Visalia City	Visalia City in Tulare County
Watsonville City	Watsonville City in Santa Cruz County
West Hollywood City	West Hollywood City in Los Angeles County
West Sacramento City	West Sacramento City in Yolo County
Woodland City	Woodland City in Yolo County
Balance of Yolo County	Yolo County less Davis City
	West Sacramento City
	Woodland City
Yuba County	Yuba County
Colorado	
Conejos County	Conejos County
Costilla County	Costilla County
Delta County	Delta County
Huerfano County	Huerfano County
Lake County	Lake County
Las Animas County	Las Animas County
Rio Grande County	Rio Grande County
Saguache County	Saguache County
San Juan County	San Juan County
Connecticut	
Ansonia Town	Ansonia Town
Beacon Falls Town	Beacon Falls Town
Bridgeport City	Bridgeport City
Bristol City	Bristol City
Canterbury Town	Canterbury Town
Derby Town	Derby Town
Griswold Town	Griswold Town
Hartford City	Hartford City
Killingly Town	Killingly Town
Naugatuck Town	Naugatuck Town
New Britain City	New Britain City
New London City	New London City
Norwich City	Norwich City
Plainfield Town	Plainfield Town
Plymouth Town	Plymouth Town
Putnam Town	Putnam Town
Sprague Town	Sprague Town
Sterling Town	Sterling Town
Thomaston Town	Thomaston Town
Thompson Town	Thompson Town
Voluntown Town	Voluntown Town
Waterbury City	Waterbury City
Watertown Town	Watertown Town
Winchester Town	Winchester Town
Florida	
Baker County	Baker County
Balance of Bay County	Bay County less Panama City
Boynton Beach City	Boynton Beach City in Palm Beach County
Calhoun County	Calhoun County
Citrus County	Citrus County
Columbia County	Columbia County
De Soto County	De Soto County
Deerfield Beach City	Deerfield Beach City in Broward County
Delray Beach City	Delray Beach City in Palm Beach County
Dixie County	Dixie County
Flagler County	Flagler County
Fort Pierce City	Fort Pierce City in St. Lucie County
Glades County	Glades County
Greenacres City	Greenacres City in Palm Beach County
Gulf County	Gulf County
Hallandale City	Hallandale City in Broward County
Hamilton County	Hamilton County
Hardee County	Hardee County
Hendry County	Hendry County
Hernando County	Hernando County
Hialeah City	Hialeah City in Dade County
Highlands County	Highlands County
Indian River County	Indian River County
Jupiter City	Jupiter City in Palm Beach County
Lake County	Lake County
Lake Worth City	Lake Worth City in Palm Beach County
Lakeland City	Lakeland City in Polk County
Lauderdale Lakes City	Lauderdale Lakes City in Broward County
Margate City	Margate City in Broward County
Balance of Marion County.	Marion County less Ocala City
Martin County	Martin County
Miami Beach City	Miami Beach City in Dade County
Miami City	Miami City in Dade County
North Miami Beach City	North Miami Beach City in Dade County
Okeechobee County	Okeechobee County
Balance of Palm Beach County.	Palm Beach County less Boca Raton City
	Boynton Beach City
	Delray Beach City
	Greenacres City
	Jupiter City
	Lake Worth City
	Riviera Beach City
	West Palm Beach City
Panama City	Panama City in Bay County
Pasco County	Pasco County
Balance of Polk County	Polk County less Lakeland City
Port St. Lucie City	Port St. Lucie City in St. Lucie County
Putnam County	Putnam County
Balance of St. Lucie County.	St. Lucie County less Fort Pierce City
	Port St. Lucie City
Sumter County	Sumter County
Sunrise City	Sunrise City in Broward County
Suwannee County	Suwannee County
Tamarac City	Tamarac City in Broward County
Taylor County	Taylor County

LABOR SURPLUS AREAS ELIGIBLE FOR FEDERAL PROCUREMENT PREFERENCE—Continued

[October 1, 1992 through September 30, 1993]

Eligible labor surplus areas	Civil jurisdictions included
Georgia	
Appling County	Appling County
Bartow County	Bartow County
Brantley County	Brantley County
Burke County	Burke County
Chattahoochee County	Chattahoochee County
Chattooga County	Chattooga County
Crawford County	Crawford County
Dawson County	Dawson County
Emanuel County	Emanuel County
Haralson County	Haralson County
Jasper County	Jasper County
Jenkins County	Jenkins County
Macon County	Macon County
Mitchell County	Mitchell County
Murray County	Murray County
Pickens County	Pickens County
Polk County	Polk County
Quitman County	Quitman County
Schley County	Schley County
Screven County	Screven County
Stewart County	Stewart County
Taylor County	Taylor County
Terrell County	Terrell County
Turner County	Turner County
Warren County	Warren County
Webster County	Webster County
Idaho	
Adams County	Adams County
Benewah County	Benewah County
Bonner County	Bonner County
Boundary County	Boundary County
Camas County	Camas County
Cassia County	Cassia County
Clearwater County	Clearwater County
Fremont County	Fremont County
Gem County	Gem County
Idaho County	Idaho County
Lemhi County	Lemhi County
Nampa City	Nampa City in Canyon County
Power County	Power County
Shoshone County	Shoshone County
Valley County	Valley County
Washington County	Washington County
Illinois	
Alexander County	Alexander County
Alton City	Alton City in Madison County
Aurora City	Aurora City in Du Page County
	Kane County
Belleville City	Belleville City in St. Clair County
Bond County	Bond County
Boone County	Boone County
Brown County	Brown County
Calhoun County	Calhoun County
Carpentersville City	Carpentersville City in Kane County
Cass County	Cass County
Chicago City	Chicago City in Cook County
Cicero City	Cicero City in Cook County
Clark County	Clark County
Clay County	Clay County
Crawford County	Crawford County
Cumberland County	Cumberland County
Danville City	Danville City in Vermilion County
De Witt County	De Witt County
Decatur City	Decatur City in Macon County
East St. Louis City	East St. Louis City in St. Clair County
Edgar County	Edgar County
Edwards County	Edwards County
Effingham County	Effingham County
Elgin City	Elgin City in Cook County
	Kane County
Fayette County	Fayette County
Franklin County	Franklin County
Freeport City	Freeport City in Stephenson County
Fulton County	Fulton County
Gallatin County	Gallatin County
Granite City	Granite City in Madison County
Greene County	Greene County
Grundy County	Grundy County
Hamilton County	Hamilton County
Hardin County	Hardin County
Harvey City	Harvey City in Cook County
Henry County	Henry County
Balance of Jackson County.	Jackson County less Carbondale City
Jefferson County	Jefferson County
Johnson County	Johnson County
Joliet City	Joliet City in Will County
Kankakee City	Kankakee City in Kankakee County
La Salle County	La Salle County
Lawrence County	Lawrence County
Macoupin County	Macoupin County
Marion County	Marion County
Mason County	Mason County
Massac County	Massac County
Maywood Village	Maywood Village in Cook County
Mercer County	Mercer County
Montgomery County	Montgomery County
Moultrie County	Moultrie County
North Chicago City	North Chicago City in Lake County
Pekin City	Pekin City in Tazewell County
Peoria City	Peoria City in Peoria County
Perry County	Perry County
Pike County	Pike County
Pope County	Pope County
Pulaski County	Pulaski County
Putnam County	Putnam County
Randolph County	Randolph County
Richland County	Richland County
Rockford City	Rockford City in Winnebago County
Saline County	Saline County
Schuyler County	Schuyler County
Scott County	Scott County
Shelby County	Shelby County
Stark County	Stark County
Union County	Union County
Balance of Vermilion County.	Vermilion County less Danville City
Wabash County	Wabash County
Washington County	Washington County
Wayne County	Wayne County
White County	White County
Whiteside County	Whiteside County
Williamson County	Williamson County
Indiana	
Adams County	Adams County
Anderson City	Anderson City in Madison County
Blackford County	Blackford County
Crawford County	Crawford County
Dearborn County	Dearborn County
East Chicago City	East Chicago City in Lake County
Elkhart City	Elkhart City in Elkhart County
Fayette County	Fayette County
Franklin County	Franklin County
Gary City	Gary City in Lake County
Henry County	Henry County
Jay County	Jay County
Kokomo City	Kokomo City in Howard County
Lawrence County	Lawrence County
Marion City	Marion City in Grant County
Noble County	Noble County
Orange County	Orange County
Perry County	Perry County
Randolph County	Randolph County
Richmond City	Richmond City in Wayne County
Scott County	Scott County
Starke County	Starke County
Sullivan County	Sullivan County
Switzerland County	Switzerland County
Union County	Union County
Balance of Wayne County.	Wayne County less Richmond City
Iowa	
Clinton City	Clinton City in Clinton County
Lee County	Lee County
Balance of Wapello County.	Wapello County less Ottumwa City
Kansas	
Kansas City KN	Kansas City KN in Wyandotte County
Linn County	Linn County
Kentucky	
Adair County	Adair County
Allen County	Allen County
Ashland City	Ashland City in Boyd County
Ballard County	Ballard County
Barren County	Barren County
Bath County	Bath County
Bell County	Bell County
Balance of Boyd County.	Boyd County less Ashland City
Bracken County	Bracken County
Breathitt County	Breathitt County
Breckinridge County	Breckinridge County
Caldwell County	Caldwell County
Carlisle County	Carlisle County
Carter County	Carter County
Casey County	Casey County
Balance of Christian County.	Christian County less Hopkinsville City
Clay County	Clay County
Clinton County	Clinton County
Crittenden County	Crittenden County
Cumberland County	Cummberland County
Edmonson County	Edmonson County
Elliott County	Elliott County
Estill County	Estill County
Fleming County	Fleming County
Floyd County	Floyd County
Fulton County	Fulton County
Gallatin County	Gallatin County

LABOR SURPLUS AREAS ELIGIBLE FOR FEDERAL PROCUREMENT PREFERENCE—Continued

[October 1, 1992 through September 30, 1993]

Eligible labor surplus areas	Civil jurisdictions included
Garrard County	Garrard County
Graves County	Graves County
Grayson County	Grayson County
Green County	Green County
Greenup County	Greenup County
Hancock County	Hancock County
Harlan County	Harlan County
Hart County	Hart County
Hickman County	Hickman County
Hopkins County	Hopkins County
Jackson County	Jackson County
Johnson County	Johnson County
Knott County	Knott County
Knox County	Knox County
Lawrence County	Lawrence County
Lee County	Lee County
Leslie County	Leslie County
Letcher County	Letcher County
Lewis County	Lewis County
Lincoln County	Lincoln County
Livingston County	Livingston County
Magoffin County	Magoffin County
Marion County	Marion County
Marshall County	Marshall County
Martin County	Martin County
Mc Creary County	Mc Creary County
Mc Lean County	Mc Lean County
Meade County	Meade County
Menifee County	Menifee County
Montgomery County	Montgomery County
Morgan County	Morgan; County
Muhlenberg County	Muhlenberg County
Nicholas County	Nicholas County
Ohio County	Ohio County
Owsley County	Owsley County
Pendleton County	Pendleton County
Perry County	Perry County
Pike County	Pike County
Powell County	Powell County
Pulaski County	Pulaski County
Robertson County	Robertson County
Russell County	Russell County
Simpson County	Simpson County
Trigg County	Trigg County
Balance of Warren	Warren County Less Bowling Green City
Washington County	Washington County
Wayne County	Wayne County
Webster County	Webster County
Whitley County	Whitley County
Wolfe County	Wolfe County
Louisiana	
Acadia Parish	Acadia Parish
Allen Parish	Allen Parish
Assumption Parish	Assumption Parish
Avoyelles Parish	Avoyelles Parish
Bienville Parish	Bienville Parish
Balance of Bossier Parish.	Bossier Parish Less Bossier City
	Bossier City
	Shreveport City
Caldwell Parish	Caldwell Parish
Catahoula Parish	Catahoula Parish
Concordia Parish	Concordia Parish
De Soto Parish	De Soto Parish
Eat Carroll Parish	East Carroll Parish
Franklin Parish	Franklin Parish
Grant Parish	Grant Parish
Iberville Parish	Iberville Parish
Jefferson Davis Parish	Jefferson Davis Parish
La Salle Parish	La Salle Parish
Livingston Parish	Livingston Parish
Madison Parish	Madison Parish
Morehouse Parish	Morehouse Parish

LABOR SURPLUS AREAS ELIGIBLE FOR FEDERAL PROCUREMENT PREFERENCE—Continued

[October 1, 1992 through September 30, 1993]

Eligible labor surplus areas	Civil jurisdictions included
Natchitoches Parish	Natchitoches Parish
Pointe Coupee Parish	Pointe Coupee Parish
Red River Parish	Red River Parish
Richland Parish	Richland Parish
St. Helena Parish	St. Helena Parish
St. James Parish	St. James Parish
St. John Baptist Parish	St. John Baptist Parish
St. Landry Parish	St. Landry Parish
St. Mary Parish	St. Mary Parish
Tangipahoa Parish	Tangipahoa Parish
Tensas Parish	Tensas Parish
Union Parish	Union Parish
Vermilion Parish	Vermilion Parish
Washington Parish	Washington Parish
Webster Parish	Webster Parish
West Carroll Parish	West Carroll Parish
Maine	
Balance of Androscoggin County.	Androscoggin County Less Lewiston City
Aroostook County	Aroostook County
Franklin County	Franklin County
Lewiston City	Lewiston City in Androscoggin County
Oxford County	Oxford County
Piscataquis County	Piscataquis County
Somerset County	Somerset County
Waldo County	Waldo County
Washington County	Washington County
Maryland	
Allegany County	Allegany County
Baltimore City	baltimore City
Cecil County	Cecil County
Dorchester County	Dorchester County
Garrett County	Garrett County
Hagerstown City	Hagerstown City in Washington County
Somerset County	Somerset County
Worcester County	Worcester County
Massachusetts	
Abington Town	Abington Town in Plymouth County
Acushnet Town	Acushnet Town in Bristol County
Adams Town	Adams Town in Berkshire County
Amesbury Town	Amesbury Town in Essex County
Ashburnham Town	Ashburnham Town in Worcester County
Ashby Town	Ashby Town in Middlesex County
Athol Town	Athol Town in Worcester County
Attleboro Town	Attleboro Town in Bristol County
Auburn Town	Auburn Town in Worcester County
Avon Town	Avon Town in Norfolk County
Ayer Town	Ayer Town in Middlesex County
Barnstable Town	Barnstable Town in Barnstable County
Barre Town	Barre Town in Worcester County
Becket Town	Becket Town in Berkshire County
Bellingham Town	Bellingham Town in Norfolk County
Berkley Town	Berkley Town in Bristol County
Bernardston Town	Bernardston Town in Franklin County

LABOR SURPLUS AREAS ELIGIBLE FOR FEDERAL PROCUREMENT PREFERENCE—Continued

[October 1, 1992 through September 30, 1993]

Eligible labor surplus areas	Civil jurisdictions included
Billerica Town	Billerica Town in Middlesex County
Blackstone Town	Blackstone Town in Worcester County
Blandford Town	Blandford Town in Hampden County
Bourne Town	Bourne Town in Barnstable County
Boylston Town	Boylston Town in Worcester County
Brewster Town	Brewster Town in Barnstable County
Bridgewater Town	Bridgewater Town in Plymouth County
Brimfield Town	Brimfield Town in Hampden County
Brockton City	Brockton City in Plymouth County
Brookfield Town	Brookfield Town in Worcester County
Carver Town	Carver Town in Plymouth County
Charlemont Town	Charlemont Town in Franklin County
Charlton Town	Charlton Town in Worcester County
Chelsea City	Chelsea City in Suffolk County
Cheshire Town	Cheshire Town in Berkshire County
Chester Town	Chester Town in Hampden County
Chesterfield Town	Chesterfield Town in Hampshire County
Chicopee City	Chicopee City in Hampden County
Clinton Town	Clinton Town in Worcester County
Cummington Town	Cummington Town in Hampshire County
Dartmouth Town	Dartmouth Town in Bristol County
Dennis Town	Dennis Town in Barnstable County
Dighton Town	Dighton Town in Bristol County
Douglas Town	Douglas Town in Worcester County
Dracut Town	Dracut Town in Middlesex County
Dudley Town	Dudley Town in Worcester County
East Bridgewater Town	East Bridgewater Town in Plymouth County
East Brookfield Town	East Brookfield Town in Worcester County
Eastham Town	Eastham Town in Barnstable County
Edgartown Town	Edgartown Town in Dukes County
Erving Town	Earving Town in Franklin County
Everett City	Everett City in Middlesex County
Fairhaven Town	Fairhaven Town in Bristol County
Fall River City	Fall River City in Bristol County
Falmouth Town	Falmouth Town in Barnstable County
Fitchburg City	Fitchburg City in Worcester County
Franklin Town	Franklin Town in Norfolk County

LABOR SURPLUS AREAS ELIGIBLE FOR FEDERAL PROCUREMENT PREFERENCE—Continued

[October 1, 1992 through September 30, 1993]

Eligible labor surplus areas	Civil jurisdictions included
Freetown Town	Freetown Town in Bristol County
Gardner Town	Gardner Town in Worcester County
Gay Head Town	Gay Head Town in Dukes County
Glocester City	Gloucester City in Essex County
Grafton Town	Grafton Town in Worcester County
Groveland Town	Groveland Town in Essex County
Halifax Town	Halifax Town in Plymouth County
Hanson Town	Hanson Town in Plymouth County
Hardwick Town	Hardwick Town in Worcester County
Harwich Town	Harwich Town in Barnstable County
Harverhill City	Harverhill City in Essex County
Hinsdale Town	Hinsdale Town in Berkshire County
Holland Town	Holland Town in Hampden County
Holyoke City	Holyoke City in Hampden County
Hopedale Town	Hopedale Town in Worcester County
Hubbardston Town	Hubbardston Town in Worcester County
Hull Town	Hull Town in Plymouth County
Huntington Town	Huntington Town in Hampshire County
Kingston Town	Kingston Town in Plymouth County
Lanesbough Town	Lanesbough Town in Berkshire County
Lawrence City	Lawrence City in Essex County
Lee Town	Lee Town in Berkshire County
Leicester Town	Leicester Town in Worcester County
Leominster City	Leominster City in Worcester County
Leyden Town	Leyden Town in Franklin County
Lowell City	Lowell City in Middlesex County
Ludlow Town	Ludlow Town in Hampden County
Lunenberg Town	Lunenberg Town in Worcester County
Lynn City	Lynn City in Essex County
Malden City	Malden City in Middlesex County
Mansfield Town	Mansfield Town in Bristol County
Marion Town	Marion Town in Plymouth County
Marshfield Town	Marshfield Town in Plymouth County
Mashpee Town	Mashpee Town in Barnstable County
Medway Town	Medway Town in Norfolk County
Mendon Town	Mendon Town in Worcester County
Merrimac Town	Merrimac Town in Essex County
Methuen Town	Methuen Town in Essex County
Middleborough Town	Middleborough Town in Plymouth County
Middlefield Town	Middlefield Town in Hampshire County
Milford Town	Milford Town in Worcester County
Millbury Town	Millbury Town in Worcester County
Millville Town	Millville Town in Worcester County
New Bedford City	New Bedford City in Bristol County
New Braintree Town	New Braintree Town in Worcester County
Newburyport City	Newburyport City in Essex County
North Adams Town	North Adams Town in Berkshire County
North Brookfield Town	North Brookfield Town in Worcester County
Northbridge Town	Northbridge Town in Worcester County
Norton Town	Norton Town in Bristol County
Oak Bluffs Town	Oak Bluffs Town in Dukes County
Oakham Town	Oakham Town in Worcester County
Orange Town	Orange Town in Franklin County
Orleans Town	Orleans Town in Barnstable County
Otis Town	Otis Town in Berkshire County
Oxford Town	Oxford Town in Worcester County
Pembroke Town	Pembroke Town in Plymouth County
Petersham Town	Petersham Town in Worcester County
Phillipston Town	Phillipston Town in Worcester County
Pittsfield City	Pittsfield City in Berkshire County
Plainfield Town	Plainfield Town in Hampshire County
Plainville Town	Plainville Town in Norfolk County
Plymouth Town	Plymouth Town in Plymouth County
Plympton Town	Plympton Town in Plymouth County
Provincetown Town	Provincetown Town in Barnstable County
Quincy City	Quincy City in Norfolk County
Raynham Town	Raynham Town in Bristol County
Rehoboth Town	Rehoboth Town in Bristol County
Revere City	Revere City in Suffolk County
Rockland Town	Rockland Town in Plymouth County
Rockport Town	Rockport Town in Essex County
Rowe Town	Rowe Town in Franklin County
Royalston Town	Royalston Town in Worcester County
Salisbury Town	Salisbury Town in Essex County
Savoy Town	Savoy Town in Berkshire County
Shelburne Town	Shelburne Town in Franklin County
Somerset Town	Somerset Town in Bristol County
Southbridge Town	Southbridge Town in Worcester County
Spencer Town	Spencer Town in Worcester County
Springfield City	Springfield City in Hampden County
Sturbridge Town	Sturbridge Town in Worcester County
Swansea Town	Swansea Town in Bristol County
Taunton City	Taunton City in Bristol County
Templeton Town	Templeton Town in Worcester County
Tewksbury Town	Tewksbury Town in Middlesex County
Truro Town	Truro Town in Barnstable County
Tyngsborough Town	Tyngsborough Town in Middlesex County
Uxbridge Town	Uxbridge Town in Worcester County
Wales Town	Wales Town in Hampden County
Ware Town	Ware Town in Hampshire County
Wareham Town	Wareham Town in Plymouth County
Warren Town	Warren Town in Worcester County
Warwick Town	Warwick Town in Franklin County
Washington Town	Washington Town in Berkshire County
Webster Town	Webster Town in Worcester County
Wellfleet Town	Wellfleet Town in Barnstable County
Wendell Town	Wendell Town in Franklin County
West Bridgewater Town	West Bridgewater Town in Plymouth County
West Brookfield Town	West Brookfield Town in Worcester County
Westminster Town	Westminster Town in Worcester County
Westport Town	Westport Town in Bristol County
Whitman Town	Whitman Town in Plymouth County
Williamsburg Town	Williamsburg Town in Hampshire County
Wilmington Town	Wilmington Town in Middlesex County
Winchendon Town	Winchendon Town in Worcester County
Windsor Town	Windsor Town in Berkshire County
Worcester City	Worcester City in Worcester County
Yarmouth Town	Yarmouth Town in Barnstable County
Michigan	
Alcona County	Alcona County
Alger County	Alger County
Alpena County	Alpena County
Antrim County	Antrim County
Arenac County	Arenac County

LABOR SURPLUS AREAS ELIGIBLE FOR FEDERAL PROCUREMENT PREFERENCE—Continued

[October 1, 1992 through September 30, 1993]

Eligible labor surplus areas	Civil jurisdictions included
Baraga County	Baraga County
Barry County	Barry County
Battle Creek City	Battle Creek City in Calhoun County
Bay City	Bay City in Bay County
Balance of Bay County	Bay County less Bay City Midland City
Benzie County	Benzie County
Berrien County	Berrien County
Branch County	Branch County
Burton City	Burton City in Genesee County
Balance of Calhoun County.	Calhoun County less Battle Creek City
Cass County	Cass County
Charlevoix County	Charlevoix County
Cheboygan County	Cheboygan County
Chippewa County	Chippewa County
Clare County	Clare County
Clinton County	Clinton County
Clinton Township	Clinton Township in Macomb County
Delta County	Delta County
Detroit City	Detroit City in Wayne County
Dickinson County	Dickinson County
East Detroit City	East Detroit City in Macomb County
Emmet County	Emmet County
Ferndale City	Ferndale City in Oakland County
Flint City	Flint City in Genesee County
Flint Township	Flint Township in Genesee County
Balance of Genesee County.	Genesee County less Burton City Flint City Flint Township Mount Morris Township
Gladwin County	Gladwin County
Gogebic County	Gogebic County
Grand Rapids City	Grand Rapids City in Kent County
Grand Traverse County	Grand Traverse County
Gratiot County	Gratiot County
Highland Park City	Highland Park City in Wayne County
Hillsdale County	Hillsdale County
Houghton County	Houghton County
Huron County	Huron County
Inkster City	Inkster City in Wayne County
Ionia County	Ionia County
Iosco County	Iosco County
Iron County	Iron County
Jackson City	Jackson City in Jackson County
Balance of Jackson County.	Jackson County less Jackson County
Kalkaska County	Kalkaska County
Keweenaw County	Keweenaw County
Lake County	Lake County
Lansing City	Lansing City in Eaton County Ingham County
Lapeer County	Lapeer County
Leelanau County	Leelanau County
Lenawee County	Lenawee County
Lincoln Park City	Lincoln Park City in Wayne County
Luce County	Luce County
Mackinac County	Mackinac County

LABOR SURPLUS AREAS ELIGIBLE FOR FEDERAL PROCUREMENT PREFERENCE—Continued

[October 1, 1992 through September 30, 1993]

Eligible labor surplus areas	Civil jurisdictions included
Balance of Macomb County.	Macomb County less Clinton Township East Detroit City Roseville City Shelby Township St. Clair Shores City Sterling Heights City Warren City
Madison Heights City	Madison Heights City in Oakland County
Manistee County	Manistee County
Marquette County	Marquette County
Mason County	Mason County
Mecosta County	Mecosta County
Menominee County	Menominee County
Balance of Midland County.	Midland County less Midland City
Missaukee County	Missaukee County
Monroe County	Monroe County
Montcalm County	Montcalm County
Montmorency County	Montmorency County
Mount Morris Township	Mount Morris Township In Genesee County
Muskegon City	Muskegon City in Muskegon County
Balance of Muskegon County.	Muskegon County less Muskegon City
Newaygo County	Newaygo County
Oceana County	Oceana County
Ogemaw County	Ogemaw County
Ontonagon County	Ontonagon County
Osceola County	Osceola County
Otsego County	Otsego County
Pontiac City	Pontiac City in Oakland County
Port Huron City	Port Huron City in St. Clair County
Presque Isle County	Presque Isle County
Roscommon County	Roscommon County
Roseville City	Roseville City in Macomb County
Saginaw City	Saginaw City in Saginaw County
Balance of Saginaw County.	Saginaw County less Saginaw City Saginaw Township
Sanilac County	Sanilac County
Schoolcraft County	Schoolcraft County
Shelby Township	Shelby Township in Macomb County
Shiawassee County	Shiawassee County
Balance of St. Clair County.	St. Clair County less Port Huron City
St. Joseph County	St. Joseph County
Taylor City	Taylor City in Wayne County
Tuscola County	Tuscola County
Van Buren County	Van Buren County
Warren City	Warren City in Macomb County
Waterford Township	Waterford Township in Oakland County
Wexford County	Wexford County
Ypsilanti Township	Ypsilanti Township in Washtenaw County
Minnesota	
Aitkin County	Aitkin County
Carlton County	Carlton County
Cass County	Cass County
Clearwater County	Clearwater County
Freeborn County	Freeborn County
Hubbard County	Hubbard County
Itasca County	Itasca County
Kanabec County	Kanabec County

LABOR SURPLUS AREAS ELIGIBLE FOR FEDERAL PROCUREMENT PREFERENCE—Continued

[October 1, 1992 through September 30, 1993]

Eligible labor surplus areas	Civil jurisdictions included
Kittson County	Kittson County
Lake County	Lake County
Mahnomen County	Mahnomen County
Marshall County	Marshall County
Meeker County	Meeker County
Morrison County	Morrison County
Pennington County	Pennington County
Pine County	Pine County
Red Lake County	Red Lake County
Todd County	Todd County
Wadena County	Wadena County
Mississippi	
Adams County	Adams County
Alcorn County	Alcorn County
Attala County	Attala County
Benton County	Benton County
Biloxi City	Biloxi City in Harrison County
Bolivar County	Bolivar County
Calhoun County	Calhoun County
Carroll County	Carroll County
Chickasaw County	Chickasaw County
Choctaw County	Choctaw County
Claiborne County	Claiborne County
Clarke County	Clarke County
Clay County	Clay County
Coahoma County	Coahoma County
Columbus City	Columbus City in Lowndes County
Copiah County	Copiah County
Covington County	Covington County
Franklin County	Franklin County
George County	George County
Greene County	Greene County
Greenville City	Greenville City in Washington County
Grenada County	Grenada County
Gulfport City	Gulfport City in Harrison County
Holmes County	Holmes County
Humphreys County	Humphreys County
Issaquena County	Issaquena County
Itawamba County	Itawamba County
Jasper County	Jasper County
Jefferson County	Jefferson County
Jefferson Davis County	Jefferson Davis County
Jones County	Jones County
Kemper County	Kemper County
Lawrence County	Lawrence County
Leake County	Leake County
Balance of Lee County	Lee County less Tupelo City
Leflore County	Leflore County
Lincoln County	Lincoln County
Marion County	Marion County
Marshall County	Marshall County
Monroe County	Monroe County
Montgomery County	Montgomery County
Neshoba County	Neshoba County
Noxubee County	Noxubee County
Panola County	Panola County
Pascagoula City	Pascagoula City in Jackson County
Pearl River County	Pearl River County
Perry County	Perry County
Pike County	Pike County
Prentiss County	Prentiss County
Quitman county	Quitman County
Sharkey County	Sharkey County
Stone County	Stone County
Sunflower County	Sunflower County
Tallahatchie County	Tallahatchie County
Tate County	Tate County
Tippah County	Tippah County

LABOR SURPLUS AREAS ELIGIBLE FOR FEDERAL PROCUREMENT PREFERENCE—Continued

[October 1, 1992 through September 30, 1993]

Eligible labor surplus areas	Civil jurisdictions included
Tishomingo County	Tishomingo County
Tunica County	Tunica County
Vicksburg City	Vicksburg City in Warren County
Walthall County	Walthall County
Balance of Washington County.	Washington County less Greenville City
Wayne County	Wayne County
Webster County	Webster County
Wilkinson County	Wilkinson County
Winston County	Winston County
Yalobusha County	Yalobusha County
Yazoo County	Yazoo County
Missouri	
Bates County	Bates County
Benton County	Benton County
Bollinger County	Bollinger County
Butler County	Butler County
Caldwell County	Caldwell County
Carroll County	Carroll County
Carter County	Carter County
Crawford County	Crawford County
Dallas County	Dallas County
Dent County	Dent County
Douglas County	Douglas County
Dunklin County	Dunklin County
Franklin County	Franklin County
Henry County	Henry County
Hickory County	Hickory County
Iron County	Iron County
Jefferson County	Jefferson County
Laclede County	Laclede County
Lincoln County	Lincoln County
Linn County	Linn County
Madison County	Madison County
Miller County	Miller County
Mississippi County	Mississippi County
Montgomery County	Montgomery County
Morgan County	Morgan County
New Madrid County	New Madrid County
Pemiscot County	Pemiscot County
Ray County	Ray County
Reynolds County	Reynolds County
Ripley County	Ripley County
Scott County	Scott County
Shannon County	Shannon County
St Louis City	St Louis City
St. Clair County	St. Clair County
St. Francois County	St. Francois County
Ste. Genevieve County	Ste. Genevieve County
Stoddard County	Stoddard County
Stone County	Stone County
Taney County	Taney County
Texas County	Texas County
Warren County	Warren County
Washington County	Washington County
Wayne County	Wayne County
Webster County	Webster County
Wright County	Wright County
Montana	
Big Horn County	Big Horn County
Blaine County	Blaine County
Butte—Silver Bow City	Butte—Silver Bow City in Silver Bow County
Deer Lodge County	Deer Lodge County
Fergus County	Fergus County
Flathead County	Flathead County
Glacier County	Glacier County
Golden Valley County	Golden Valley County
Granite County	Granite County
Lake County	Lake County
Lincoln County	Lincoln County
Mineral County	Mineral County
Musselshell County	Musselshell County
Park County	Park County
Ravalli County	Ravalli County
Roosevelt County	Roosevelt County
Rosebud County	Rosebud County
Sanders County	Sanders County
Balance of Silver Bow County.	Silver Bow County less Butte—Silver Bow City
Nevada	
North Las Vegas City	North Las Vegas City in Clark County
New Hampshire	
Belknap County	Belknap County
Balance of Rockingham County.	Rockingham County less Portsmouth City
New Jersey	
Atlantic City	Atlantic City in Atlantic County
Camden City	Camden City in Camden County
Cape May County	Cape May County
Balance of Cumberland County.	Cumberland County Less Millville City
Vineland City	
East Orange City	East Orange City in Essex County
Elizabeth City	Elizabeth City in Union County
Garfield City	Garfield City in Bergen County
Hoboken City	Hoboken City in Hudson County
Jersey City	Jersey City in Hudson County
Lakewood Township	Lakewood Township in Ocean County
Millville City	Millville City in Cumberland County
Newark City	Newark City in Essex County
Passaic City	Passaic City in Passaic County
Paterson City	Paterson City in Passaic County
Pemberton Township	Pemberton Township in Burlington County
Perth Amboy City	Perth Amboy City in Middlesex County
Plainfield City	Plainfield City in Union County.
Trenton City	Trenton City in Mercer County
Union City	Union City in Hudson County
Vineland City	Vineland City in Cumberland County
West New York Town	West New York Town in Hudson County
New Mexico	
Alamogordo City	Alamogordo City in Otero County
Catron County	Catron County
Cibola County	Cibola County
Colfax County	Colfax County
De Baca County	De Baca County
Balance of Dona Ana County.	Dona Ana County Less Las Cruces City
Grant County	Grant County
Guadalupe County	Guadalupe County
Harding County	Harding County
Luna County	Luna County
McKinley County	McKinley County
Mora County	Mora County
Rio Arriba County	Rio Arriba County
Roswell City	Roswell City in Chaves County
Balance of San Juan County.	San Juan County Less Farmington City
San Miguel County	San Miguel County
Taos County	Taos County
Torrance County	Torrance County
Valencia County	Valencia County
New York	
Auburn City	Auburn City in Cayuga County
Bronx County	Bronx County
Buffalo City	Buffalo City in Erie County
Cattaraugus County	Cattaraugus County
Essex County	Essex County
Franklin County	Franklin County
Fulton County	Fulton County
Genesee County	Genesee County
Hamilton County	Hamilton County
Balance of Jefferson County.	Jefferson County Less Watertown City
Kings County	Kings County
Lewis County	Lewis County
Lockport City	Lockport City in Niagara County
Montgomery County	Montgomery County
Niagara Falls City	Niagara Falls City in Niagara County
Oswego County	Oswego County
St. Lawrence County	St. Lawrence County
Warren County	Warren County
Watertown City	Watertown City in Jefferson County
Wyoming County	Wyoming County
North Carolina	
Bladen County	Bladen County
Brunswick County	Brunswick County
Cherokee County	Cherokee County
Goldsboro City	Goldsboro City in Wayne County
Graham County	Graham County
Hyde County	Hyde County
McDowell County	McDowell County
Mitchell County	Mitchell County
Person County	Person County
Robeson County	Robeson County
Scotland County	Scotland County
Swain County	Swain County
Tyrell County	Tyrrell County
Vance County	Vance County
Warren County	Warren County
Wilson City	Wilson City in Wilson County
North Dakota	
Benson County	Benson County
Eddy County	Eddy County
Kidder County	Kidder County
McHenry County	McHenry County
Pembina County	Pembina County
Rolette County	Rolette County
Sioux County	Siox County
Ohio	
Adams County	Adams County
Ashtabula County	Ashtabula County
Brown County	Brown County
Canton City	Canton City in Stark County
Cleveland City	Cleveland City in Cuyahoga County
Crawford County	Crawford County

LABOR SURPLUS AREAS ELIGIBLE FOR FEDERAL PROCUREMENT PREFERENCE—Continued

[October 1, 1992 through September 30, 1993]

Eligible labor surplus areas	Civil jurisdictions included
Dayton City	Dayton City in Montgomery County
Defiance County	Defiance County
East Cleveland City	East Cleveland City in Cuyahoga County
Elyria City	Elyria City in Lorain County
Fulton County	Fulton County
Gallia County	Gallia County
Guernsey County	Guernsey County
Hardin County	Hardin County
Harrison County	Harrison County
Henry County	Henry County
Highland County	Highland County
Hocking County	Hocking County
Huron County	Huron County
Jackson County	Jackson County
Lima City	Lima City in Allen County
Lorain City	Lorain City in Lorain County
Balance of Lorain County.	Lorain County Less Elyria City
	Lorain City
Mansfield City	Mansfield City in Richland County
Marion City	Marion City in Marion County
Massillon City	Massaillon City in Stark County
Meigs County	Meigs County
Middletown City	Middletown City in Butler County
Monroe County	Monroe County
Morgan County	Morgan County
Morrow County	Morrow County
Balance of Muskingum County.	Muskingum County Less Zanesville City
Noble County	Noble County
Ottawa County	Ottawa County
Paulding County	Paulding County
Perry County	Perry County
Pike County	Pike County
Putnam County	Putnam County
Balance of Richland County.	Richland County Less Mansfield City
Ross County	Ross County
Sandusky County	Sandusky County
Scioto County	Scioto County
Seneca County	Seneca County
Springfield City	Springfield City in Clark County
Toledo City	Toledo City in Lucas County
Vinton County	Vinton County
Warren City	Warren City in Trumbull County
Wyandot County	Wyandot County
Youngstown City	Youngstown City in Mahoning County
Zanesville City	Zanesville City in Muskingum County
Oklahoma	
Caddo County	Caddo County
Choctaw County	Choctaw County
Coal County	Coal County
Cotton County	Cotton County
Creek County	Creek County
Grady County	Grady County
Haskell County	Haskell County
Hughes County	Hughes County
Latimer County	Latimer County
Le Flore County	Le Flore County
Mayes County	Mayes County
McCurtain County	McCurtain County
Murray County	Murray County
Muskogee City	Muskogee City in Muskogee County
Balance of Muskogee County.	Muskogee County less Muskogee City
Nowata County	Nowata County
Okmulgee County	Okmulgee County
Ottawa County	Ottawa County
Pittsburg County	Pittsburg County
Pushmataha County	Pushmataha County
Rogers County	Rogers County
Seminole County	Seminole County
Sequoyah County	Sequoyah County
Shawnee City	Shawnee City in Pottawatomie County
Tillman County	Tillman County
Oregon	
Baker County	Baker County
Columbia County	Columbia County
Coos County	Coos County
Douglas County	Douglas County
Grant County	Grant County
Harney County	Harney County
Hood River County	Hood River County
Josephine County	Josephine County
Klamath County	Klamath County
Lake County	Lake County
Balance of Linn County	Linn County Less Albany City
Morrow county	Morrow county
Springfield city	Springfield city in Lane county
Umatilla county	Umatilla county
Wallowa county	Wallowa county
Wasco county	Wasco county
Wheeler county	Wheeler county
Pennsylvania	
Altoona city	Altoona city in Blair county
Armstrong county	Armstrong county
Beaver county	Beaver county
Bedford county	Bedford county
Balance of Blair county	Blair county less Altoona city
Bristol township	Bristol township in Bucks county
Balance of Cambria county.	Cambria county less Johnstown city
Cameron county	Cameron county
Carbon county	Carbon county
Clarion county	Clarion county
Clearfield county	Clearfield county
Clinton county	Clinton county
Columbia county	Columbia county
Crawford county	Crawford county
Elk county	Elk county
Erie city	Erie city in Erie county
Fayette county	Fayette county
Forest county	Forest county
Fulton county	Fulton county
Greene county	Greene county
Hazleton city	Hazleton city in Luzerne county
Huntingdon county	Huntingdon county
Indiana county	Indiana county
Jefferson county	Jefferson county
Johnstown city	Johnstown city in Cambria county
Juniata county	Juniata county
Balance of Luzerne county.	Luzerne county less Hazleton city
	Wilkes-Barre city
Balance of Lycoming county.	Lycoming county less Williamsport city
Mifflin county	Mifflin county
Monroe county	Monroe county
Northumberland county	Northumberland county
Potter county	Potter county
Reading city	Reading city in Berks county
Schuylkill county	Schuylkill county
Snyder county	Snyder county
Somerset county	Somerset county
Susquehanna county	Susquehanna county
Tioga county	Tioga county
Wayne county	Wayne county
Wilkes-Barre city	Wilkes-Barre city in Luzerne county
Williamsport city	Williamsport city in Lycoming county
Wyoming county	Wyoming county
Puerto Rico	
Adjuntas Municipio	Adjuntas Municipio
Aguada Municipio	Aguada Municipio
Aguadilla Municipio	Aguadilla Municipio
Aguas Buenas Municipio	Aguas Buenas Municipio
Aibonito Municipio	Aibonito Municipio
Anasco Municipio	Anasco Municipio
Arecibo Municipio	Arecibo Municipio
Arroyo Municipio	Arroyo Municipio
Barceloneta Municipio	Barceloneta Municipio
Barranquitas Municipio	Barranquitas Municipio
Bayamon Municipio	Bayamon Municipio
Cabo Rojo Municipio	Cabo Rojo Municipio
Caguas Municipio	Caguas Municipio
Camuy Municipio	Camuy Municipio
Canovanas Municipio	Canovanas Municipio
Carolina Municipio	Carolina Municipio
Catano Municipio	Catano Municipio
Cayey Municipio	Cayey Municipio
Ceiba Municipio	Ceiba Municipio
Ciales Municipio	Ciales Municipio
Cidra Municipio	Cidra Municipio
Coamo Municipio	Coamo Municipio
Comerio Municipio	Comerio Municipio
Corozal Municipio	Corozal Municipio
Dorado Municipio	Dorado Municipio
Fajardo Municipio	Fajardo Municipio
Florida Municipio	Florida Municipio
Guanica Municipio	Guanica Municipio
Guayama Municipio	Guayama Municipio
Guayanilla Municipio	Guayanilla Municipio
Gurabo Municipio	Gurabo Municipio
Hatillo Municipio	Hatillo Municipio
Hormigueros Municipio	Hormigueros Municipio
Humacao Municipio	Humacao Municipio
Isabela Municipio	Isabela Municipio
Jayuya Municipio	Jayuya Municipio
Juana Diaz Municipio	Juana Diaz Municipio
Juncos Municipio	Juncos Municipio
Lajas Municipio	Lajas Municipio
Lares Municipio	Lares Municipio
Las Marias Municipio	Las Marias Municipio
Las Piedras Municipio	Las Piedras Municipio
Loiza Municipio	Loiza Municipio
Luquillo Municipio	Luquillo Municipio
Manati Municipio	Manati Municipio
Maricao Municipio	Maricao Municipio
Maunabo Municipio	Maunabo Municipio
Mayaguez Municipio	Mayaguez Municipio
Moca Municipio	Moca Municipio
Morovis Municipio	Morovis Municipio
Naguabo Municipio	Naguabo Municipio
Naranjito Municipio	Naranjito Municipio
Orocovis Municipio	Orocovis Municipio
Patillas Municipio	Patillas Municipio
Penuelas Municipio	Penuelas Municipio
Ponce Municipio	Ponce Municipio

LABOR SURPLUS AREAS ELIGIBLE FOR FEDERAL PROCUREMENT PREFERENCE—Continued

[October 1, 1992 through September 30, 1993]

Eligible labor surplus areas	Civil jurisdictions included
Quebradillas Municipio	Quebradillas Municipio
Rincon Municipio	Rincon Municipio
Rio Grande Municipio	Rio Grande Municipio
Sabana Grande Municipio.	Sabana Grande Municipio
Salinas Municipio	Salinas Municipio
San German Municipio	San German Municipio
San Juan Municipio	San Juan Municipio
San Lorenzo Municipio	San Lorenzo Municipio
San Sebastian Municipio	San Sebastian Municipio
Santa Isabel Municipio	Santa Isabel Municipio
Toa Alta Municipio	Toa Alta Municipio
Toa Baja Municipio	Toa Baja Municipio
Trujillo Alto Municipio	Trujillo Alto Municipio
Utuado Municipio	Utuado Municipio
Vega Alta Municipio	Vega Alta Municipio
Vega Baja Municipio	Vega Baja Municipio
Vieques Municipio	Vieques Municipio
Villalba Municipio	Villalba Municipio
Yabucoa Municipio	Yabucoa Municipio
Yauco Municipio	Yauco Municipio
Rhode Island	
Bristol Town	Bristol Town
Burrillville Town	Burrillville Town
Central Falls City	Central Falls City
Charlestown Town	Charlestown Town
Coventry Town	Coventry Town
Cumberland Town	Cumberland Town
East Providence City	East Providence City
Foster Town	Foster Town
Johnston Town	Johnston Town
Lincoln Town	Lincoln Town
Little Compton Town	Little Compton Town
New Shoreham Town	New Shoreham Town
North Providence Town	North Providence Town
Pawtucket City	Pawtucket City
Providence City	Providence City
Scituate Town	Scituate Town
Tiverton Town	Tiverton Town
Warren Town	Warren Town
West Greenwich Town	West Greenwich Town
West Warwick Town	West Warwick Town
Woonsocket City	Woonsocket City
South Carolina	
Anderson City	Anderson City in Anderson County
Bamberg County	Bamberg County
Barnwell County	Barnwell County
Calhoun County	Calhoun County
Chester County	Chester County
Clarendon County	Clarendon County
Dillon County	Dillon County
Fairfield County	Fairfield County
Georgetown County	Georgetown County
Balance of Horry County	Horry County less Myrtle Beach City
Kershaw County	Kershaw County
Lancaster County	Lancaster County
Marion County	Marion County
Marlboro County	Marlboro County
McCormick County	McCormick County
Sumter City	Sumter City in Sumter County
Balance of Sumter County.	Sumter County less Sumter City
Union County	Union County
Williamsburg County	Williamsburg County
South Dakota	
Buffalo County	Buffalo County
Corson County	Corson County
Dewey County	Dewey County
Shannon County	Shannon County

LABOR SURPLUS AREAS ELIGIBLE FOR FEDERAL PROCUREMENT PREFERENCE—Continued

[October 1, 1992 through September 30, 1993]

Eligible labor surplus areas	Civil jurisdictions included
Tennessee	
Bedford County	Bedford County
Benton County	Benton County
Campbell County	Campbell County
Cannon County	Cannon County
Carroll County	Carroll County
Clarksville City	Clarksville City in Montgomery County
Cocke County	Cocke County
Columbia City	Columbia City in Maury County
Cumberland County	Cumberland County
Decatur County	Decatur County
Fayette County	Fayette County
Fentress County	Fentress County
Gibson County	Gibson County
Giles County	Giles County
Grainger County	Grainger County
Greene County	Greene County
Grundy County	Grundy County
Hamblen County	Hamblen County
Hardin County	Hardin County
Haywood County	Haywood County
Henderson County	Henderson County
Hickman County	Hickman County
Houston County	Houston County
Humphreys County	Humphreys County
Jackson County	Jackson County
Jefferson County	Jefferson County
Johnson County	Johnson County
Lake County	Lake County
Lauderdale County	Lauderdale County
Lawrence County	Lawrence County
Lewis County	Lewis County
Lincoln County	Lincoln County
Macon County	Macon County
Marion County	Marion County
Balance of Maury County	Maury County less Columbia City
McMinn County	McMinn County
McNairy County	McNairy County
Meigs County	Meigs County
Monroe County	Monroe County
Morgan County	Morgan County
Obion County	Obion County
Overton County	Overton County
Perry County	Perry County
Polk County	Polk County
Rhea County	Rhea County
Scott County	Scott County
Sevier County	Sevier County
Unicoi County	Unicoi County
Van Buren County	Van Buren County
Warren County	Warren County
Wayne County	Wayne County
White County	White County
Texas	
Balance of Angelina County.	Angelina County less Lufkin City
Baytown City	Baytown City in Harris County
Brooks County	Brooks County
Brownsville City	Brownsville City in Cameron County
Balance of Cameron County.	Cameron County less Brownsville City
	Harlingen City
Cass County	Cass County
Coleman County	Coleman County
Coryell County	Coryell County
Del Rio City	Del Rio City in Val Verde County
Dimmit County	Dimmit County
Duval County	Duval County

LABOR SURPLUS AREAS ELIGIBLE FOR FEDERAL PROCUREMENT PREFERENCE—Continued

[October 1, 1992 through September 30, 1993]

Eligible labor surplus areas	Civil jurisdictions included
Eagle Pass City	Eagle Pass City in Maverick County
Balance of Ector County	Ector County less Odessa City
Edinburg City	Edinburg City in Hidalgo County
Edwards County	Edwards County
El Paso City	El Paso City in El Paso County
Balance of El Paso County.	El Paso County less El Paso City
Frio County	Frio County
Harlingen City	Harlingen City in Cameron County
Henderson County	Henderson County
Balance of Hidalgo County.	Hidalgo County less Edinburg City McAllen City Mission City Pharr City Weslaco City
Jasper County	Jasper County
Jim Hogg County	Jim Hogg County
Jim Wells County	Jim Wells County
Killeen City	Killeen City in Bell County
La Salle County	La Salle County
Laredo City	Laredo City in Webb County
Liberty County	Liberty County
Longview City	Longview City in Gregg County Harrison County
Matagorda County	Matagorda County
Balance of Maverick County.	Maverick County less Eagle Pass City
McAllen City	McAllen City in Hidalgo County
McCulloch County	McCulloch County
Mission City	Mission City in Hidalgo County
Morris County	Morris County
Newton County	Newton County
Balance of Nueces County.	Nueces County less Corpus Christi City
Orange City	Orange City in Orange County
Balance of Orange County.	Orange County less Orange City
Paris City	Paris City in Lamar County
Pharr City	Pharr City in Hidalgo County
Port Arthur City	Port Arthur City in Jefferson County
Presidio County	Presidio County
Red River County	Red River County
Reeves County	Reeves County
Sabine County	Sabine County
San Patricio County	San Patricio County
Somervell County	Somervell County
Starr County	Starr County
Texarkana City Tex	Texarkana City Tex in Bowie County
Texas City	Texas City in Galveston County
Uvalde County	Uvalde County
Weslaco City	Weslaco City in Hidalgo County
Willacy County	Willacy County
Zapata County	Zapata County
Zavala County	Zavala County
Utah	
Duchesne County	Duchesne County

LABOR SURPLUS AREAS ELIGIBLE FOR FEDERAL PROCUREMENT PREFERENCE—Continued

[October 1, 1992 through September 30, 1993]

Eligible labor surplus areas	Civil jurisdictions included
Emery County	Emery County
Garfield County	Garfield County
Piute County	Piute County
San Juan County	San Juan County
Sanpete County	Sanpete County
Wayne County	Wayne County
Vermont	
Essex County	Essex County
Franklin County	Franklin County
Grand Isle County	Grand Isle County
Orleans County	Orleans County
Virginia	
Alleghany County	Alleghany County
Bath County	Bath County
Brunswick County	Brunswick County
Buchanan County	Buchanan County
Buena Vista City	Buena Vista City
Caroline County	Caroline County
Carroll County	Carroll County
Charlotte County	Charlotte County
Clifton Forge City	Clifton Forge City
Covington City	Covington City
Danville City	Danville City
Dickenson County	Dickenson County
Floyd County	Floyd County
Galax City	Galax City
Giles County	Giles County
Grayson County	Grayson County
Halifax County	Halifax County
Henry County	Henry County
Highland County	Highland County
Lancaster County	Lancaster County
Lee County	Lee County
Lunenburg County	Lunenburg County
Martinsville City	Martinsville City
Balance of Montgomery County.	Montgomery County less Blacksburg Town
Northampton County	Northampton County
Northumberland County	Northumberland County
Norton City	Norton City
Page County	Page County
Petersburg City	Petersburg City
Pittsylvania County	Pittsylvania County
Prince Edward County	Prince Edward County
Pulaski County	Pulaski County
Radford City	Radford City
Rappahannock County	Rappahannock County
Russell County	Russell County
Smyth County	Smyth County
South Boston City	South Boston City
Surry County	Surry County
Tazewell County	Tazewell County
Warren County	Warren County
Westmoreland County	Westmoreland County
Wise County	Wise County
Wytho County	Wythe County
Washington	
Adams County	Adams County
Chelan County	Chelan County
Clallam County	Clallam County
Columbia County	Columbia County
Balance of Cowlitz County.	Cowlitz County less Longview City
Douglas County	Douglas County
Ferry County	Ferry County
Franklin County	Franklin County
Grant County	Grant County
Grays Harbor County	Grays Harbor County
Kennewick City	Kennewick City in Benton County
Kittitas County	Kittitas County
Klickitat County	Klickitat County
Lewis County	Lewis County
Mason County	Mason County
Okanogan County	Okanogan County
Pacific County	Pacific County
Pend Oreille County	Pend Oreille County
Skagit County	Skagit County
Skamania County	Skamania County
Stevens County	Stevens County
Wahkiakum County	Wahkiakum County
Yakima City	Yakima City in Yakima County
Balance of Yakima County.	Yakima County less Yakima City
West Virginia	
Barbour County	Barbour County
Berkeley County	Berkeley County
Boone County	Boone County
Braxton County	Braxton County
Brooke County	Brooke County
Balance of Cabell County.	Cabell County Less Huntington City
Calhoun County	Calhoun County
Clay County	Clay County
Doddridge County	Doddridge County
Fayette County	Fayette County
Gilmer County	Gilmer County
Grant County	Grant County
Greenbrier County	Greenbrier County
Hampshire County	Hampshire County
Hancock County	Hancock County
Hardy County	Hardy County
Harrison County	Harrison County
Jackson County	Jackson County
Jefferson County	Jefferson County
Lewis County	Lewis County
Lincoln County	Lincoln County
Logan County	Logan County
Marion County	Marion County
Balance of Marshall County.	Marshall County Less Wheeling City
Mason County	Mason County
McDowell County	McDowell County
Mercer County	Mercer County
Mingo County	Mingo County
Monroe County	Monroe County
Morgan County	Morgan County
Nicholas County	Nicholas County
Parkersburg City	Parkersburg City In Wood County
Pleasants County	Pleasants County
Pocahontas County	Pocahontas County
Preston County	Preston County
Putnam County	Putnam County
Raleigh County	Raleigh County
Randolph County	Randolph County
Ritchie County	Ritchie County
Roane County	Roane County
Summers County	Summers County
Taylor County	Taylor County
Tucker County	Tucker County
Tyler County	Tyler County
Upshur County	Upshur County
Balance of Wayne County.	Wayne County Less Huntington City
Webster County	Webster County
Wetzel County	Wetzel County
Wirt County	Wirt County
Balance of Wood County	Wood County Less Parkersburg City
Wyoming County	Wyoming County
Wisconsin	
Balance of Calumet County.	Calumet County Less Appleton City
Clark County	Clark County
Green Lake County	Green Lake County
Janesville City	Janesville City in Rock County
Kenosha City	Kenosha City in Kenosha County
Marinette County	Marinette County
Menominee County	Menominee County
Oconto County	Oconto County
Racine City	Racine City in Racine County
Rusk County	Rusk County
Sawyer County	Sawyer County
Washburn County	Washburn County

[FR Doc. 92-24079 Filed 10-5-92; 8:45 am]

BILLING CODE 4510-30-M

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Records Schedules; Availability and Request for Comments

AGENCY: National Archives and Records Administration, Office of Records Administration.

ACTION: Notice of availability of proposed records schedules; request for comments.

SUMMARY: The National Archives and Records Administration (NARA) publishes notice at least once monthly of certain Federal agency requests for records disposition authority (records schedules). Records schedules identify records of sufficient value to warrant preservation in the National Archives of the United States. Schedules also authorize agencies after a specified period to dispose of records lacking administrative, legal, research, or other value. Notice is published for records schedules that (1) propose the destruction of records not previously authorized for disposal, or (2) reduce the retention period for records already authorized for disposal. NARA invites public comments on such schedules, as required by 44 U.S.C. 3303a(a).

DATES: Request for copies must be received in writing on or before November 20, 1992. Once the appraisal of the records is completed, NARA will send a copy of the schedule. The requester will be given 30 days to submit comments.

ADDRESSES: Address requests for single copies of schedules identified in this notice to the Records Appraisal and Disposition Division (NIR), National

Archives and Records Administration, Washington, DC 20408. Requesters must cite the control number assigned to each schedule when requesting a copy. The control number appears in the parentheses immediately after the name of the requesting agency.

SUPPLEMENTARY INFORMATION: Each year U.S. Government agencies create billions of records on paper, film, magnetic tape, and other media. In order to control this accumulation, agency records managers prepare records schedules specifying when the agency no longer needs the records and what happens to the records after this period. Some schedules are comprehensive and cover all the records of an agency or one of its major subdivisions. These comprehensive schedules provide for the eventual transfer to the National Archives of historically valuable records and authorize the disposal of all other records. Most schedules, however, cover records of only one office or program or a few series of records, and many are updates of previously approved schedules. Such schedules also may include records that are designated for permanent retention.

Destruction of records requires the approval of the Archivist of the United States. This approval is granted after a thorough study of the records that takes into account their administrative use by the agency of origin, the rights of the Government and of private persons directly affected by the Government's activities, and historical or other value.

This public notice identifies the Federal agencies and their subdivisions requesting disposition authority, includes the control number assigned to each schedule, and briefly describes the records proposed for disposal. The records schedule contains additional information about the records and their disposition. Further information about the disposition process will be furnished to each requester.

Schedules Pending

1. Department of Commerce, Patent and Trademark Office (N1–241–92–3). Quality review samples of allowed patent applications.

2. Department of Defense, Office of the Secretary (N1–330–92–7). Routine records of the Defense Protective Service.

3. Department of Education, Office of Postsecondary Education (N1–441–92–1). Records relating to the Pell Grant program.

4. Department of Health and Human Services, Administration for Children and Families (N1–292–92–3). Records of Project SHARE, 1978–88.

5. Department of the Interior, Bureau of Mines (N1–70–92–1). Administrative records.

6. Department of Labor, Office of Management, Administration and Planning (N1–448–92–1). Comprehensive schedule covering personnel, management, automation, and support services records.

7. Department of State, Bureau of Economic Affairs (N1–59–92–27). Duplicative and fragmentary records.

8. Department of State (N1–59–92–26). Bureau of Intelligence and Research (N1–59–92–28). Routine, facilitative, and fragmentary records.

9. Department of State, All Foreign Service Posts (N1–84–92–3). Duplicate architectural drawings.

10. Department of the Treasury, Financial Management Service (N1–425–92–1). Presidential authorization letters for expenditures under the Emergency Relief Appropriation Acts of 1935–1942.

11. Defense Logistics Agency (N1–361–92–4). Routine records relating to alternative fuels.

12. United States Information Agency (N1–306–92–1). Public Diplomacy Query System indexes and text.

Dated: September 28, 1992.

Don W. Wilson,

Archivist of the United States.

[FR Doc. 92–24179 Filed 10–5–92; 8:45 am]

BILLING CODE 7515–01–M

NATIONAL SCIENCE FOUNDATION

Meeting

The National Science Foundation announces the following meeting:

Name: Materials Research Advisory Committee (MARC).

Place: State Plaza Hotel, Diplomat Room, 2117 E Street, NW., Washington, DC 20037.

Date: Thursday, October 15 and Friday, October 16, 1992.

Time: 8:30 a.m.–5 p.m. (Thursday), 9 a.m.–5 p.m. (Friday).

Type of Meeting: Open.

Contact Person: Dr. John H. Hopps, Jr., Director, Division of Materials Research (DMR); room 408, National Science Foundation, Washington, DC 20550, Telephone: (202) 357–9794. FAX: (202) 357–7959.

Minutes: May be obtained from the contact person, Dr. John H. Hopps, Jr., at the above stated address.

Purpose of Committee: To provide advice and recommendations concerning support of materials research.

Agenda: Thursday, October 15, 1992.

8:30 a.m.—Introductory Remarks and Adoption of Minutes.

9 a.m.—DMR Status Reports and Budget Briefing.

11:30 a.m.—Presentation by Dr. Raymond Bye and Dr. Charles Brownstein on the Special Commission on the Future of the NSF.

12:15 p.m.—Working Lunch.

1:30 p.m.—Presentation by Dr. La Verne Hess on Advanced Manufacturing Technologies Initiative.

2:30 p.m.—Division Director's Perspective.

3 p.m.—Discussion of Strategic Planning for the Division of Materials Research.

5 p.m.—Adjourn.

Friday, October 16, 1992.

9 a.m.—Summary Discussion and Development of MRAC Strategic Planning Action Items.

10:30 a.m.—Meeting with Dr. Walter E. Massey, Director, NSF.

11:30 a.m.—Committee Free Discussion Period.

12 Noon—Working Lunch; Meeting with Dr. William Harris, Assistant Director, Directorate for Mathematical and Physical Sciences.

1 p.m.—Break.

1:30 p.m.—Discussion of Tactical Planning for the Division of Materials Research.

4:30 p.m.—Development of MRAC Tactical Planning Action Items.

5 p.m.—Adjourn.

Reason for Late Notice: Agenda re-evaluated and modified, in collaboration with MRAC Chairman, to allow appropriate consideration of issues related to the NSF Special Commission.

Dated: October 1, 1992.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 92–24239 Filed 10–5–92; 8:45 am]

BILLING CODE 7555–01–M

RAILROAD RETIREMENT BOARD

Agency Forms Submitted for OMB Review

SUMMARY: In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35), the Railroad Retirement Board has submitted the following proposal(s) for the collection of information to the Office of Management and Budget for review and approval.

Summary of Proposal(s)

(1) *Collection title:* Medical Reports.

(2) *Form(s) submitted:* G–3EMP, G–250, G–260, RL–11b and RL–11d.

(3) *OMB Number:* 3220–0038.

(4) *Expiration date of current OMB clearance:* One year from date of OMB approval.

(5) *Type of request:* Extension of the expiration date of a currently approved collection without any change in the substance or in the method of collection.

(6) *Frequency of response:* On occasion.

(7) *Respondents:* State or local governments, Businesses or other for-

profit, Non-profit institutions, Small businesses or organizations.

(8) *Estimated annual number of respondents:* 27,400.

(9) *Total annual responses:* 27,400.

(10) *Average time per response:* .38883 hours.

(11) *Total annual reporting hours:* 10,654.

(12) *Collection description:* The Railroad Retirement Act provides disability annuities for qualified railroad employees whose physical or mental condition renders them incapable of working in their regular occupation (occupational disability) or any occupation (total disability). The medical reports obtain information needed for determining the nature and severity of the impairment.

ADDITIONAL INFORMATION OR COMMENTS: Copies of the form and supporting documents can be obtained from Dennis Eagan, the agency clearance officer (312–751–4693). Comments regarding the information collection should be addressed to Ronald J. Hodapp, Railroad Retirement Board, 844 N. Rush Street, Chicago, Illinois 60611–2092 and the OMB reviewer, Laura Oliven (202–395–7316), Office of Management and Budget, room 3002, New Executive Office Building, Washington, DC 20503.

Dennis Eagan,

Clearance Officer.

[FR Doc. 92–24178 Filed 10–5–92; 8:45 am]

BILLING CODE 7905-01-M

DEPARTMENT OF TRANSPORTATION

Aviation Proceedings; Agreements Filed During the Week Ended September 25, 1992

The following Agreements were filed with the Department of Transportation under the provisions of 49 U.S.C. 412 and 414. Answers may be filed within 21 days of date of filing.

Docket Number: 48365.

Date filed: September 22, 1992.

Parties: Members of the International Air Transport Association.

Subject: TC31 Mail Vote 597–Commodity Rate For Fish.

Proposed Effective Date: October 1, 1992.

Phyllis T. Kaylor,

Chief, Documentary Services Division.

[FR Doc. 92–24196 Filed 10–5–92; 8:45 am]

BILLING CODE 4910-62-M

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q During the Week Ended September 25, 1992

The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under subpart Q of the Department of Transportation's Procedural Regulations (See 14 CFR 302.1701 et. seq.). The due date for Answer, Conforming Applications, or Motions to Modify Scope are set forth below for each application. Following the Answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket Number: 48363.

Date filed: September 21, 1992.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: October 19, 1992.

Description: Application of Scibe-Airlift S.P.R.L., pursuant to section 402 of the Act and subpart Q of the Regulations, for a foreign air carrier permit to authorize charter foreign air transportation of persons, property and mail between a point or points in the Republic of Zaire and a point or points in the United States.

Docket Number: 48367.

Date filed: September 24, 1992.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: October 22, 1992.

Description: Application of Millon Air, Inc., pursuant to section 401 of the Act and subpart Q of the Regulations requests amendment of its certificate of public convenience and necessity issued by Order 91–5–24 so as to authorize scheduled transportation of property and mail between the United States and Bolivia, between the United States and Chile, between the United States and the Dominican Republic, between the United States and Ecuador, between the United States and Honduras, between the United States and Nicaragua, and between the United States and Venezuela.

Docket Number: 48373.

Date filed: September 25, 1992.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: October 23, 1992.

Description: Application of American Airlines, Inc., pursuant to section 401 of the Act of the Act and subpart Q of the Regulations, applies for renewal of its certificate of public convenience and necessity for Route 370 (Dallas/Ft. Worth-London/Amsterdam/Brussels), and for the addition of a new condition authorizing the integration of route authority on American's certificates for Routes 370, 137, and 602.

Docket Number: 43591.

Date filed: September 24, 1992.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: October 22, 1992.

Description: Application of USAir, Inc., pursuant to section 401 of the Act and subpart Q of the Regulations requests renewal of the Cleveland-Toronto/Montreal authority in its certificate for Route 291 for a period of five years.

Docket Number: 45008.

Date filed: September 24, 1992.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: October 22, 1992.

Description: Application of USAir, Inc., pursuant to section 401 of the Act and subpart Q of the Regulations, for renewal of New York-Ottawa authority in its certificate for Route 540 for a period of five years.

Phyllis T. Kaylor,

Chief, Documentary Services Division.

[FR Doc. 92–24197 Filed 10–5–92; 8:45 am]

BILLING CODE 4910-62-M

Office of the Secretary

Fitness Determination of New Hampshire Helicopters, Inc.; d/b/a Business Helicopters

AGENCY: Department of Transportation.

ACTION: Notice of commuter air carrier fitness determination; Order 92–9–71, Order to Show Cause.

SUMMARY: The Department of Transportation is proposing to find that New Hampshire Helicopters, Inc. d/b/a Business Helicopters is fit, willing, and able to provide commuter air service under section 419(e) of the Federal Aviation Act.

RESPONSES: All interested persons wishing to respond to the Department of Transportation's tentative fitness determination should file their responses with the Air Carrier Fitness Division, P–56, Department of Transportation, 400 Seventh Street, SW., room 6401, Washington, DC 20590, and serve them on all persons listed in Attachment A to the order. Responses shall be filed no later than October 15, 1992.

FOR FURTHER INFORMATION CONTACT: Ms. Delores King, Air Carrier Fitness Division (P–56, room 6401), U.S. Department of Transportation. 400

Seventh Street, SW., Washington, DC 20590, (202) 366–2343.

Dated: September 30, 1992.

Jeffrey N. Shane,

Assistant Secretary for Policy and International Affairs.

[FR Doc. 92–24198 Filed 10–5–92; 8:45 am]

BILLING CODE 4910–62–M

Federal Aviation Administration

[Summary Notice No. PE–92–26]

Petition for Exemption; Summary of Petitions Received; Disposition of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions; Correction.

SUMMARY: This action makes a correction to the comment close date for a notice of petitions for exemption published on September 22, 1992, (57 FR 43770). This action corrects that error.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before October 12, 1992.

ADDRESSES: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of Chief Counsel, attn: Rules Docket (AGC–10), Petition Docket No. ————, 800 Independence Avenue, SW., Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT: Mr. C. Nick Spithas, Office of Rulemaking (ARM–1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-9704.

SUPPLEMENTARY INFORMATION: The document was published September 22, 1992, (57 FR 43770). In the third column under "Dates", the comment date should read October 12, 1992. Please change the docket number to read October 12, 1992, instead of October 12, 1993.

Issued in Washington, DC, on September 29, 1993.

Denise Castaldo,

Manager, Program Management Staff.

[FR Doc. 92–24122 Filed 10–5–92; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 92–94]

Revocation of Commercial Gauger Approval of SGS Hawaii, Inc. of Honolulu, HI

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

ACTION: Notice of revocation of the Customs approval of a commercial gauger.

SUMMARY: SGS Hawaii, Inc. of Honolulu, Hawaii has notified the U.S. Customs Service that they no longer have a need to operate as a Customs approved commercial gauger and have requested that Customs revoke its approval. Therefore, pursuant to § 151.13. of the Customs Regulations (19 CFR 151.13), the Customs approval granted to SGS Hawaii, Inc. to gauge petroleum and petroleum products, organic chemicals in bulk and liquid form and vegetable oils has been revoked in full, without prejudice.

EFFECTIVE DATE: September 25, 1992.

FOR FURTHER INFORMATION CONTACT: Ira S. Reese, Special Assistant for Commercial and Tariff Affairs, Office of Laboratories and Scientific Services, U.S. Customs Service, Room 7113, 1301 Constitution Avenue NW., Washington, DC 20229 (202) 927–1060.

Dated: September 30, 1992.

John B. O'Loughlin,

Director, Office of Laboratories and Scientific Services.

[FR Doc. 92–24124 Filed 10–5–92; 8:45 am]

BILLING CODE 4820–02–M

Denial of Application to Restrict Parallel Imports Bearing Genuine Trademarks

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

ACTION: Denial of application to restrict parallel imports bearing genuine trademarks.

SUMMARY: This document gives notice of the denial of an application to prevent the importation of certain goods bearing genuine "Duracell" trademarks which was submitted to take advantage of the terms of a district court injunction requiring the U.S. Customs Service to provide protection to trademarks meeting certain criteria.

FOR FURTHER INFORMATION CONTACT: John F. Atwood, Chief, Intellectual Property Rights Branch, 1301 Constitution Avenue, NW., room 2104, Washington, DC 20229 (202–927–0850).

SUPPLEMENTARY INFORMATION:

Background

On April 28, 1992, The United States District Court for the District of Columbia issued an amended order in *Lever Brothers Co.* v. *United States*, No. 86–3151 (HHG), which enjoined the U.S. Customs Service from allowing the importation of foreign-made goods otherwise admissible under 19 CFR 133.21(c)(2) that bear a trademark identical to a valid United States trademark but which are materially physically different. That order has been appealed to the U.S. Court of Appeals for the D.C. Circuit. *Lever Bros. Co.* v. *United States*, Appeal No. 92–5185. As a result of the district court action, and pending further action by a court or final resolution of the appeal, owners of recorded trademarks that are under common ownership or control with foreign companies that use the trademark on foreign-made goods with material physical differences were invited to apply to Customs to stop the importation of those foreign-made goods (57 FR 28605).

In order to receive the protection as outlined by the district court, applicants must first show that the trademark owner requesting the protection falls within the scope of §133.21(c)(2) of the Customs Regulations, as opposed to §133.21(c)(1). The District Court for the District of Columbia ordered Customs to provide protection only when goods would otherwise be admissible under §133.21(c)(2), which applies to goods of a foreign trademark owner under common ownership or control with the U.S. trademark owner. Section (c)(1) applies to goods of a foreign trademark owner that also owns the U.S. trademark.

Applicants for protection under the terms of the court order must also show Customs that the foreign affiliate of the U.S. trademark owner uses the mark on goods with material physical differences. For this, applicants must show Customs that the goods are different, and also that the difference is "material". On June 26, 1992, by publication in the Federal Register (57 FR 28605), Customs invited trademark owners to notify Customs if they believe that the trademark owner and the goods bearing the trademark meet these criteria. The notice published on June 26, 1992, also stated that before final action would be taken on the application, consideration would be given to any relevant data, views, or arguments submitted in writing by any person opposing the application and that this notice of the action taken in response to

the application will be published in the **Federal Register.**

An application was submitted pursuant to the June 26, 1992, **Federal Register** notice, for a restriction against the importation of goods bearing genuine "Duracell" trademarks. The application from Duracell Inc., for protection against parallel imports is comprised of (1) a letter to the Commissioner of Customs dated July 7, 1992, (2) a letter to Barry P. Miller, Senior Attorney, Intellectual Property Rights Branch, dated August 21, 1992, and (3) a letter to John F. Atwood, Chief, Intellectual Property Rights Branch, also dated August 21, 1992. The July 7, 1992, letter sought to change the ownership of the recorded trademark and to apply for gray market protection under the terms of *Lever Brothers. Company* v. *United States of America,* No. 86–3151, slip op. (D.D.C. April 28, 1992). After a technical amendment required as a result of the expiration of the recordation for the trademark "DURACELL", the applicant submitted the August 21, 1992, letter to the Chief, Intellectual Property Rights, seeking to record the mark and obtain gray market protection. Although this letter included a request "pursuant to section 42 of the Lanham Act, 15 U.S.C. 1124 and section 526 of the Tariff Act, 19 U.S.C. 1526, that no goods bearing such trademark be permitted entry into this country," it contained no arguments in support of the application to receive gray market protection. The letter to the Senior Attorney, Intellectual Property Rights Branch, also dated August 21, 1992, contained the verbatim arguments in support of gray market protection found in the letter to the Commissioner.

After referencing the district court's findings in *Lever Brothers,* the applicant states in its submissions that material physical difference exists "[b]ecause of equally substantive and material differences between domestic[-] and foreign[-]produced Duracell batteries * * * [and because] the Belgian Duracell batteries were not shipped in a manner to protect the batteries from deterioration, that packaging information on the Belgian batteries was incomplete, [and] that similarities in the products led to consumer confusion."

Neither the manner of shipping nor packaging information constitutes a physical difference in the goods as required by the court's order. The statement that consumer confusion is caused by "similarities in the products" weighs against a finding of material physical differences in the goods. In the absence of other evidence on the Customs record, the application does not present a basis for protection, and is denied.

Customs received letters dated September 3, 1992, opposing the application from the International Mass Retain Association, Continent-Wide Enterprises, Ltd, and the Coalition for Competitive Imports. These letters can be viewed at the Intellectual Property Rights Branch, U.S. Customs Service, 1301 Constitution Ave., NW., room 2104, Washington, DC, on weekdays between the hours of 8:30 a.m. and 5 p.m.

Dated: September 30, 1992.

John F. Atwood,

Chief, Intellectual Property Rights Branch.

[FR Doc. 92–24126 Filed 10–5–92; 8:45 am]

BILLING CODE 4820–02–M

Fiscal Service

[Dept. Circ. 570, 1991—Rev., Supp. No. 28]

Surety Companies Acceptable on Federal Bonds Termination of Authority; American Hardware Mutual Insurance Co.

Notice is hereby given that the Certificate of Authority issued by the Treasury to American Hardware Mutual Insurance Company, of Minneapolis, Minnesota, under the United States Code, title 31, sections 9304–9308, to qualify as an acceptable surety on Federal bonds was terminated effective June 30, 1992.

The Company was last listed as an acceptable surety on Federal bonds at 57 FR 30132, July 1, 1991.

With respect to any bonds currently in force with American Hardware Mutual Insurance Company, bond-approving officers should secure new bonds with acceptable sureties in those instances where a significant amount of liability remains outstanding. In addition, bonds that are continuous in nature should not be renewed.

Questions concerning this notice may be directed to the Department of the Treasury, Financial Management Service, Funds Management Division, Surety Bond Branch, Washington, DC 20227, telephone (202/FTS) 874–6602.

Dated: August 4, 1992.

Charles F. Schwan, III,

Director, Funds Management Division.

[FR Doc. 92–24167 Filed 10–5–92; 8:45 am]

BILLING CODE 4810–35–M

Sunshine Act Meetings

Federal Register
Vol. 57, No. 194
Tuesday, October 6, 1992

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

U.S. CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 10:00 a.m., Tuesday, October 6, 1992.

LOCATION: Room 556, Westwood Towers, 5401 Westbard Avenue, Bethesda, Maryland.

STATUS: Closed to the Public.

MATTERS TO BE CONSIDERED:
Compliance Status Report.

The staff will brief the Commission on the status of various compliance matters.

For a Recorded Message Containing the Latest Agenda Information, Call (301) 504–0709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, Md. 20207 (301) 504–0800.

Dated: October 1, 1992.

Sheldon D. Butts,

Deputy Secretary.

[FR Doc. 92–24368 Filed 10–2–92; 8:45 am]

BILLING CODE 6355–01–M

U.S. CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 10:00 a.m., Thursday, October 8, 1992.

LOCATION: Room 556, Westwood Towers, 5401 Westbard Avenue, Bethesda, Maryland.

STATUS: Open to the Public.

MATTERS TO BE CONSIDERED: FY 1993 Operating Plan.

The staff will brief the Commission on the issues related to the Operating Plan for Fiscal Year 1993.

For a Recorded Message Containing the Latest Agenda Information, Call (301) 504–0709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, Md. 20207 (301) 504–0800.

Dated: October 1, 1992.

Sheldon D. Butts,

Deputy Secretary.

[FR Doc. 92–24369 Filed 10–2–92; 2:23 pm]

BILLING CODE 6355–01–M

FEDERAL COMMUNICATIONS COMMISSION

FCC To Hold Open Commission Meeting, Thursday, October 8, 1992

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Thursday, October 8, 1992, which is scheduled to commence at 9:30 a.m., in Room 856, at 1919 M Street, NW., Washington, DC.

Item No., Bureau, and Subject

1—Common Carrier, Office of International Communications—Title: Regulation of International Common Carrier Services (CC Docket No. 91–360, RM–7578). Summary: The Commission will consider adoption of a *Report and Order* concerning the regulation of international common carrier services.

2—Common Carrier—Title: In re Applications of fONOROLA Corporation (File No. I–T–C–91–103) and EMI Communications Corporation (File No. I–T–C–91–050). Summary: The Commission will consider adoption of a *Memorandum Opinion and Order and Authorization* concerning international private line resale between the United States and Canada.

3—Common Carrier—Title: In the Matter of Billed Party Preference for 0+ InterLATA Calls (CC Docket No. 92–77, Phase I). Summary: The Commission will consider adoption of a *Report and Order* concerning calling cards and pay telephones.

4—Office of Engineering and Technology—Title: Amendment of the Commission's Rules with Regard to the Establishment and Regulation of New digital audio radio services (Gen. Docket No. 90–357). Summary: The Commission will consider adoption of a *Notice of Proposed Rulemaking* to allocate spectrum for a satellite digital audio radio service.

5—Office of Engineering and Technology—Title: Amendment of the Commission's Rules to Establish New Personal Communications Services (Gen. Docket No. 90–314, RMs–7140, 7175 & 7618, PPs 4–20, 28, 27 & 41–78). Summary: The Commission will consider adoption of a *Tentative Decision and Memorandum Opinion and Order* concerning requests for pioneer's preference.

6—Office of Plans and Policy—Title: Inquiry into Encryption Technology for Satellite Cable Programming. Summary: The Commission will consider adoption of a *Notice of Inquiry* concerning competition in the provision of encryption equipment for satellite cable programming and related technological issues.

7—Private Radio—Title: Replacement of Part 90 by Part 88 to Revise the Private Land Mobile Radio Services and Modify the Policies Governing Them. Summary: The Commission will consider adoption of a *Notice of Proposed Rulemaking* to revise the Private Land Mobile Radio Services and generally promote spectrum efficiency.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Steve Svab, Office of Public Affairs, telephone number (202) 632–5050.

Issued: October 1, 1992.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 92–24390 Filed 10–2–92; 3:23 pm]

BILLING CODE 6712–01–M

FEDERAL MARITIME COMMISSION:

TIME AND DATE: 10:00 a.m., October 6, 1992.

PLACE: 1st Floor Hearing Room—Federal Maritime Commission, 800 North Capitol St., NW., Washington, DC 20573–0001.

STATUS: Closed.

MATTER(S) TO BE CONSIDERED: Maritime Administration/State Department Briefing on Discussions with Officials of Far East Countries.

CONTACT PERSON FOR MORE INFORMATION: Joseph C. Polking, Secretary, (202) 523–5725.

Joseph C. Polking,

Secretary.

[FR Doc. 92–24335 Filed 10–2–92; 1:28 pm]

BILLING CODE 6730–01–M

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

TIME AND DATE: 10 a.m., Thursday, October 8, 1992.

PLACE: Room 600, 1730 K Street, NW., Washington, DC.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following.

1. *Cyprus Empire Corporation*, Docket No. WEST 91–454–R, etc. (Issues include whether the judge erred in vacating two citations and an order of withdrawal issued by the Secretary of Labor that charged Cyprus with violations of 30 U.S.C. § 813(f) because of its refusal to allow a representative of its striking employees to accompany the Secretary's inspector during an inspection of its mine.)

2. *Aloe Coal Company*, Docket No. PENN 91–40, etc. (Issues include whether the judge erred in concluding that evidence of violations of safety standards obtained during a mine inspection conducted by the Secretary of Labor pursuant to 30 U.S.C.

§ 813(g)(1) at the request of a representative of Aloe's striking employees is admissible in Commission proceedings.)

Any person attending this meeting who requires special accessibility features and/or auxiliary aids, such as sign language interpreters, must inform the Commission in advance of those needs. Subject to 29 CFR §2706.150(a)(3) and § 2706.160(e).

CONTACT PERSON FOR MORE INFO: Jean Ellen (202) 653–5629/(202) 708–9300 for TDD Relay/1–800–877–8339 for toll free.

Dated: October 1, 1992.

Jean H. Ellen,

Agenda Clerk.

[FR Doc. 92–24374 Filed 10–2–92; 2:54 pm]

BILLING CODE 6735–01–M

FOREIGN CLAIMS SETTLEMENT COMMISSION

F.C.S.C. MEETING NOTICE NO. 1–93

ANNOUNCEMENT IN REGARD TO COMMISSION METTINGS AND HEARINGS

The Foreign Claims Settlement Commission, pursuant to its regulations (45 CFR Part 504), and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice in regard to the scheduling of open meetings and oral hearings for the transaction of Commission business and other matters specified, as follows:

Date, Time, and Subject Matter

Wed., October 21, 1992 at 10:30 a.m.—Consideration of Proposed Decisions on claims against Iran

Subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

All meetings are held at the Foreign Claims Settlement Commission, 601 D Street, NW., Washington, DC. Requests for information, or advance notices of intention to observe a meeting, may be directed to: Administrative Officer, Foreign Claims Settlement Commission, 601 D Street, NW., room 10000, Washington, DC 20579. Telephone: (202) 208–7727.

Dated at Washington, DC, on October 2, 1992.

Judith H. Lock,

Administrative Officer.

[FR Doc. 92–24337 Filed 10–2–92; 1:29 pm]

BILLING CODE 4410–01–M

Corrections

Federal Register
Vol. 57, No. 194
Tuesday, October 6, 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 COMMERCE

International Trade Administration

[A-201-805]

Final Determination of Sales at Less Than Fair Value: Circular Welded Non-Alloy Steel Pipe From Mexico

Correction

In notice document 92-22562 beginning on page 42953 in the issue of Thursday, September 17, 1992, make the following correction:

On page 42954, in the second column, beginning with **CURRENCY CONVERSION** and ending on page 42955, in the first column with the text before *DOC Position*, the material should read as follows:

Currency Conversion

No certified rates of exchange, as furnished by the Federal Reserve Bank of New York, were available for the POI. In place of the official certified rates, we used the average monthly or quarterly exchange rates published by the International Monetary Fund.

Verification

As provided in section 776(b) of the Act, we verified information provided by respondent by using standard verification procedures, including the examination of relevant sales and financial records, and selection of original source documentation containing relevant information.

Interested Party Comments

Comment 1

IMSA objects to its classification as a mandatory respondent in this investigation, which resulted in IMSA's preliminary determination margin being based on best information available (BIA) following IMSA's decision not to submit a questionnaire response. IMSA states that there is no reason given in the record of this case why the Department decided to reclassify it from a voluntary to a mandatory respondent in this case. IMSA notes that examination of its exports to the U.S. was not necessary in order for the Department to examine at least 60 percent of POI subject merchandise sales, pursuant to 19 CFR 353.42(b). Without any other grounds in the record for this reclassification, IMSA contends that, under the regulations and consistent agency practice prior to the preliminary determination, IMSA should not be considered a mandatory respondent in this investigation. Consistent with Department treatment of other proceedings where a voluntary respondent has elected not to participate or whose questionnaire response was deemed insufficient, as in, *e.g.*, Final Determination of Sales at Less than Fair Value: Silicon Metal from Brazil, 56 FR 26977 (June 12, 1991), IMSA contends that it should be assigned the "all others" deposit rate.

Petitioners contend that the Department's resort to BIA was justified as IMSA was clearly aware that it had been chosen as a mandatory respondent on the day the questionnaire was presented. Petitioners cite the Department's Memorandum to the File of December 6, 1992, which indicates that IMSA understood its classification as a mandatory respondent at the time it received the questionnaire. Further, petitioners argue that it was within the Department's power and discretion to name IMSA as a mandatory respondent.

DOC Position

The Department has reconsidered its earlier classification of IMSA as a mandatory respondent and has assigned it the "All Others" rate. At the time of the preliminary determination, the Department was reassessing its policy regarding the treatment of voluntary respondents. At that time, we stated that once a company notified us of its intention to participate, it would be subject to the potential use of BIA if it failed to cooperate. We have since refined the policy. Accordingly, as previously announced, in all ongoing and future proceedings, once a voluntary respondent is provided an antidumping duty questionnaire by the Department and demonstrates its intent to participate in an antidumping investigation by submitting a response to the questionnaire, the Department will treat that respondent on the same basis as a mandatory respondent in all respects, including the potential use of adverse BIA. See Addendum to Notice of Initiation: Certain Flat-rolled Steel Products from Various Countries, 57 FR 33487 (July 29, 1992).

Comment 2

Hylsa claims that, because it grants quantity discounts to at least 20 percent of its sales to home market customers, which are categorized as "Class 1 customers", all U.S. sales should be compared to home market Class 1 sales as these home market transactions meet the quantity discount criteria of 19 CFR 353.55(b).

Petitioners contend that the Department properly rejected this argument in the preliminary determination. They state that Hylsa has turned the regulation on its head and would have the Department compare the prices on sales of completely different quantities. Based on its reading of the statute, petitioners state that sales at quantity discounts shall be the sole basis of foreign market value only when all the sales in the U.S. market are made in comparable quantities. In this case, not all U.S. sales are made in those comparable quantities. Petitioners also argue that Hylsa's claimed home market quantity discounts are not quantity discounts within the meaning of 19 CFR 353.55(b), as they are based on purchase volume expectations rather than quantities of specific sales.

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 310

[Docket No. 76N-052E]

RIN 0905-AA06

Cold, Cough, Allergy, Bronchodilator, and Antiasthmatic Drug Products for Over-the-Counter Human Use; Expectorant Drug Products for Over-the-Counter Human Use

Correction

In rule document 92-22005 beginning on page 41857 in the issue of Monday,

September 14, 1992 make the following correction:

On page 41858, in the third column, in the fifth line "his" should read "this".

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 864

[Docket No. 85P-0270]

Medical Devices; Reclassification of the Automated Heparin Analyzer

Correction

In proposed rule document 92-22620 beginning on page 43161, in the issue of Friday, September 18, 1992, make the following corrections:

On page 43164, in the first column, in the second full paragraph, in the seventh line "to" should read "of". And on the same page in the second column, in reference 6., in the third line "in" should read "of".

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 872

[Docket No. 92N-0281]

Medical Devices; Classification of Temporomandibular Joint Implants

Correction

In proposed rule document 92-22621 beginning on page 43165, in the issue of Friday, September 18, 1992, make the following corrections:

On page 43168, in the third column, in reference 13., in the first line "Lagrotteria" was misspelled, and in the fourth line "Hour" should read Journal".

BILLING CODE 1505-01-D

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

24 CFR Part 91

[Docket No. R-92-1507; FR-2932-F-06]
RIN 2501-AB13

Comprehensive Housing Affordability Strategies

Correction

In rule document 92-20941 beginning on page 40038 in the issue of Tuesday, September 1, 1992, make the following correction:

§ 91.40 [Corrected]

On page 40060, in the first column, in § 91.40(c), in the fourth line, "date" should read "data".

BILLING CODE 1505-01-D

INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 701-TA-309 and 731-TA-528 (Final)]

Magnesium From Canada

Correction

In notice document 92-20420 beginning on page 38696 in the issue of Wednesday, August 26, 1992, make the following correction:

On page 38697, in the first column, in the first full paragraph, in the fifth line, "5220" should read "2550".

BILLING CODE 1505-01-D

federal register

Tuesday
October 6, 1992

Part II

Department of Education

Early Education Program for Children With Disabilities; Grant Availability; Notices

DEPARTMENT OF EDUCATION

Early Education Program for Children With Disabilities

AGENCY: Department of Education.

ACTION: Notice of final priority for fiscal year 1993.

SUMMARY: The Secretary announces a final 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.

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: Joseph Clair, U.S. Department of Education, 400 Maryland Avenue, SW., room 4622, Switzer Building, Washington, DC 20202–2466. Telephone: (202) 205–9503. Deaf and hearing impaired individuals may call (202) 205–8170.

SUPPLEMENTARY INFORMATION: The purpose of this program is to support projects 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.

On June 25, 1992, the Secretary published a notice of proposed priority for this program in the **Federal Register** (57 FR 28560).

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.**

This priority supports AMERICA 2000, the President's strategy for moving the Nation toward the National Education Goals, by seeking to help these children start school ready to learn. Specifically, National Education Goal 1 calls for all children in America to start school ready to learn.

Analysis of Comments and Changes

In response to the Secretary's invitation in the notice of proposed priority, three parties submitted comments. 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 recommended that the target group be expanded to include service providers for primary-age children with disabilities, since the program authority includes children with disabilities, birth through age eight.

Discussion: Although the program authority includes children with disabilities from birth through eight years of age, the Secretary has determined that the need for personnel to provide services for infants, toddlers and preschool aged children with disabilities is so severe that projects funded under this priority should be limited to training service providers for this population.

Changes: None.

Comment: One commenter recommended that the phrases "professional support" and "and their families" be added in several places in the priority to emphasize these aspects of the purpose of the projects. The commenter also recommended specific language regarding the kinds of follow-up and support activities that should be included in the training models.

Discussion: The Secretary agrees that the phrases "professional support" and "and their families" should be added to the priority to emphasize the importance of these aspects of the priority. The Secretary does not agree, however, that language should be added requiring specific kinds of follow-up and support activities. The Secretary believes that adding that language would be overly prescriptive. However, the kinds of follow-up support and activities recommended by the commenter could be included in projects funded under this priority if project developers so desired.

Changes: The phrases "professional support" and "and their families" have been added to the priority.

Comment: One commenter recommended that training content include substantial information about the Americans with Disabilities Act (ADA).

Discussion: Although it is important that service providers be familiar with the laws and regulations affecting access to services for people with disabilities, the focus of this priority is to enhance the skills of personnel in providing services to young children with disabilities and their families. Therefore, requiring substantial information on the ADA would not be consistent with the purpose of this priority.

Changes: None.

Priority

Under 34 CFR 75.105(c)(3) 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.

Absolute Priority—Model Early Intervention and Preschool Training Projects

Background: Currently, States are striving to implement the Comprehensive System of Personnel Development (CSDP) 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 models for training personnel about changing populations and exemplary practices in early education of children with disabilities.

This priority supports capacity-building projects that develop, demonstrate, evaluate, and disseminate inservice training and professional support 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, and their families. 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 their families, 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, and their families, 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 service providers, 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, and their families.

Models must be consistent with personnel standards, and 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 the 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 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 as described in 20 U.S.C. 1409(g).

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.

Applicable Program Regulations: 34 CFR part 309.

Program Authority: 20 U.S.C. 1423.

Catalog of Federal Domestic Assistance Number: 84.024 Early Education Program for Children with Disabilities.

Dated September 18, 1992.

Lamar Alexander,

Secretary of Education.

[FR Doc. 92-24151 Filed 10-5-92; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF EDUCATION

[CFDA No.: 84.024P]

Early Education Program for Children With Disabilities Notice Inviting Applications for New Awards for Fiscal Year (FY) 1993

Purpose of Program: To provide Federal support for a variety of activities designed to address the special problems of infants, toddlers, and preschool aged children with disabilities, and to assist State and local entities in expanding and improving programs and services for those children and their families. Activities include demonstration, outreach, experimental, research, and training projects, and outreach institutes.

This priority supports AMERICA 2000, the President's strategy for achieving the National Education Goals, by assisting those with disabilities to reach the high levels of academic achievement called for by the Goals.

Eligible Applicants: Public agencies and nonprofit private organizations are eligible for awards.

Deadline for Transmittal of Applications: January 11, 1993.

Deadline for Intergovernmental Review: March 12, 1993.

Applications Available: November 5, 1992.

Available Funds: $1,000,000.

Estimated Range of Awards: $120,000–$140,000.

Estimated Average Size of Awards: $125,000.

Estimated Number of Awards: 8.

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 74, 75, 77, 79, 80, 81, 82, 85, and 86; and (b) The regulations for this program in 34 CFR part 309, as amended on October 22, 1991 (56 FR 54686) and June 29, 1992 (57 FR 28964).

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.

Application or Information Contact: Joseph Clair, U.S. Department of Education, 400 Maryland Avenue, S.W., Room 4622, Switzer Building, Washington, DC 20202–2644. Telephone (202) 205–9503. Deaf and hearing impaired individuals may call (202) 205–6170 for TDD services.

Program Authority: 20 U.S.C. 1423.

Dated: September 29, 1992.

Michael E. Vader,

Acting Assistant Secretary, Office of Special Education, and Rehabilitative Services.

[FR Doc. 92-24152 Filed 10-5-92; 8:45 am]

BILLING CODE 4000-01-M

federal register

Tuesday
October 6, 1992

Part III

Department of Housing and Urban Development

Office of the Assistant Secretary

Demolition and Disposition of Public and Indian Housing; Guidelines for Resident Organization Opportunity to Purchase; Notice

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Public and Indian Housing

[Docket No. N-92-3494; FR-3093-N-01]

Demolition and Disposition of Public and Indian Housing—Opportunity to Purchase by PHA-wide and IHA-wide Resident Councils, the Resident Management Corporation, Resident Council or Tenant Cooperative of the Development

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Notice of guidelines for resident organization opportunity to purchase.

SUMMARY: This, notice provides guidelines and procedures to be followed, in compliance with section 412 of the National Affordable Housing Act, in affording the opportunity to purchase to existing PHA-wide and IHA-wide resident councils and to the resident management corporation, resident council or resident cooperative of the development that is proposed to be demolished or disposed of in whole or a portion thereof by the PHA or IHA. Where no resident management corporation, resident council, or resident cooperative currently exists in the affected development, it also requires that PHAs or IHAs allow 45 days for residents of the affected development to form a new resident organization. These provisions apply to public housing agencies and Indian housing authorities, hereinafter referred to collectively as housing agencies ("HAs").

For purposes of this notice, the term "resident organization," as that term is defined in 24 CFR 905.962, shall be used in place of "resident council" for IHAs.

Final regulations based on this notice will be issued eight months from the date of publication of this notice. The notice is the public's chance to comment. The final rule will be the same unless substantive public comments requesting change are received on this notice.

DATES: Effective date: October 6, 1992. Comment Due Date: December 7, 1992.

ADDRESSES: Interested persons are invited to submit comments regarding this notice to the Rules Docket Clerk, Office of General Counsel, room 10276, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410. Communications should refer to the above docket number and title. Facsimile (FAX) comments are not acceptable. A copy of each communication submitted will be available for public inspection and copying between 7:30 a.m. and 5:30 p.m. weekdays at the above address.

FOR MORE INFORMATION CONTACT: For public housing inquiries, Janice D. Rattley, Director, Office of Construction, Rehabilitation and Maintenance, room 4136, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410. Telephone (202) 708–1800.

For Indian housing inquiries, Dominic Nessi, Director, Office of Indian Housing, room 4140, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410. Telephone (202) 708–1015.

The Telecommunications Device for the Deaf (TDD) number is (202) 708–0850.

The telephone numbers set out above are not toll-free.

SUPPLEMENTARY INFORMATION: The information collection requirements contained in this notice have been submitted to the Office of Management and Budget (OMB) for review under the Paperwork Reduction Act of 1980 and have been assigned OMB control number 2577–0075.

Background

The demolition/disposition regulations, at 24 CFR part 970 and part 905 (subpart M), currently require that an application for demolition or disposition be developed in consultation with the residents of the development involved, any resident organization for the development, and any HA-wide resident organization that will be affected by the demolition or disposition. Evidence of such consultation must be provided as part of the application before it can be approved by HUD.

Section 412 of the National Affordable Housing Act ("NAHA"), Public Law 101–625, amended section 18 of the U.S. Housing Act of 1937 to require that "tenant councils, resident management corporation, and tenant cooperative, if any," be given appropriate opportunities to purchase the project or portion of the project covered by the demolition or disposition application.

Section 418 of NAHA permits the Department to establish by notice the requirements necessary to carry out this provision. In the interest of time and to avoid further delay in processing applications for demolition or disposition, the Department is setting forth below the guidelines and procedures to be followed in affording the opportunity to purchase to existing HA-wide resident councils and any resident management corporation, resident council or resident cooperative of the development proposed for demolition or disposition in whole or in part by the HA, hereafter referred to as the "affected development."

The Department is soliciting public comments on the provisions set forth in this notice. At the close of the comment period, all comments will be reviewed and considered in the development of a final rule, which will be issued eight months from the date of publication of this notice.

I. Purpose

In the case of an application for demolition or disposition, this notice sets forth the guidelines and procedures for giving existing HA-wide resident councils and the resident management corporation, resident council and resident cooperative of the affected development, appropriate opportunities to purchase the development, or portion of the development, covered by the application. Additionally, where no resident council, resident management corporation, or resident cooperative currently exists in the affected development, the notice provides procedures to allow residents in the affected development 45 days to organize a resident organization and then to respond to an offer to purchase. In such a case, residents of the affected development must obtain the signatures of five percent of the resident families, as determined by the latest occupancy rent roll, or residents of 10 units, whichever is greater, on a petition which signifies interest in forming an organization. The petition is to be submitted to the HA ten days following a required resident meeting scheduled by the HA, as discussed later in this notice. All organizations would be required to meet the formation requirements of 24 CFR 964.7 or 905.962, except a resident cooperative would have to meet the requirements of State law.

II. Applicability

This notice applies to all demolition and disposition applications that have not received HUD approval on the effective date of this notice. This includes those applications for demolition or disposition of a development which involve nondwelling space and excess land. Subsequent to November 28, 1990, HUD approved only demolition or disposition applications from HAs that had no eligible resident organizations or where such organization waived their right to purchase.

A. The requirements of this notice do not apply to the following, which are excluded from coverage under 24 CFR 905.921(b) and 24 CFR 970.2:

1. HA-owned section 8 housing or housing leased under section 10(c) or section 23 of the United States Housing Act of 1937;

2. Demolition or disposition before the End of the Initial Operating Period (EIOP), as determined under the ACC, or property acquired incident to the development of a public or Indian housing project (However, this exception shall not apply to units occupied or available for occupancy by public or Indian housing tenants before EIOP.);

3. The conveyance of public or Indian housing for the purpose of providing homeownership opportunities for lower income families under section 21 of the United States Housing Act of 1937, the Turnkey III/IV or Mutual Help Homeownership Opportunity Programs, or the Public Housing Homeownership Demonstration Program or other homeownership programs established under section 5(h) or 6(c)(4)(D) of the United States Housing Act of 1937; the Homeownership and Opportunity for People Everywhere (HOPE 1) Grant Program, as authorized under title IV, subtitle A, of the National Affordable Housing Act (NAHA) (Pub. L. 101–625);

4. The leasing of dwelling or nondwelling space incident to the normal operation of the project for public or Indian housing purposes, as permitted by the ACC;

5. The reconfiguration of the interior space of buildings (e.g., moving or removing interior walls to change the design, sizes, or number of units) without "demolition," as defined in 24 CFR 970.3 and 905.102; or

6. A whole or partial taking by a public or quasi-public entity through the exercise of its power of eminent domain.

B. The requirements of this notice do not apply to the following cases which it has been determined do not present appropriate opportunities for resident purchase:

1. The HA has determined that the property proposed for demolition is an imminent threat to the health and safety of residents;

2. The local government has condemned the property proposed for demolition;

3. A local government agency has determined and notified the HA that units must be demolished to allow access to fire and emergency equipment;

4. The HA has determined that the demolition of selected portions of the development in order to reduce density is essential to ensure the long term viability of the development or the HA (but in no case should this be used cumulatively to avoid Section 412 requirements);

5. A public body has requested to acquire land that is less than 2 acres in order to build or expand its services (e.g., a local government wishes to use the land to build or establish a police substation); or

6. The provision of land for easements.

In the situations listed in II.B. above, the HA may proceed to submit its request to demolish or dispose of the property, or the portion of the property, to HUD, in accordance with section 18 of the United States Housing Act of 1937 and 24 CFR part 970 or 24 CFR part 905, subpart M, without affording an opportunity for purchase by a resident organization. However, resident consultation would be required in accordance with 24 CFR 905.923(b)(1) and 24 CFR 970.4(a). The HA must submit written documentation, on official stationery, with date and signatures to justify (1), (2), (3), (4), and (5) of paragraph II.B. above. Examples of such documentation include: (a) a certification from a local agency, such as the fire or health department, that a condition exists in the development that is an imminent threat to residents; or (b) a copy of the condemnation order from the local health department. If, however, at some future date, the HA proposes to sell the remaining property described in (1) through (3) above, the HA will be required to comply with this notice.

III. Process for Consultation With Residents and Offer for Sale

A. The procedures in this section are in addition to the resident consultation currently required under 24 CFR 970.4 and 24 CFR 905.923 of the demolition or disposition regulations. Therefore, these activities should be integrated in planned resident consultation. HAs should make every reasonable effort to allow all residents and resident organizations to participate. Therefore, when a significant number of residents are non-English speaking, all notifications should be written in English and Spanish or the other non-English language used by the residents.

B. In order to allow sufficient opportunity for residents of the affected development to discuss the proposed demolition or disposition of the development or portion of the development, the HA is encouraged to begin consultation with residents as early as possible. The HA should send written notification to the HA-wide resident council and the resident management corporation, the resident council, resident cooperative, and the residents of the affected development, of its intentions for demolition or disposition. The notification should precede the meeting by at least two weeks.

C. The written notification shall be in the form of a letter which shall be sent by certified mail. It shall announce the meeting and shall include at a minimum all of the information listed in 1–10 below which shall be discussed at the meeting. The HA must offer to sell the property proposed for demolition or disposition to the HA-wide resident council and the resident management corporation, the resident council or resident cooperative of the affected development under at least as favorable terms and conditions as the HA would offer it for sale to another purchaser.

1. A statement that the HA-wide resident council and the resident management corporation, resident council or resident cooperative of the affected development have an opportunity to purchase the affected development, or portion of the affected development;

2. An identification of the development, or portion of the development, in the proposed demolition or disposition, including the development number and location, the number of units and bedroom configuration, the amount of space and use for non-dwelling space, the current physical condition (e.g., fire damaged, friable asbestos, lead based paint test results), and occupancy status (e.g., percent occupancy);

3. In the case of disposition, a copy of the appraisal of the property and any terms of sale;

4. An HA disclosure and description of plans proposed for reuse of land, if any, after the proposed demolition or disposition;

5. An identification of available resources (including its own and HUD's) to provide technical assistance to the HA-wide resident council and the resident management corporation, resident council or resident cooperative of the affected development to enable the organization to better understand its opportunity to purchase the development, the development's value and potential use;

6. Any and all terms of sale that the HA requires for the Section 18 action; (If the HA-wide resident council, the resident management corporation, resident council or resident cooperative of the affected development submit a proposal that is other than the terms of sale (e.g., purchase at less than fair market value with demonstrated

commensurate public benefit or for the purposes of homeownership), the HA may consider accepting the offer.)

7. A date by which the HA-wide resident council and the resident management corporation, resident council or resident cooperative of the affected development must respond to the HA's offer to sell the property proposed for demolition or disposition, which shall be no less than 30 days from the date of the official offering of the HA which will be made sometime after the meeting. The response from the HA-wide resident council and the resident management corporation, resident council or resident cooperative of the affected development shall be in the form of a letter expressing its interest in accepting the HAs written offer.

8. A statement that where there is no duly formed resident management corporation, resident council or resident cooperative of the affected development, the residents of the affected development have 10 days from the date of the scheduled meeting to determine whether at least 5 percent of such resident families, as determined by the latest occupancy rent record, or residents of 10 units whichever is greater, are interested, as evidenced by signed petition, in forming a new resident council, resident management corporation, or resident cooperative for the purpose of purchasing all or a portion of the property proposed for demolition or disposition. The interested residents have 10 days from the date of the scheduled meeting to submit the petition and the name, address, and telephone number of their spokesperson to the HA for verification.

9. A statement that HA-wide resident council, and the resident council, resident management corporation, and resident cooperative at the affected development will be given written notification of the right to purchase the property or the portion of the property proposed for demolition or disposition. The statement shall explain that the HA-wide resident council, and the resident council, resident management corporation, and resident cooperative of the affected development will be given 60 days to develop and submit a proposal to the HA to purchase the property and to obtain a firm financial commitment. It shall explain that the HA shall approve the proposal from the resident council, resident management corporation or resident cooperative of the affected development, if it meets the terms of sale. However, the statement shall indicate that the HA can consider accepting an offer from the resident council, resident management corporation or resident cooperative of the affected development that is other than the terms of sale; e.g., purchase at less than fair market value with demonstrated commensurate public benefit or for the purposes of homeownership. The statement shall explain that if the HA receives more than one proposal from a resident council, resident management corporation or resident cooperative at the affected development, the HA shall select the proposal that meets the terms of sale. In the event that two proposals from the affected development meet the terms of sale, the HA shall choose the best proposal. The statement shall explain that only if the HA does not accept the offer from the resident council, resident management corporation or resident cooperative of the affected development, can the HA consider the proposal from the HA-wide resident council. The HA can consider accepting an offer from the HA-wide resident council that is other than the terms of sale; e.g., purchase at less than fair market value with demonstrated commensurate public benefit or for the purposes of homeownership.

10. A statement that residents not attending the meeting may submit written comments and the timeframe for submitting those comments.

An HA letter that fails to include all of the specified information shall be considered an invalid notification.

D. In addition, the HA shall post notices in each building of the affected development to give at least two weeks notification of the meeting.

E. Where there is no duly formed resident management corporation, resident council or resident cooperative of the affected development, the residents of the affected development have 10 days from the date of the scheduled meeting to determine whether at least 5 percent of such resident families, as determined by the latest occupancy rent record, or residents of 10 units whichever is greater, are interested, as evidenced by signed petition, in forming a new resident council, resident management corporation, or resident cooperative for the purpose of purchasing all or a portion of the property proposed for demolition or disposition. The interested residents have 10 days from the date of the scheduled meeting to submit the petition and the name, address, and telephone number of their spokesperson to the HA for verification.

F. If after 10 days, residents of the affected development have not submitted petition, the HA may proceed with dispersing the formal offers for sale to HA-wide resident councils, as discussed below. However, if residents of the affected development submit a petition, as verified by the HA, the HA shall give the interested residents 45 days to form their organization before dispersing the formal offers for sale to all appropriate organizations which shall include the newly formed organization.

G. The HA shall make the formal offer for sale which must include the information contained in C. above. All contacted organizations shall have 30 days to express an interest in the offer.

H. After the 30 day time frame for the HA-wide resident councils, resident management corporation, resident council or resident cooperative of the affected development to respond to the notification letter has expired, the HA is to prepare letters to those organizations that responded affirmatively inviting them to submit a formal proposal to purchase the property. The organization has 60 days from the date of its affirmative response to prepare and submit a proposal to the HA that provides all the information requested in IV. and meets the terms of sale.

I. The HA has 60 days from the date of receipt of the proposals to review them and determine whether they meet the terms of sale set forth in its offer. The HA shall first review the proposal submitted by the resident management corporation, resident council or resident cooperative of the affected development to determine whether the terms of sale are met. If the resident management corporation, resident council or resident cooperative of the affected development submits a proposal that is other than the terms of sale (e.g., purchase at less than the fair market value with demonstrated commensurate public benefit or for the purposes of homeownership), the HA may consider accepting the offer. If the terms of sale are met, within 14 days of the HA's final decision, the HA shall notify the resident management corporation, resident council or resident cooperative of the affected development of that fact and that the proposal has been accepted or rejected, if it is not acceptable.

J. If the terms of the sale of the groups identified in I. above are not met, the HA shall then review the HA-wide resident council's offer, if any. If the HA-wide resident council's offer meets the HA's terms of sale, the HA shall notify it of acceptance. If the HA-wide resident council submits a proposal that is other than the terms of sale (e.g., purchase at less than the fair market value with demonstrated commensurate public benefit or for the purposes of

homeownership), the HA may consider accepting the offer. The HA shall notify it that the proposal has been accepted or rejected within 14 days of the final decision.

K. The HA-wide resident council, resident management corporation, resident council or resident cooperative of the affected development has the right to appeal the HA's decision to the HUD Regional Office. A letter requesting an appeal has to be made within 30 days of the decision by the HA. The request should include copies of the proposal and any related correspondence. The regional office will render a final decision within 30 days. A letter communicating the decision is to be prepared and sent to the HA and the HA-wide resident council, resident management corporation, resident council or resident cooperative of the affected development.

IV. Contents of Proposal

The proposal from the HA-wide resident councils, the resident management corporation, resident council or resident cooperative of the affected development shall at a minimum include the following:

A. The length of time the organization has been in existence;

B. A description of current or past activities which demonstrate the organization's organizational and management capability or the planned acquisition of such capability through a partner or other outside entities;

C. A statement of financial capability;

D. A description of involvement of any non-resident organization (non-profit, for profit, governmental or other entities), if any, the proposed division of responsibilities between these two, and the non-resident organization's financial capabilities;

E. A plan for financing the purchase of the property and a firm commitment for funding resources necessary to purchase the property and pay for any necessary repairs;

F. A plan for the use of the property;

G. The proposed purchase price in relation to the appraised value;

H. Justification for purchase at less than the fair market value in accordance with 24 CFR 970.9 or 24 CFR 905.933(a), if appropriate;

I. Estimated time schedule for completing the transaction;

J. The response to the HA's terms of sale;

K. A resolution from the resident organization approving the proposal; and

L. A proposed date of settlement, generally not to exceed six months from the date of HA approval of the proposal, or such period as the PHA may determine to be reasonable.

If the proposal is to purchase the property for homeownership under 5(h) or HOPE 1, then the requirements of section 18 of the United States Housing Act of 1937 and 24 CFR part 970 or 24 CFR part 905, subpart M, do not apply, but the applicable requirements shall be those under the HOPE 1 guidelines, as set forth at 57 FR 1522, or the section 5(h) regulation, as set forth at 56 FR 47852 and 57 FR 28240. In order for a PHA to consider a proposal to purchase under section 412, using homeownership opportunities under section 5(h) or HOPE 1, the HA-wide resident council or resident council, resident management corporation or resident cooperative of the affected development shall meet the provisions of this notice, including items A through L above.

If the proposal is to purchase the property for other than the aforementioned homeownership programs or for uses other than homeownership, then the proposal must meet all the disposition requirements of Section 18 of the United States Housing Act of 1937 and 24 CFR part 970 or 24 CFR part 905, subpart M.

V. HA Oblications

A. Prepare and disseminate the written notification to the HA-wide resident council and resident council, resident management corporation and resident cooperatives and residents of the affected development of the opportunity to purchase the property or portion of the property proposed for demolition or disposition and that a meeting will be held to discuss the proposal. The written notification shall be completed as required in III.C.

B. At least two weeks prior to the meeting, prepare and post notification of the resident meeting in each building of the affected development.

C. Convene and conduct the meeting of the HA-wide resident council and the resident council, resident management corporation and resident cooperative and the residents of the affected development to discuss the proposed demolition or disposition. The information in the notification shall be discussed at the meeting. Following the meeting the HA shall provide HA-wide resident council, the resident council, resident management corporation, resident cooperative and the residents of the affected development with a brief evaluation of the resident recommendations, indicating the reasons for HA acceptance or rejection consistent with HUD requirements and the HA's own determination of efficiency, economy and need. The HA shall submit all written comments from the HA-wide resident council, the resident council, resident management corporation, resident cooperative and the residents of the affected development and its evaluation of them with its demolition or disposition request.

D. Receive and verify petitions from interested residents of the affected development.

E. Prepare and disperse the formal offer of sale to the HA-wide resident council and the resident council, resident management corporation and resident cooperative of the affected development.

F. Evaluate proposals received and make the selection based on the considerations set forth in III. of the notice. Issuance of letters of acceptance and rejection.

G. Prepare certifications, where appropriate, as discussed in VII.C.

The HA shall comply with its obligations under 24 CFR 905.923(b)(1) and 24 CFR 970.4(a) regarding tenant consultation and provide evidence to HUD that it has met those obligations. The HA shall not act in an arbitrary manner and shall give full and fair consideration to any qualified HA-wide resident council, resident management corporation, resident council or resident cooperative of the affected development and accept the proposal if it meets the terms of sale.

VI. Appeal

The HA-wide resident council, resident management corporation, resident council or resident cooperative of the affected development has the right to appeal the HA's decision to the HUD Regional Office. A letter requesting an appeal has to be made within 30 days of the decision by the HA. The request should include copies of the proposal and any related correspondence. The regional office will render a final decision within 30 days. A letter communicating the decision is to be prepared and sent to the HA and the HA-wide resident council, resident management corporation, resident council or resident cooperative of the affected development.

VII. HA Application Submission Requirements for Proposed Demolition or Disposition

A. If the proposal from the resident organization is rejected by the HA, and either there is no appeal by the organization or the appeal has been denied, the HA shall submit its demolition or disposition application to HUD in accordance with section 18 of

the United States Housing Act of 1937 and 24 CFR part 970 or 24 CFR part 905, subpart M. The demolition or disposition application must include complete documentation that the requirements of this notice have been met. HAs must submit written documentation that the HA-wide resident council and the resident council, resident management corporation and tenant cooperative of the affected development have been apprised of the requirements of this notice. This documentation shall include a copy of the signed and dated HA notification letter(s) to each organization informing them of the HA's intention to submit an application for demolition or disposition and the responses from each organization.

B. If the HA accepts the proposal of the resident organization, the HA shall submit a disposition application in accordance with section 18 of the United States Housing Act of 1937 and 24 CFR part 970 or 24 CFR part 905, subpart M, with appropriate justification for a negotiated sale and for sale at less than fair market value, if applicable.

C. HUD will not process an application for demolition or disposition unless the HA provides the Department with one of the following:

1. Where no HA-wide resident council exists within the HA's jurisdiction and no resident management corporation, resident council or resident cooperative exists in the affected development and the residents of the affected development have not submitted a petition expressing an interest in forming an organization within 10 days of the meeting, or if interest has been expressed and the residents of the affected development have not formed such an organization within the 45-day period, a certification from either the executive director or the board of commissioners stating that no such organization(s) exists; or

2. Where a HA-wide resident council exists within the HA's jurisdiction and a resident management corporation, resident council or resident cooperative exists in the affected development one of the following, either (a) or (b):

(a) A board resolution or its equivalent from each tenant council, resident management corporation or tenant cooperative stating that such organization has received the HA letter, and that it understands the offer and waives its opportunity to purchase the project, or portion of the project, covered by the demolition or disposition application. The response should clearly state that the resolution was adopted by the entire organization at a formal meeting; or

(b) a certification from the executive director or board of commissioners of the HA that the thirty (30) day timeframe has expired and no response was received to its offer.

Other Matter

The information collection requirements contained in this notice have been submitted to the Office of Management and Budget (OMB) for review under the Paperwork Reduction Act of 1980 and have been assigned OMB control number 2577–0075.

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations at 24 CFR part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969. The Finding of No Significant Impact is available for public inspection between 7:30 a.m. and 5:30 p.m. weekdays in the Office of the Rules Docket Clerk, Office of the General Counsel, Department of Housing and Urban Development, room 10276, 451 Seventh Street, SW., Washington, DC 20410.

Executive Order 12612, Federalism

The General Counsel, as the Designated Official under section 6(a) of Executive Order 12612, Federalism, has determined that this notice does not have "federalism implications" because it does not have substantial direct effects on the States (including their political subdivisions), or on the distribution of power and responsibilities among the various levels of government. This notice only affects HA real property inventory. The groups affected by this notice are the HA and the groups within the HA. States and their political subdivisions would not be affected.

Executive Order 12606, the Family

The General Counsel, as the Designated Official under Executive Order 12606, the Family, has determined that this notice does not have potential significant impact on family formation, maintenance, and general well-being because it affects only the HAs' real property inventory and addresses resident organizations, not families or individual tenants.

Authority: Sec. 18, United States Housing Act of 1937 (42 U.S.C. 1437p); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

Dated: September 30, 1992.

Michael B. Janis,

General Deputy Assistant Secretary for Public and Indian Housing.

[FR Doc. 92–24250 Filed 10–5–92; 8:45 am]

BILLING CODE 4210–33–M

Reader Aids

Federal Register

Vol. 57, No. 194

Tuesday, October 6, 1992

INFORMATION AND ASSISTANCE

FEDERAL REGISTER PAGES AND DATES, OCTOBER

CFR PARTS AFFECTED DURING OCTOBER

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

17 45357
19 45357
70 45357
170 45357
194 45357
197 45357
250 45357

29 CFR

1602 45570
2602 45713

30 CFR

914 45985
917 45295

33 CFR

100 ..... 45570, 45985

Proposed Rules:

151 45591
164 45662-45667
165 45596

37 CFR

202 45307

39 CFR

20 45570
111 45882

40 CFR

35 45311
52 45715
271 ..... 45514, 45717-45722
272 45575

Proposed Rules:

Ch. I 45597
52 ..... 45358, 45360
58 46003
63 45363
300 ..... 45597, 45599

42 CFR

57 45725

43 CFR

Public Land Orders:

1567 (Revoked in part by PLO 6948) 45325
5712 (Revoked by PLO 6946) 45322
6944 45321
6946 45322
6948 45324
6949 45576
6950 45725

45 CFR

1224 45325

46 CFR

Proposed Rules:

35 45667

47 CFR

0 45747
73 45577-45579
87 45748
90 45751

Proposed Rules:

73 45601

48 CFR

30 45422
52 45878
202 45422
204 45422
208 45422
210 45422
214 45326
215 45422
216 45422
219 45422
223 45422
225 45422
226 45422
227 45422
228 45422
231 45422
232 45422
236 45422
237 45422
239 45422
242 45422
245 45422
252 45422
253 45422

Proposed Rules:

1512 46007
1516 46007
1552 46007
5415 45759
5452 45759

49 CFR

107 45446
171 ..... 45442, 45446
172 45446
173 45446
174 45446
176 45446
177 45446
178 45446
179 45446
180 45446
214 45446
571 ..... 45327, 45422
1023 45751

Proposed Rules:

552 45759
571 45760
1039 45602

50 CFR

17 45328
227 45986
285 45579
661 45751
663 45987
672 ..... 45580, 45988
685 45989

Proposed Rules:

17 ..... 45761, 45762, 46007
675 45602

LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with "P L U S" (Public Laws Update Service) on 202-523-6641. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202-512-2470).

S. 1607/P.L. 102-374

Northern Cheyenne Indian Reserved Water Rights Settlement Act of 1992 (Sep. 30, 1992; 106 Stat. 1186; 9 pages)

H.R. 2967/P.L. 102-375

Older Americans Act Amendments of 1992 (Sep. 30, 1992; 106 Stat. 1195; 116 pages)

H.J. Res. 553/P.L. 102-376

Making continuing appropriations for the fiscal year 1993, and for other purposes (Oct. 1, 1992; 106 Stat. 1311; 4 pages)

Last List October 2, 1992

ELECTRONIC BULLETIN BOARD

Free **Electronic Bulletin Board** Service for Public Law Numbers is available on 202-275-1538 or 275-0920.

FEDERAL REGISTER SUBSCRIBERS: IMPORTANT INFORMATION ABOUT YOUR SUBSCRIPTION

After 6 years without an adjustment, it has become necessary to increase the price of the **Federal Register** in order to begin recovering the actual costs of providing this subscription service. Effective October 1, 1992, the price for the **Federal Register** will increase and be offered as follows:

(1) FEDERAL REGISTER COMPLETE SERVICE—Each business day you can continue to receive the daily **Federal Register**, plus the monthly **Federal Register Index** and **Code of Federal Regulations List of Sections Affected (LSA)**, all for **$415.00** per year.

(2) FEDERAL REGISTER DAILY ONLY SERVICE—With this subscription service, you will receive the **Federal Register** every business day for **$375.00** per year.

HOW WILL THIS AFFECT YOUR CURRENT SUBSCRIPTION?

You will receive your current complete **Federal Register** service for the length of time remaining in your subscription.

AT RENEWAL TIME

At renewal time, to keep this important subscription coming—you can continue to receive the complete **Federal Register** service by simply renewing for the entire package, or you can select and order only the parts that suit your needs:

- renew your entire **Federal Register Service** (complete service)

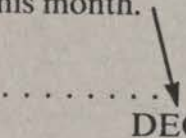
or select. . .

- the daily only **Federal Register** (basic service)
- and complement the basic service with either of the following supplements: the monthly **Federal Register Index** or the monthly **LSA**

When your current subscription expires, you will receive a renewal notice to continue the complete **Federal Register** service. At that time, you will also receive an order form for the daily **Federal Register** basic service, the **Federal Register Index**, and the **LSA**.

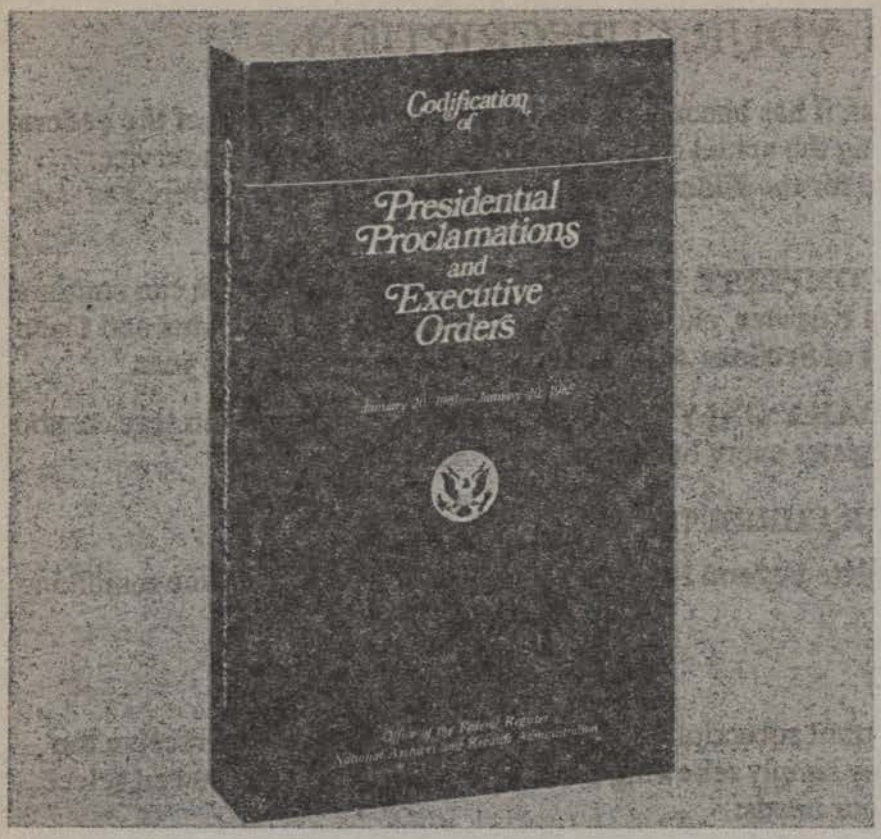
To know when to expect the renewal notice, check the top line of your subscription mailing label for the month and year of expiration as shown in this sample:

A renewal notice will be sent approximately 90 days before the end of this month.



```
A FR SMITH212J                    DEC 92   R
JOHN SMITH
212 MAIN ST
FORESTVILLE      MD  20747
```

.... Order now ! , , , ,



For those of you who must keep informed about **Presidential Proclamations and Executive Orders,** there is a convenient reference source that will make researching these documents much easier.

Arranged by subject matter, this edition of the *Codification* contains proclamations and Executive orders that were issued or amended during the period April 13, 1945, through January 20, 1989, and which have a continuing effect on the public. For those documents that have been affected by other proclamations or Executive orders, the codified text presents the amended version. Therefore, a reader can use the *Codification* to determine the latest text of a document without having to "reconstruct" it through extensive research.

Special features include a comprehensive index and a table listing each proclamation and Executive order issued during the 1945–1989 period—along with any amendments—an indication of its current status, and, where applicable, its location in this volume.

Published by the Office of the Federal Register, National Archives and Records Administration

---

Superintendent of Documents **Publications** Order Form

Order processing code:
* 6661

☐ **YES**, please send me the following:

Charge your order. It's Easy!

To fax your orders (202)–512–225

_____ copies of CODIFICATION OF PRESIDENTIAL PROCLAMATIONS AND EXECUTIVE ORDERS. S/N 069-000-00018-5 at $32.00 each.

The total cost of my order is $_____. International customers please add 25%. Prices include regular domestic postage and handling and are subject to change.

_____
(Company or Personal Name) (Please type or print)

_____
(Additional address/attention line)

_____
(Street address)

_____
(City, State, ZIP Code)

_____
(Daytime phone including area code)

_____
(Purchase Order No.)

May we make your name/address available to other mailers? YES ☐ NO ☐

Please Choose Method of Payment:

☐ Check Payable to the Superintendent of Documents

☐ GPO Deposit Account ☐☐☐☐☐☐☐–☐

☐ VISA or MasterCard Account

☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

☐☐☐☐ (Credit card expiration date)

Thank you f your orde

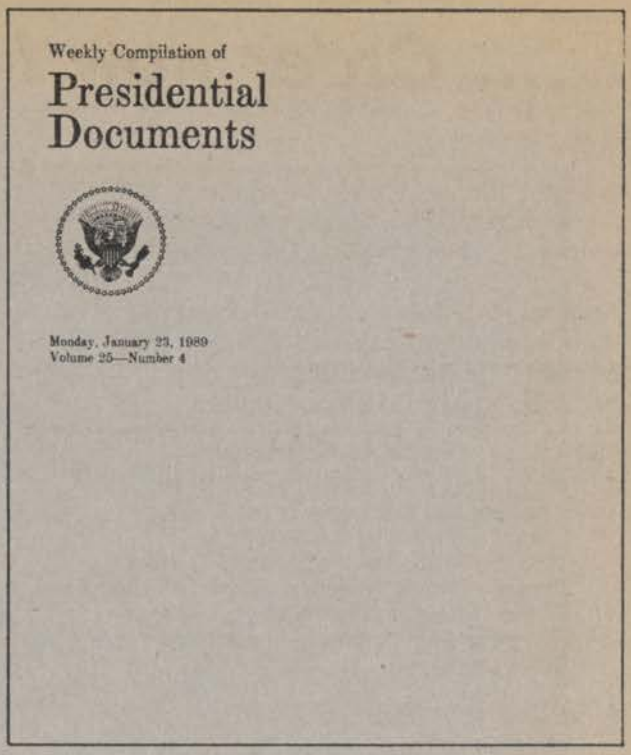
_____
(Authorizing Signature) (12

Mail To: New Orders, Superintendent of Documents
P.O. Box 371954, Pittsburgh, PA 15250-7954

The authentic text behind the news . . .

The Weekly Compilation of **Presidential Documents**

Administration of George Bush



This unique service provides up-to-date information on Presidential policies and announcements. It contains the full text of the President's public speeches, statements, messages to Congress, news conferences, personnel appointments and nominations, and other Presidential materials released by the White House.

The Weekly Compilation carries a Monday dateline and covers materials released during the preceding week. Each issue contains an Index of Contents and a Cumulative Index to Prior Issues.

Separate indexes are published periodically. Other features include lists of acts approved by the President, nominations submitted to the Senate, a checklist of White House press releases, and a digest of other Presidential activities and White House announcements.

Published by the Office of the Federal Register, National Archives and Records Administration.

Superintendent of Documents Subscriptions Order Form

Order Processing Code:
***6466**

Charge your order. It's easy!

Charge orders may be telephoned to the GPO order desk at (202) 783-3238 from 8:00 a.m. to 4:00 p.m. eastern time, Monday-Friday (except holidays)

☐ **YES,** please enter my subscription for one year to the **WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS (PD)** so I can keep up to date on Presidential activities.

☐ $96.00 First Class ☐ $55.00 Regular Mail

1. The total cost of my order is $_____. All prices include regular domestic postage and handling and are subject to change. International customers please add 25%.

Please Type or Print

2. _____
(Company or personal name)

_____
(Additional address/attention line)

_____
(Street address)

_____
(City, State, ZIP Code)

(_____) _____
(Daytime phone including area code)

3. Please choose method of payment:

☐ Check payable to the Superintendent of Documents

☐ GPO Deposit Account ☐☐☐☐☐☐☐-☐

☐ VISA or MasterCard Account

☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

_____
(Credit card expiration date)

Thank you for your order!

_____
(Signature)

(Rev. 6-20-92)

4. Mail To: New Orders, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250-7954

Would you like to know...

if any changes have been made to the Code of Federal Regulations or what documents have been published in the Federal Register without reading the Federal Register every day? If so, you may wish to subscribe to the *LSA (List of CFR Sections Affected)*, the *Federal Register Index*, or both.

LSA • List of CFR Sections Affected

The LSA (List of CFR Sections Affected) is designed to lead users of the Code of Federal Regulations to amendatory actions published in the Federal Register. The LSA is issued monthly in cumulative form. Entries indicate the nature of the changes—such as revised, removed, or corrected. $21.00 per year

Federal Register Index

The index, covering the contents of the daily Federal Register, is issued monthly in cumulative form. Entries are carried primarily under the names of the issuing agencies. Significant subjects are carried as cross-references. $19.00 per year.

A finding aid is included in each publication which lists Federal Register page numbers with the date of publication in the Federal Register.

Note to FR Subscribers:
FR Indexes and the LSA (List of CFR Sections Affected) are mailed automatically to regular FR subscribers.

Superintendent of Documents Subscriptions Order Form

Order Processing Code:
*6483

Charge your order. It's easy! MasterCard VISA

Charge orders may be telephoned to the GPO order desk at (202) 783-3238 from 8:00 a.m. to 4:00 p.m. eastern time, Monday-Friday (except holidays).

☐ **YES,** please send me the following indicated subscriptions:

☐ LSA • List of CFR Sections Affected—one year as issued—$21.00 (LCS)

☐ Federal Register Index—one year as issued—$19.00 (FRSU)

1. The total cost of my order is $_____ . All prices include regular domestic postage and handling and are subject to change. International customers please add 25%.

Please Type or Print

2. _____
(Company or personal name)

_____
(Additional address/attention line)

_____
(Street address)

_____
(City, State, ZIP Code)

(_____)
(Daytime phone including area code)

3. **Please choose method of payment:**

☐ Check payable to the Superintendent of Documents

☐ GPO Deposit Account ☐☐☐☐☐☐☐-☐

☐ VISA or MasterCard Account

☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

_____
(Credit card expiration date)

Thank you for your order!

_____
(Signature)

(REV. 10-1-88)

4. **Mail To:** Superintendent of Documents, Government Printing Office, Washington, DC 20402-9371